





No. 60

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

B. 2734

BILL

An Act to amend The Assessment Act.

MR. FINLAYSON

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

BILL

An Act to amend The Assessment Act.

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

Rev. Stat.,
c. 238,
amended.

1. *The Assessment Act* is amended by adding the following as section 15a:

Easements and Land Used as Lanes.

Assessment
of
easements.

15a.—(1) Where an easement is appurtenant to any land it shall be assessed in connection with and as part of such land at the added value it gives to such land as the dominant tenement, and the assessment of the land which as the servient tenement, is subject to the easement shall be reduced accordingly.

Lanes used
as right-of-
way.

(2) Where land is laid out and used as a lane and is subject to such rights-of-way as prevent any beneficial use of it by the owner it shall not be assessed separately, but its value shall be apportioned among the various parcels to which the right-of-way is appurtenant and shall be included in the assessment of such parcels. In such cases the assessor shall return the land so used as "Lane not assessed."

Sale for
taxes of
dominant
and servient
tenement.

(3) Where a dominant tenement is sold for arrears of taxes the easements appurtenant thereto shall pass to the purchaser and where a servient tenement is sold for arrears of taxes the sale shall not affect any easement to which it is subject.

Restrictive
covenant.

(4) A restrictive covenant running with the land shall be deemed to be an easement within the meaning of this section.

EXPLANATORY NOTE.

The object of this Bill is to remove doubts as to the assessment of easements and the effect on easements of a sale of land for taxes.

In our own courts it has been held that the sale of a servient tenement for taxes abolishes the easement to which it is subject, while in some of the western provinces the opposite has been held.

Under the Bill an easement is to be assessed as part of the dominant tenement at the added value it gives to it, and the assessment of the servient tenement is to be decreased.

The Bill settles that the sale for taxes of a dominant tenement carries with it the easement, and the sale of a servient tenement is subject to the easement.

The second part of the Bill relating to a lane used as a right-of-way in connection with several parcels of land is rendered necessary by a number of cases of the sale for taxes of such a lane, resulting in the extinguishment of the rights-of-way, of adjoining owners.

Such a lane is not to be separately assessed but its value is to be apportioned and assessed in connection with the various parcels entitled to the user of it.

BILL.

An Act to amend The Assessment Act.

1st Reading

February 11th, 1930

2nd Reading

3rd Reading

MR. FINLAYSON

No. 60

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

BILL

An Act to amend The Assessment Act.

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Lanes used
as right-of-
way.

(2) Where land is laid out and used as a lane and is subject to such rights-of-way as prevent any beneficial use of it by the owner it shall not be assessed separately, but its value shall be apportioned among the various parcels to which the right-of-way is appurtenant and shall be included in the assessment of such parcels. In such cases the assessor shall return the land so used as "Lane not assessed."

Sale for
taxes of
dominant
and servient
tenement.

(3) Where a dominant tenement is sold for arrears of taxes the easements appurtenant thereto shall pass to the purchaser and where a servient tenement is sold for arrears of taxes the sale shall not affect any easement to which it is subject.

Restrictive
covenant.

(4) A restrictive covenant running with the land shall be deemed to be an easement within the meaning of this section.



BILL.

An Act to amend The Assessment Act.

1st Reading

February 11th, 1930

2nd Reading

February 14th, 1930

3rd Reading

March 12th, 1930

MR. FINLAYSON

No. 61

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

BILL

An Act to amend The Local Improvement Act.

MR. MCBRIEN

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

No. 61.

1930.

BILL

An Act to amend The Local Improvement Act.

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

Rev. Stat.,
c. 235, s. 27a,
amended.

1. Section 27a of *The Local Improvement Act* is amended by inserting the word "grading" after the word "extension" in the second line of the said section.

EXPLANATORY NOTE.

Under the law as it stands where the local improvement work is the opening, widening, extension or paving of a lane and the council thinks that any lot abutting on the work is not benefited by it, or is not benefited to the same extent as other lots it may exempt such lot or make a reduction in the special assessment.

The Bill seeks to have this power extended to the grading of a lane.

BILL.

An Act to amend The Local
Improvement Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. MCBRIEN

No. 61

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

BILL

An Act to amend The Local Improvement Act.

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TORONTO
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No. 61.

1930.

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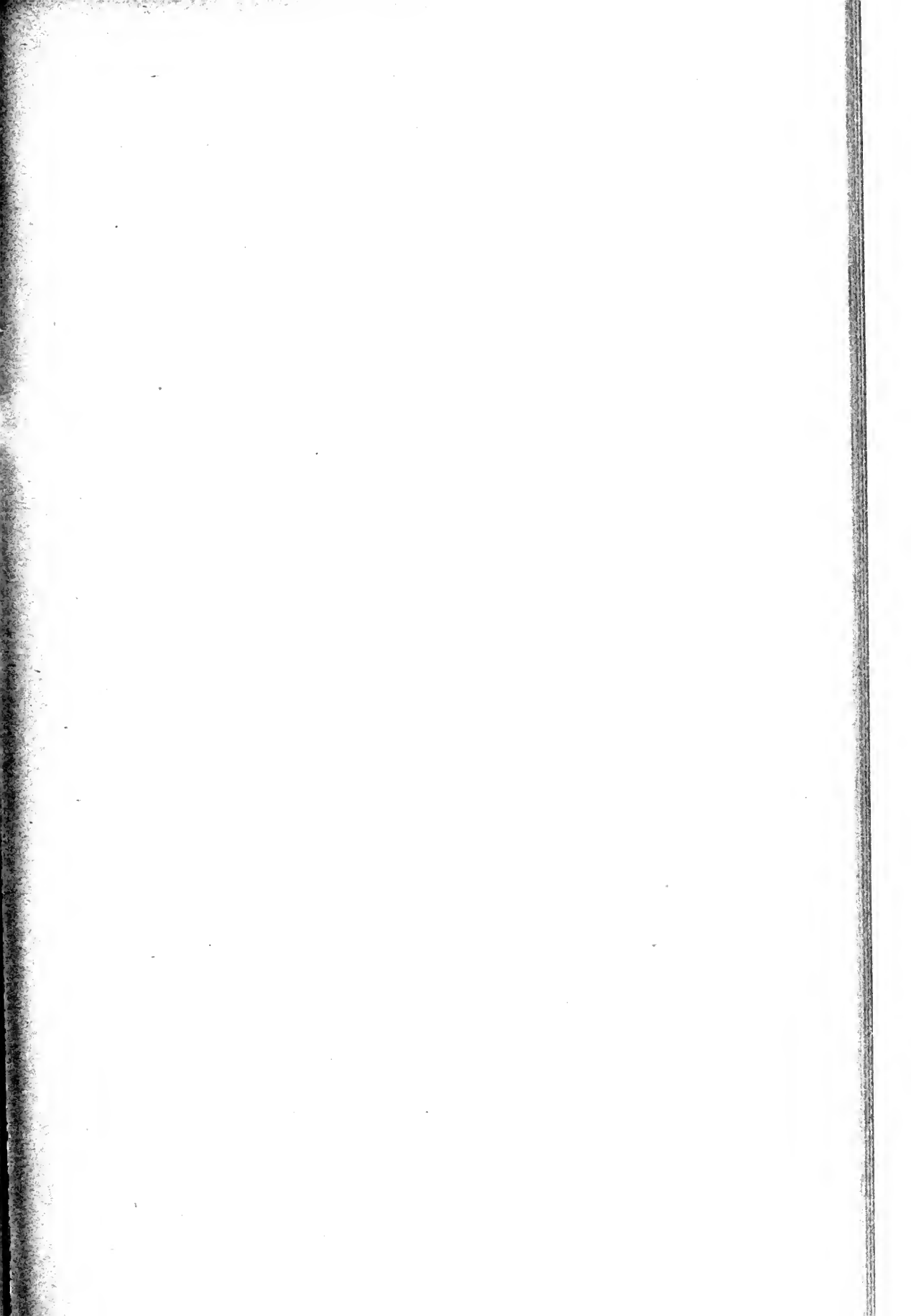
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,
c. 235, s. 27a,
amended. **1.** Section 27a of *The Local Improvement Act* is amended by inserting the word "grading" after the word "extension" in the second line of the said section.

Rev. Stat.,
c. 235,
amended. **2.** *The Local Improvement Act* is amended by adding thereto the following section:

Time special
or general
rate may be
levied.

48a. Any special or general rate imposed by a by-law providing for the issue of debentures to pay for the cost or part of the cost of a work undertaken under this Act may be levied by the council as soon as the by-law is passed, and no such rate heretofore or hereafter levied shall be held to be illegal by reason of the debentures in respect to which the rate is levied, or any of same, not having been issued at the time of levying such rate.



BILL.

An Act to amend The Local Improvement Act.

1st Reading

February 12th, 1930

2nd Reading

February 17th, 1930

3rd Reading

March 28th, 1930

MR. MCBRIEN

No. 62

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

BILL

An Act to amend The Mothers' Allowances Act.

MR. GODFREY

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

No. 62.

1930.

BILL

An Act to amend The Mothers' Allowances Act.

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

- Short title. **1.** This Act may be cited as *The Mothers' Allowances Act, 1930.*
- Rev. Stat.,
c. 280,
amended. **2.** *The Mothers' Allowances Act* is amended by adding thereto the following sections:
- Secretary,
may admin-
ister oath. **8a.** The secretary of every local mothers' allowances board shall for the purpose of the administration of this Act have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits.
- Burlington
Beach Com-
mission. **8b.** For the purposes of this Act the territory known as "Burlington Beach" shall be a separate municipality and the Burlington Beach Commission shall have the powers and perform the duties conferred and imposed upon the local board by or under the authority of this Act.
- Rev. Stat.,
c. 280,
amended. **3.** *The Mothers' Allowances Act* is further amended by adding thereto the following section:
- Validity
of appoint-
ments. **10.** To remove doubts it is declared that a member of the council of any municipality may be appointed a member of the local board and that any such appointment heretofore or hereafter made shall not disqualify him from being a member of the council.
- Commence-
ment of
Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES.

Section 2. Section 8*a*, added by this section, does away with the inconvenience of sending persons out to swear affidavits by allowing the secretary of the board to take these and any other declarations required. Section 8*b*, also added by this section, is necessary because Burlington Beach is separated from the Township of Saltfleet and from the County of Wentworth and is in effect a separate municipality under the administration of the Burlington Beach Commission.

Section 3. This speaks for itself and is intended to remove any doubt as to the effect of appointment to a local mothers' allowances board on a member's qualification to sit in a municipal council.

BILL.

An Act to amend 'The Mothers'
Allowances Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. GODFREY

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

BILL

An Act to amend The Mothers' Allowances Act.

MR. GODFREY

No. 62.

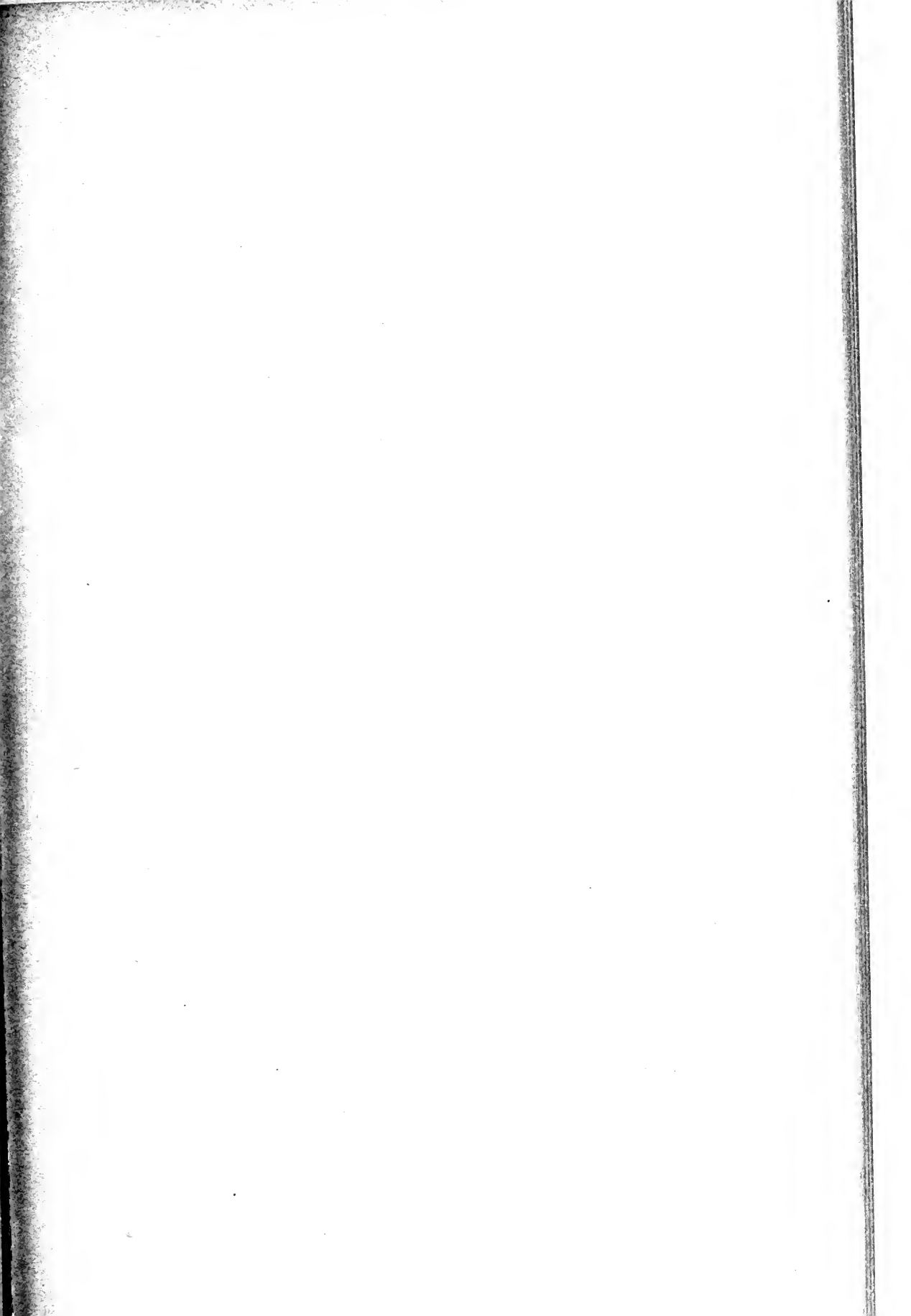
1930.

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- Rev. Stat.,
c. 280,
amended. **2.** *The Mothers' Allowances Act* is amended by adding thereto the following sections:
- Secretary,
may admin-
ister oath. **8a.** The secretary of every local mothers' allowances board shall for the purpose of the administration of this Act have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits.
- Burlington
Beach Com-
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- Validity
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- Commence-
ment of
Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL.

An Act to amend 'The Mothers'
Allowances Act.

1st Reading

February 12th, 1930

2nd Reading

March 10th, 1930.

3rd Reading

March 25th, 1930.

MR. GODFREY

No. 63

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

BILL

An Act to amend The Municipal Act.

MR. TWEED

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

No. 63.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 396,
par. 31
(1929, c. 58,
s. 5),
amended.

1. Paragarph 31 of section 396 of *The Municipal Act* as amended by section 5 of *The Municipal Amendment Act, 1929*, is further amended by adding at the end thereof the following: "The councils of any two or more municipalities may enter into an agreement for the establishment of an air harbour and the joint exercise of all the powers and rights contained in this paragraph upon such terms as may be agreed and may entrust the control and management of any air harbour or landing ground so established to a commission appointed by such councils pursuant to agreement."

EXPLANATORY NOTE.

Under *The Municipal Act* all municipalities have power to pass by-laws for the establishment of air harbours or landing grounds in compliance with "The Air Regulations, 1920," and for such purpose may acquire land in the municipality or in an adjacent municipality.

The Bill would authorize two or more municipalities to enter into an agreement for such purpose and entrust the management to a commission.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. TWEED

No. 64

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

BILL

An Act to amend The Assessment Act.

MR. MARTIN (Brantford)

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

No. 64.

1930.

BILL

An Act to amend The Assessment Act.

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

Rev. Stat.,
c. 238, s. 167,
amended.

1. Section 167 of *The Assessment Act* is amended by adding thereto the following subsection:

Power
to repair
buildings.

- (3) If there are buildings upon the land which are uninhabitable or unfit for the purpose for which they were designed, the purchaser may apply in a summary way to a judge of the county or district in which the land is situate, who may make an order providing for an expenditure in making repairs to such buildings not to exceed the amount specified in such order, together with the costs of obtaining the order, to be fixed therein, and if an order is made the lands shall be redeemable as in this Act provided only upon the reimbursement to the purchaser of such sum as shall have been expended in accordance with such order, less the rentals received by the purchaser or an occupation rent if the purchaser is in occupation.

EXPLANATORY NOTE.

Under *The Assessment Act* the purchaser of land at a tax sale on the receipt of the treasurer's certificate becomes the owner of the land so far as it is necessary to protect the same from spoliation or waste during the time within which the land may be redeemed, but is not to permit the cutting of timber or the injuring of the land.

The object of the Bill is to give the purchaser the right to make repairs to buildings when necessary if he secures an order from the county court judge for that purpose. The order limits the amount of the expenditure and the purchaser is allowed to add the amount expended to the purchase price of the land after deducting rentals.

BILL.

An Act to amend The Assessment Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. MARTIN (Brantford)

No. 65

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

BILL

An Act to amend The Municipal Act.

MR. MCBRIEN

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

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 422,
par. 1,
amended.

1. Paragraph 1 of section 422 of *The Municipal Act* is amended by inserting after the word "sale" in the sixth line, and also after the word "sale" in the seventh line of the said paragraph, the words "for present or future delivery."

Rev. Stat.,
c. 233, s. 411,
par. 2,
amended.

2. Paragraph 2 of section 411 of *The Municipal Act* is amended by inserting after the word "prohibiting" in the eighth line thereof the words "the use of land or."

Rev. Stat.,
c. 233, s. 411,
par. 3,
amended.

3. Paragraph 3 of section 411 of *The Municipal Act* is amended by inserting the words "land or" immediately before the word "buildings" in the third line thereof.

EXPLANATORY NOTE.

Section 1. The Act gives municipalities power to license, regulate and govern hawkers and pedlars who go from place to place bearing or drawing or otherwise carrying goods, wares or merchandise for sale.

The Bill seeks to extend the section to cover sales made for future delivery as well as to sales for present delivery.

Sections 2 and 3. Under section 411, paragraph 2, cities may pass by-laws to prohibit the erection or use of buildings for a number of purposes within defined areas.

The Bill would extend this power to cover the use of land as well as buildings for such purposes.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. MCBRIEN

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

BILL

An Act to amend The Municipal Act.

MR. MCBRIEN

No. 65.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 411,
par. 2,
amended. **1.** Paragraph 2 of section 411 of *The Municipal Act* is amended by inserting after the word "prohibiting" in the eighth line thereof the words "the use of land or."

Rev. Stat.,
c. 233, s. 411,
par. 3,
amended. **2.** Paragraph 3 of section 411 of *The Municipal Act* is amended by inserting the words "land or" immediately before the word "buildings" in the third line thereof.

EXPLANATORY NOTE.

Sections 1 and 2. Under section 411, paragraph 2, cities may pass by-laws to prohibit the erection or use of buildings for a number of purposes within defined areas.

The Bill would extend this power to cover the use of land as well as buildings for such purposes.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 12th, 1930

2nd Reading

February 21st, 1930

3rd Reading

MR. MCBRIEN

(Reprinted as amended by the House).

No. 66

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

BILL

An Act to amend The Railway Act.

MR. TWEED

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

No. 66.

1930.

BILL

An Act to amend The Railway Act.

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

Rev. Stat.
c. 224, s. 232,
amended.

1. Section 232 of *The Railway Act* is amended by adding thereto the following subsection:

Motor
busses.

- (6) Any such municipal corporation may maintain and operate motor-driven busses in conjunction with and as part of its street railway system.

EXPLANATORY NOTE.

Section 232 of *The Railway Act* gives a city or town the power to construct, maintain and operate street railways within its limits so long as it does not interfere with the rights of a street railway company operating in the municipality.

The Bill proposes to give to such a city or town the right to operate motor busses as part of its railway system.

BILL.

An Act to amend The Railway Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. TWEED

No. 66

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

BILL

An Act to amend The Railway Act.

MR. TWEED

TORONTO
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An Act to amend The Railway Act.

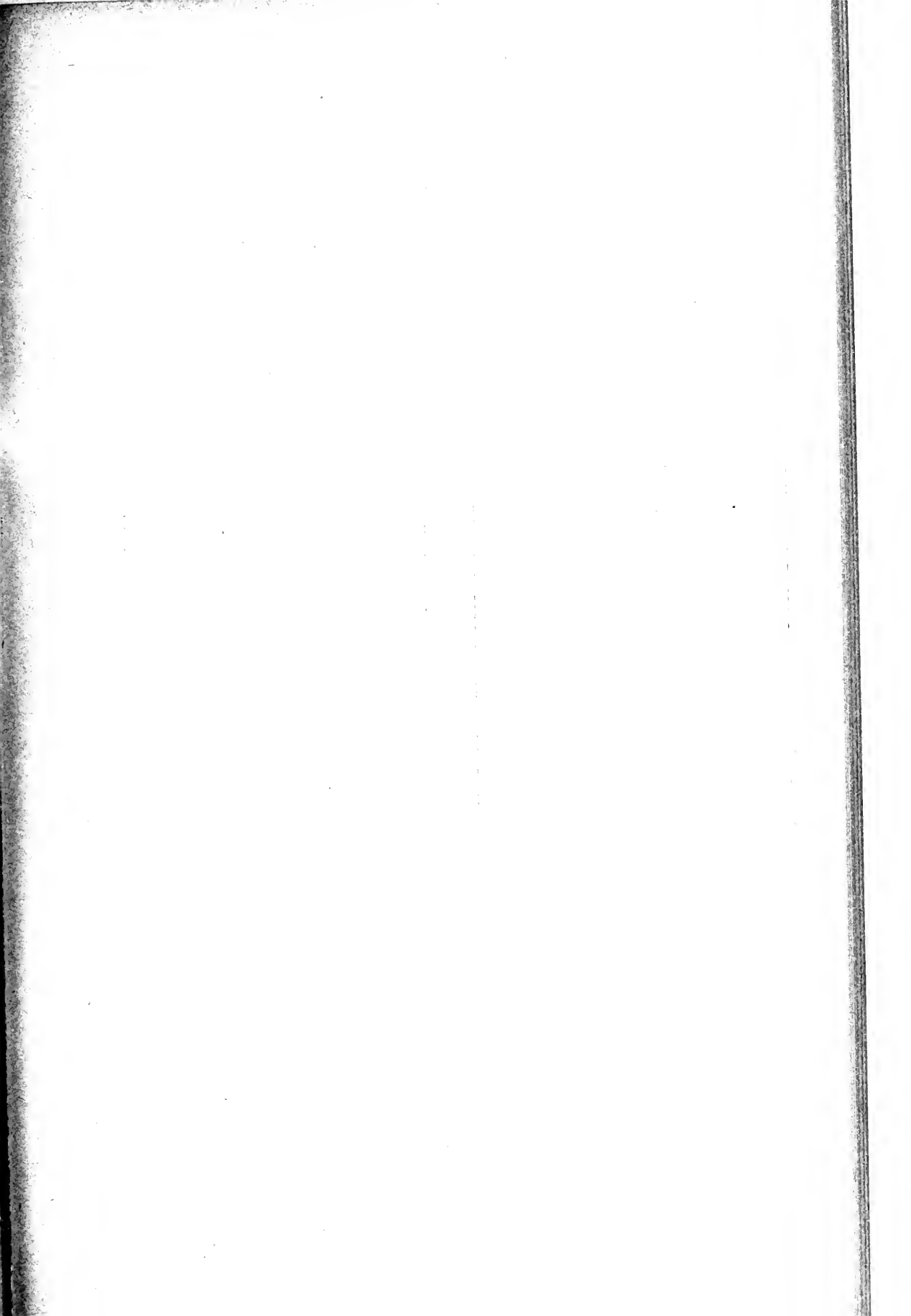
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Rev. Stat.,
c. 224, s. 232,
amended.

1. Section 232 of *The Railway Act* is amended by adding thereto the following subsection:

Motor
busses.

- (6) Any such municipal corporation may maintain and operate motor-driven busses in conjunction with and as part of its street railway system but subject to the provisions of *The Public Vehicle Act* if such busses are operated outside the municipality.



BILL.

An Act to amend The Railway Act.

1st Reading

February 12th, 1930

2nd Reading

February 17th, 1930

3rd Reading

March 26th, 1930

MR. TWEED

No. 67

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

BILL

An Act to amend The Private Detectives Act.

MR. PRICE

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

No. 67.

1930.

BILL

An Act to amend The Private Detectives Act.

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

- Short title, **1.** This Act may be cited as *The Private Detectives Act, 1930*.
- Rev. Stat.,
c. 214,
amended. **2.** The words "Attorney General of Ontario" are substituted for the words "Treasurer of Ontario," and the words "Attorney General" are substituted for the word "Treasurer" wherever such words occur respectively in *The Private Detectives Act*.
- Commence-
ment of
Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES.

This amendment is for the purpose of transferring the licensing of private detective concerns from the Treasury Department to the Department of the Attorney General. The latter Department has to approve of the issue of the license and has actual knowledge of the applicant's responsibilities.

BILL.

An Act to amend The Private Detectives Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. PRICE

1930

No. 67

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

BILL

An Act to amend The Private Detectives Act.

MR. PRICE

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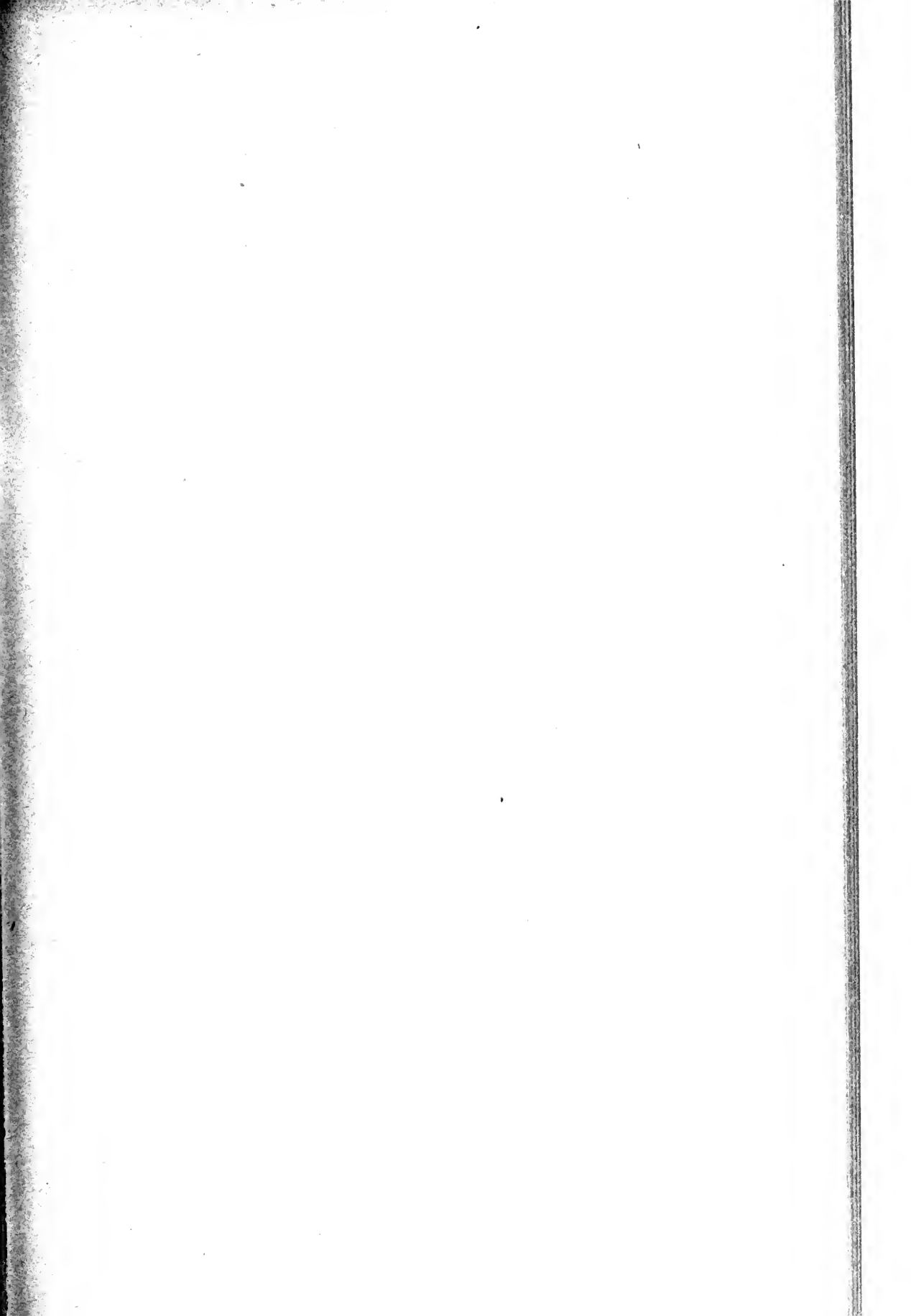
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- Commence-
ment of
Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL.

An Act to amend The Private Detectives Act

1st Reading

February 12th, 1930

2nd Reading

February 14th, 1930

3rd Reading

March 12th, 1930

MR. PRICE

No. 68

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

BILL

An Act to amend The Fire Marshals Act.

MR. PRICE

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

No. 68.

1930.

BILL

An Act to amend The Fire Marshals Act.

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

Short title. **1.** This Act may be cited as *The Fire Marshals Act, 1930.*

Rev. Stat.,
c. 295, s. 4,
amended. **2.** Section 4 of *The Fire Marshals Act* is amended by adding thereto the following clause:

Powers
of fire
marshal as
to entry and
inspection.

(i) Subject to the regulations, to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he may deem necessary for the purpose of complying with the provisions of any statute or regulation made for the better protection of life and property in such buildings.

Commence-
ment of
Act.

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

EXPLANATORY NOTE.

The Fire Marshal has some doubt as to his powers with regard to inspecting certain classes of buildings with a view to the prevention of accidents by fire. This Bill is intended to put it beyond doubt that he may enter and inspect any premises in which a number of persons are working or living.

BILL.

An Act to amend The Fire Marshals Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. PRICE

No. 68

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

BILL

An Act to amend The Fire Marshals Act.

MR. PRICE

TORONTO
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No. 68.

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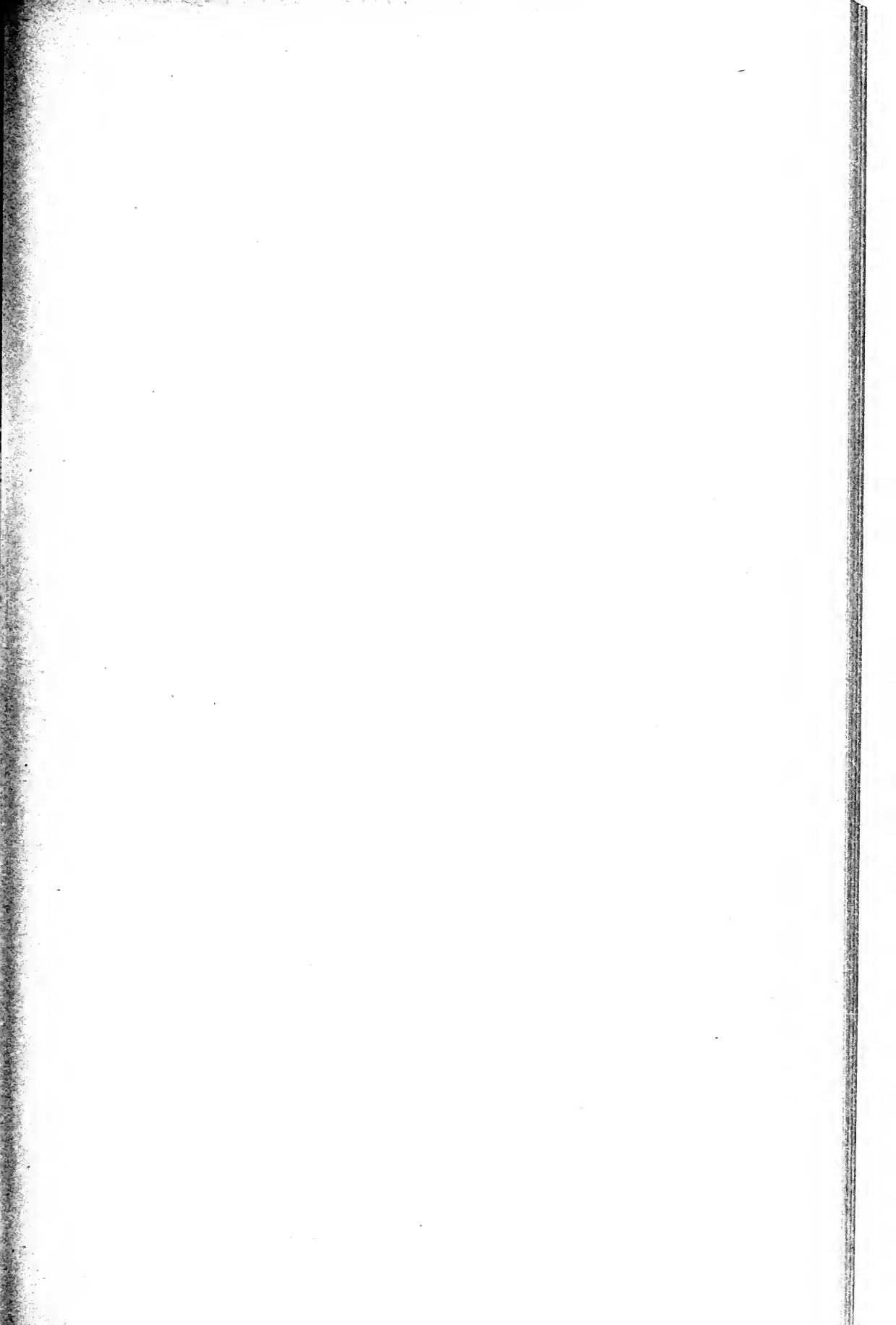
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ment of
Act.

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BILL.

An Act to amend The Fire Marshals Act.

1st Reading

February 12th, 1930

2nd Reading

February 14th, 1930

3rd Reading

March 12th, 1930

MR. PRICE

No. 69

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

BILL

An Act to amend The Evidence Act.

MR. PRICE

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

BILL

An Act to amend The Evidence Act.

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

Short title. **1.** This Act may be cited as *The Evidence Act, 1930*.

Rev. Stat.,
c. 107, s. 37,
amended. **2.** Section 37 of *The Evidence Act* is amended by striking out the clauses lettered *a* to *f* therein and substituting therefor the following:

Taking
affidavits
out of
Ontario for
use in
Ontario
courts.

- (a) In England or Northern Ireland before a commissioner authorized to administer oaths in the Supreme Court of Judicature;
- (b) In England or Northern Ireland before a judge of the Supreme Court of Judicature;
- (c) In Scotland before a judge of the Court of Session or the Justiciary Court of Scotland;
- (d) In England, Scotland or Northern Ireland before a judge of a county court within his county;
- (e) In the Irish Free State before a commissioner authorized to administer oaths in the courts of justice of the Irish Free State, or before a judge of the Supreme Court of Justice of the Irish Free State, or before a judge of the High Court of Justice of the Irish Free State, or before a judge of the Circuit Court of Justice of the Irish Free State within his circuit;
- (f) In Great Britain or Northern Ireland or in the Irish Free State, or in any dominion or colony of His Majesty, or in any foreign country before the mayor or chief magistrate of any city, borough or town corporate, certified under the common seal of such city, borough or town corporate;

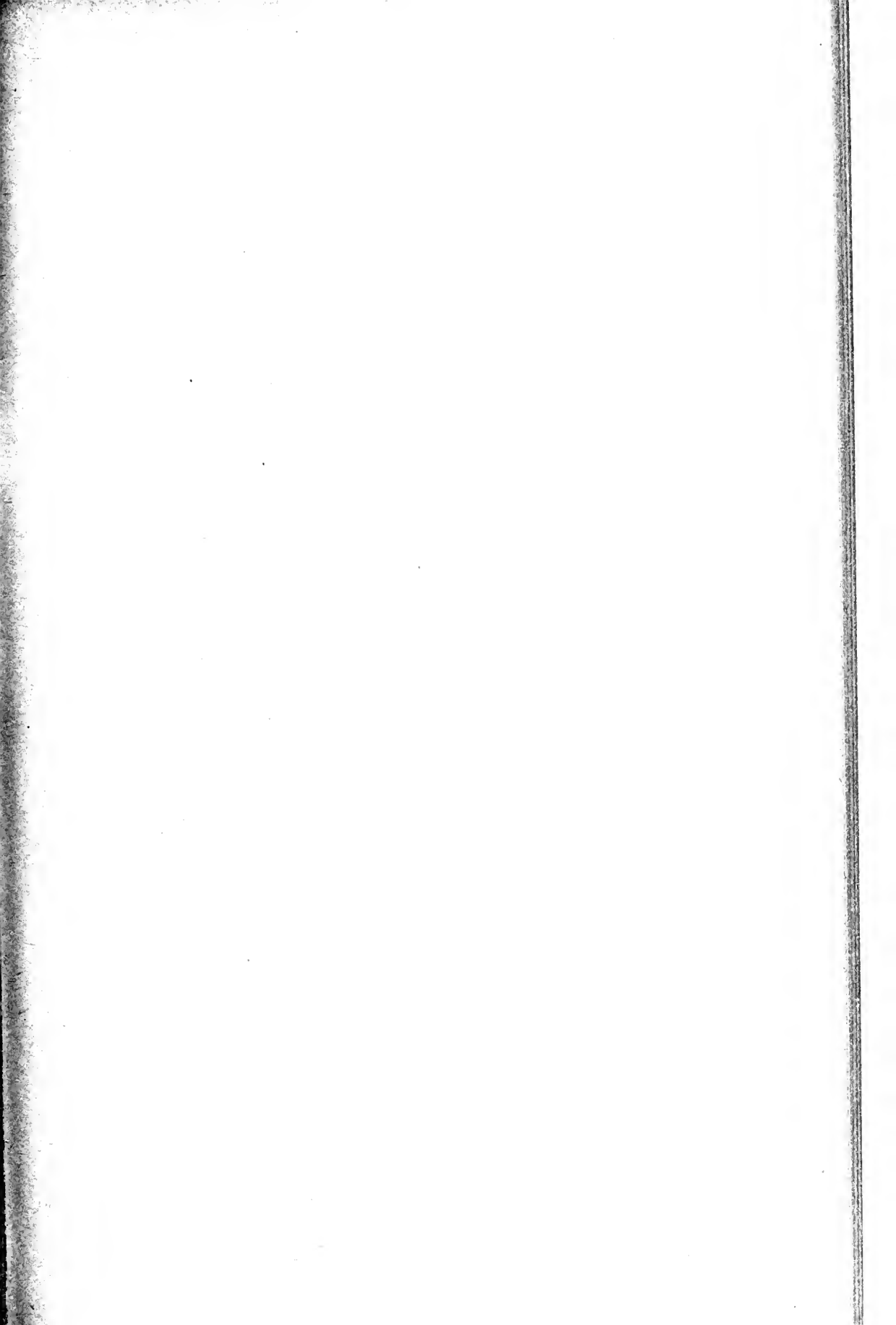
EXPLANATORY NOTE.

Since the establishment of the Irish Free State there has been no change in *The Evidence Act* to make the necessary alterations in the names of the Irish Courts and moreover, there is no reference in the old section to "Dominions." It has been thought advisable to provide expressly for these matters.

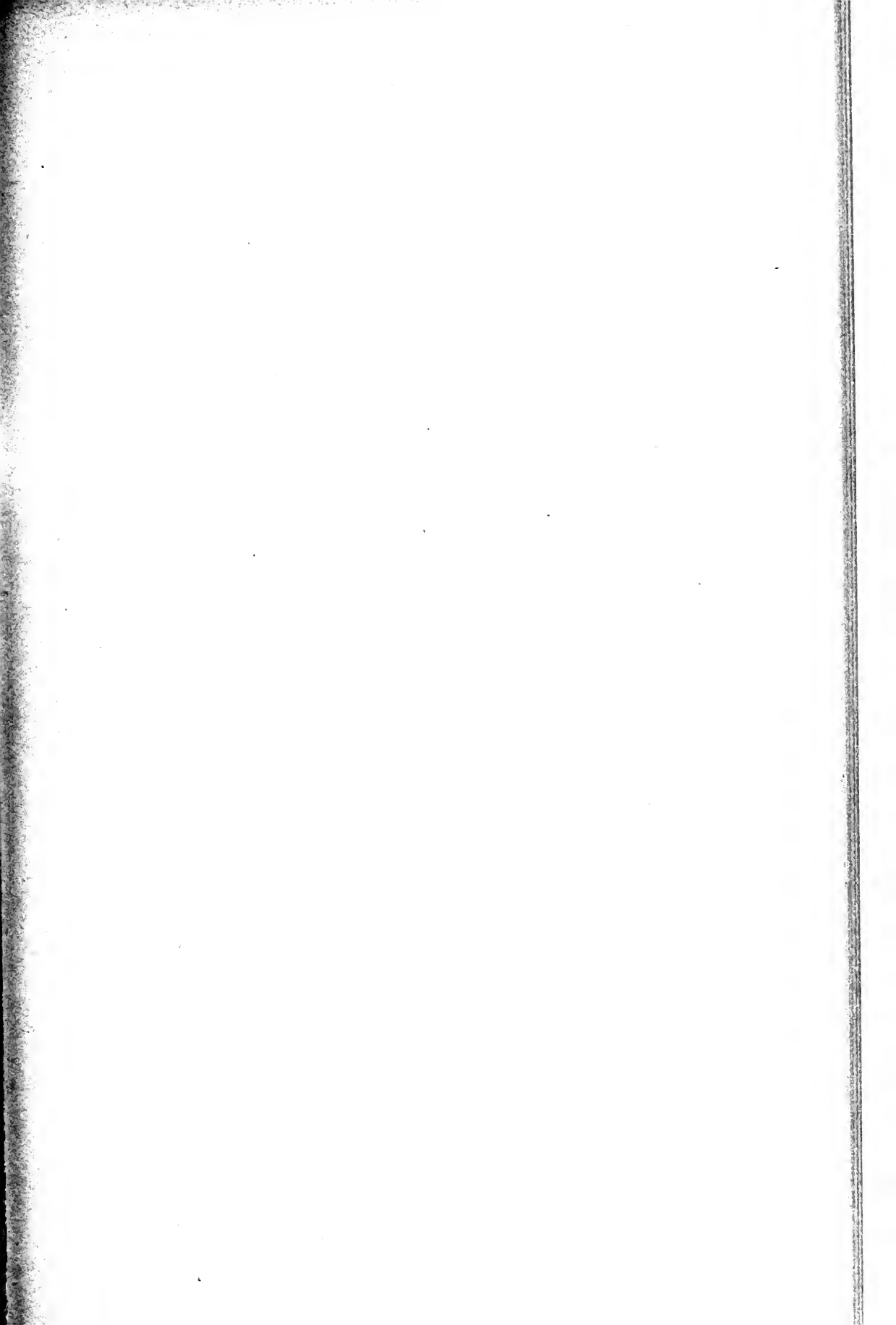
(ff) In any colony belonging to the Crown of Great Britain or any dependency thereof, or in any foreign country, before a judge of any court of record of supreme jurisdiction.

Commence-
ment of
Act.

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







BILL.

An Act to amend The Evidence Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. PRICE

No. 69

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

BILL

An Act to amend The Evidence Act.

MR. PRICE

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

No. 69.

1930.

BILL

An Act to amend The Evidence Act.

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

Short title. **1.** This Act may be cited as *The Evidence Act, 1930*.

Rev. Stat.,
c. 107, s. 37,
amended. **2.** Section 37 of *The Evidence Act* is amended by striking out the clauses lettered *a* to *f* therein and substituting therefor the following:

Taking
affidavits
out of
Ontario for
use in
Ontario
courts.

- (a) In England or Northern Ireland before a commissioner authorized to administer oaths in the Supreme Court of Judicature;
- (b) In England or Northern Ireland before a judge of the Supreme Court of Judicature;
- (c) In Scotland before a judge of the Court of Session or the Justiciary Court of Scotland;
- (d) In England, Scotland or Northern Ireland before a judge of a county court within his county;
- (e) In the Irish Free State before a commissioner authorized to administer oaths in the courts of justice of the Irish Free State, or before a judge of the Supreme Court of Justice of the Irish Free State, or before a judge of the High Court of Justice of the Irish Free State, or before a judge of the Circuit Court of Justice of the Irish Free State within his circuit;
- (f) In Great Britain or Northern Ireland or in the Irish Free State, or in any dominion or colony of His Majesty, or in any foreign country before the mayor or chief magistrate of any city, borough or town corporate, certified under the common seal of such city, borough or town corporate;

(ff) In any colony belonging to the Crown of Great Britain or any dependency thereof, or in any foreign country, before a judge of any court of record of supreme jurisdiction.

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

BILL.

An Act to amend The Evidence Act.

1st Reading

February 12th, 1930

2nd Reading

February 14th, 1930

3rd Reading

March 12th, 1930

MR. PRICE

No. 70

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

BILL

An Act to amend The Dependants' Relief Act, 1929.

MR. PRICE.

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

No. 70.

1930.

BILL

An Act to amend The Dependants' Relief Act, 1929.

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

Short title. **1.** This Act may be cited as *The Dependants' Relief Act, 1930.*

1929, c. 47,
s. 2,
amended. **2.** Section 2 of *The Dependants' Relief Act, 1929*, is amended by adding thereto the following clauses:

"Testator." (e) "Testator" shall mean and include a person who by deed or will or by any other instrument or act so disposes of real or personal property, or any interest therein, that the same will pass at his death to some other person;

"Will." (f) "Will" shall mean and include any deed, will, codicil, instrument or other act by which a testator so disposes of real or personal property that the same will pass at his death to some other person.

1929, c. 47,
s. 5, subs. 2,
amended. **3.** Subsection 2 of section 5 of *The Dependants' Relief Act, 1929*, is amended by adding at the end thereof the following words "but the judge, if he deems it just, may allow an extension of the said period of three months as to any portion of the estate remaining undistributed at the date of the application," so that the subsection will now read as follows:

When
application
to be made. (2) Where letters probate are applied for by the wife or husband of the testator or a guardian on behalf of minor dependants, an application under this section for an allowance for such wife or husband, or for such minor dependants shall be made at the time of applying for letters probate and in every other case the application shall be made within three months after the death of the testator, but the judge, if he deems it just, may allow an extension of the said

EXPLANATORY NOTES.

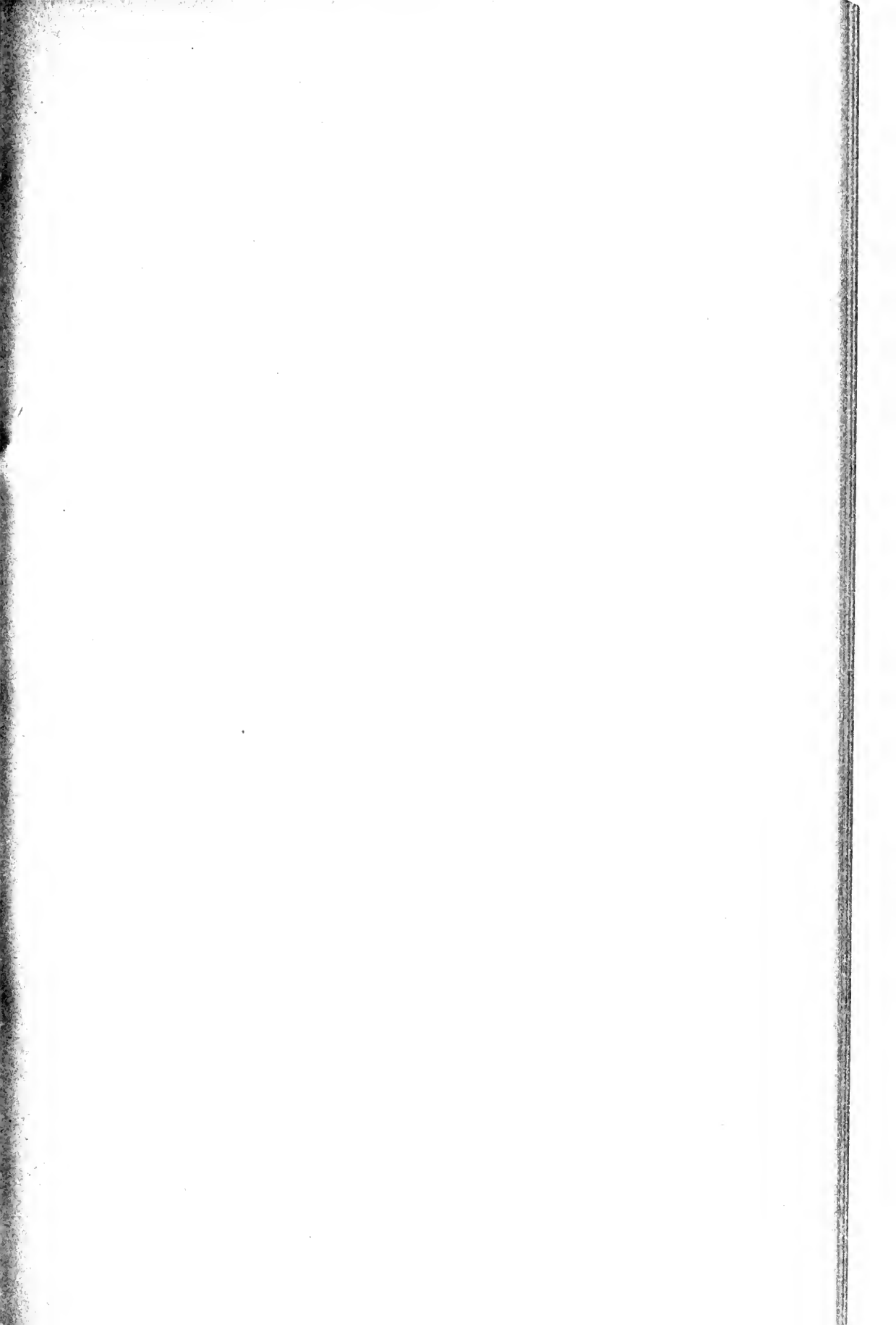
Section 2. This alters the definition of "testator" so as to include anyone who has made a settlement to take effect on his death and the definition of "will" so as to include any such settlement. It has been pointed out that there is nothing in the Act as it stands to prevent a testator defeating the same by settling his property in such a way that the income therefrom will be enjoyed by him during his lifetime and pass on his death to someone else without reference to his duty to his dependants.

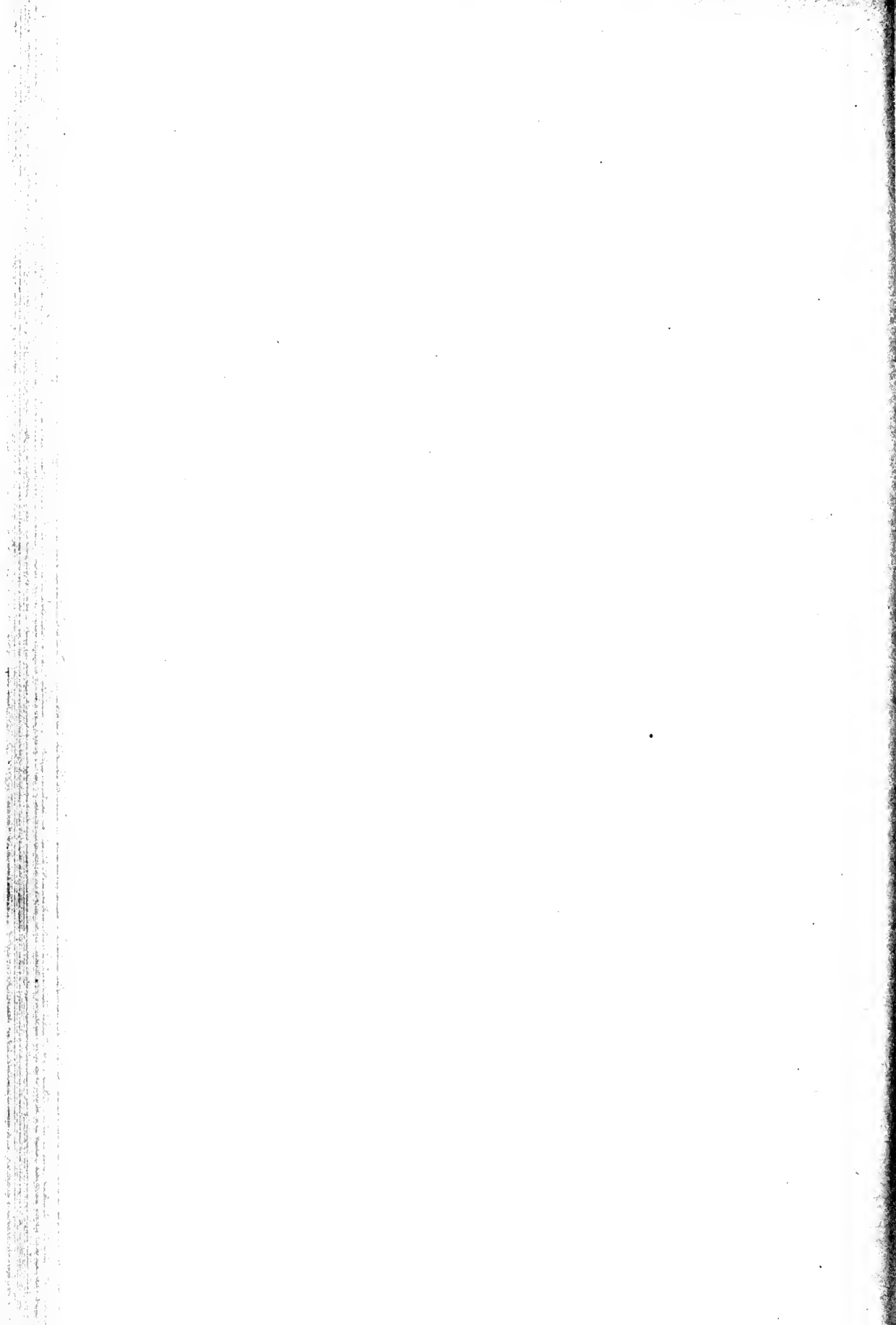
Section 3. This provides for the extension of the time for making application for an order while part of the estate remains undistributed. There does not appear to be any good reason why this should not be done.

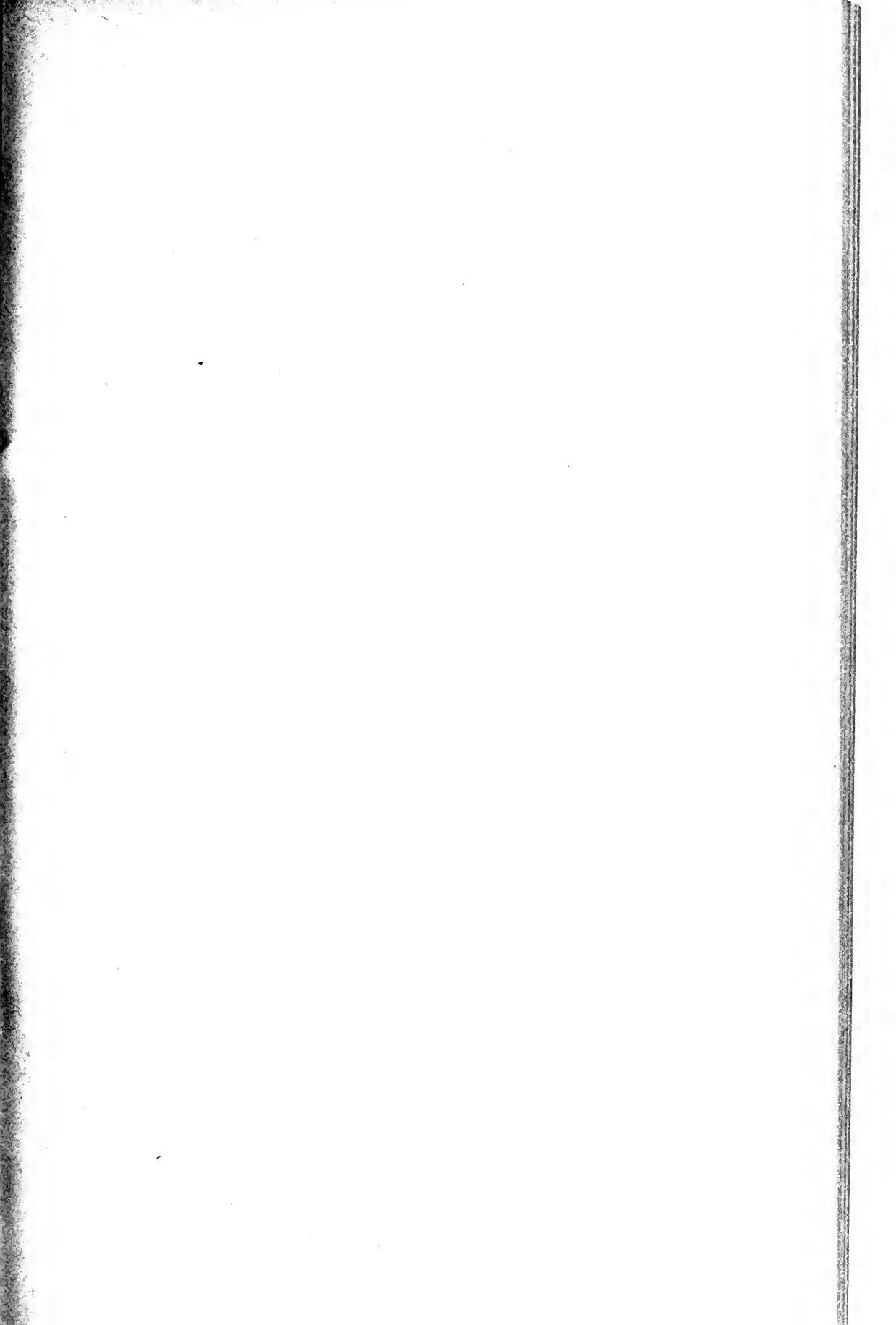
period of three months as to any portion of the estate remaining undistributed at the date of the application.

Commence-
ment of
Act.

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







BILL.

An Act to amend 'The Dependants'
Relief Act, 1929.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. PRICE.

No. 70

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

BILL

An Act to amend 'The Dependants' Relief Act, 1929.

MR. PRICE.

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

No. 70.

1930.

BILL

An Act to amend The Dependants' Relief Act, 1929.

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

Short title. **1.** This Act may be cited as *The Dependants' Relief Act, 1930.*

1929, c. 47,
s. 2,
amended. **2.** Section 2 of *The Dependants' Relief Act, 1929*, is amended by adding thereto the following clauses:

"Testator." (e) "Testator" shall mean and include a person who by deed or will or by any other instrument or act so disposes of real or personal property, or any interest therein, that the same will pass at his death to some other person;

"Will." (f) "Will" shall mean and include any deed, will, codicil, instrument or other act by which a testator so disposes of real or personal property that the same will pass at his death to some other person.

1929, c. 47,
s. 5, subs. 2,
amended. **3.** Subsection 2 of section 5 of *The Dependants' Relief Act, 1929*, is amended by adding at the end thereof the following words "but the judge, if he deems it just, may allow an extension of the said period of three months as to any portion of the estate remaining undistributed at the date of the application," so that the subsection will now read as follows:

When
application
to be made. (2) Where letters probate are applied for by the wife or husband of the testator or a guardian on behalf of minor dependants, an application under this section for an allowance for such wife or husband, or for such minor dependants shall be made at the time of applying for letters probate and in every other case the application shall be made within three months after the death of the testator, but the judge, if he deems it just, may allow an extension of the said

period of three months as to any portion of the estate remaining undistributed at the date of the application.

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

BILL.

An Act to amend 'The Dependants'
Relief Act, 1929.

1st Reading

February 12th, 1930

2nd Reading

February 19th, 1930

3rd Reading

March 12th, 1930

MR. PRICE.

No. 71

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

BILL

An Act to amend The Judicature Act.

MR. PRICE

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

No. 71.

1930.

BILL

An Act to amend The Judicature Act.

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

Short title, **1.** This Act may be cited as *The Judicature Act, 1930*.

Rev. Stat.,
c. 88, s. 73,
subs. 1,
amended.

2.—(1) Subsection 1 of section 73 of *The Judicature Act* is amended by striking out all the words after the word “practitioner” in the eighth and ninth lines and inserting in lieu thereof the words “or by more than one duly qualified medical practitioner but no medical practitioner shall be appointed to make such examination who is a witness on either side,” and by adding at the end of the said subsection the following clause:

(a) The court, judge or other person may make such order respecting the examination and the costs thereof as may be deemed proper;

so that the subsection will now read as follows:

Physical ex-
amination of
party by
medical
practitioner.

(1) In any action or proceeding for the recovery of damages or other compensation for or in respect of bodily injury sustained by any person, the court which, or the judge, or the person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury, damages or compensation are sought shall submit himself to a physical examination by a duly qualified medical practitioner or by more than one duly qualified medical practitioner, but no medical practitioner shall be appointed to make such examination who is a witness on either side.

(a) The court, judge or other person may make such order respecting the examination and the costs thereof as may be deemed proper.

EXPLANATORY NOTE.

This Bill is intended to make it plain that more than one medical examination of a plaintiff may be ordered in an action for personal injury.

The judges have been in the habit of ordering special extra examinations where they deem this necessary and it is thought desirable to give the power expressly as the Act apparently does not contemplate more than one examination.

Rev. Stat.,
c. 88, s. 73,
subs. 2,
amended.

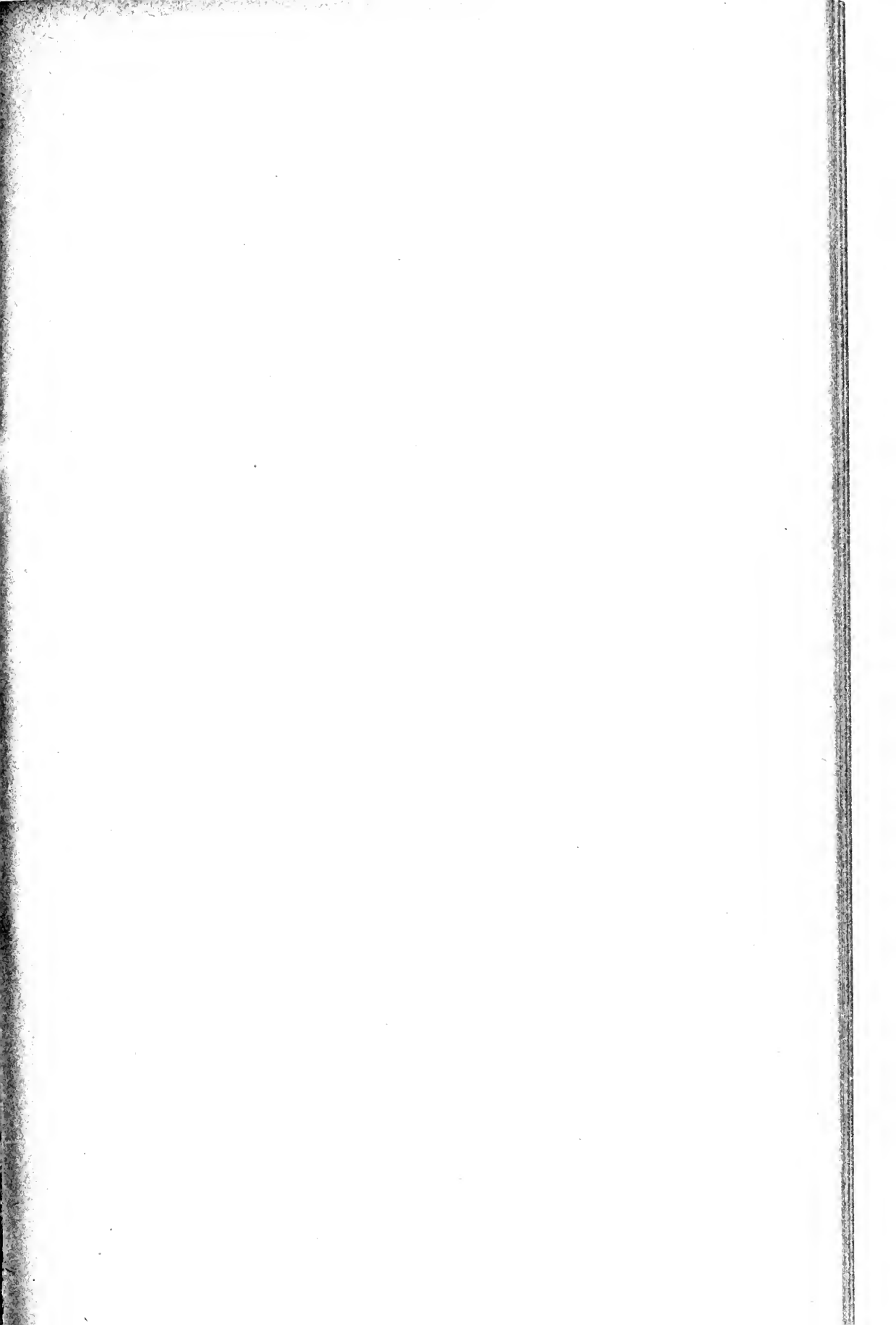
(2) Subsection 2 of the said section 73 is amended by striking out the word "The" at the commencement thereof and inserting in lieu thereof the words "Every such" so that the subsection will now read as follows:

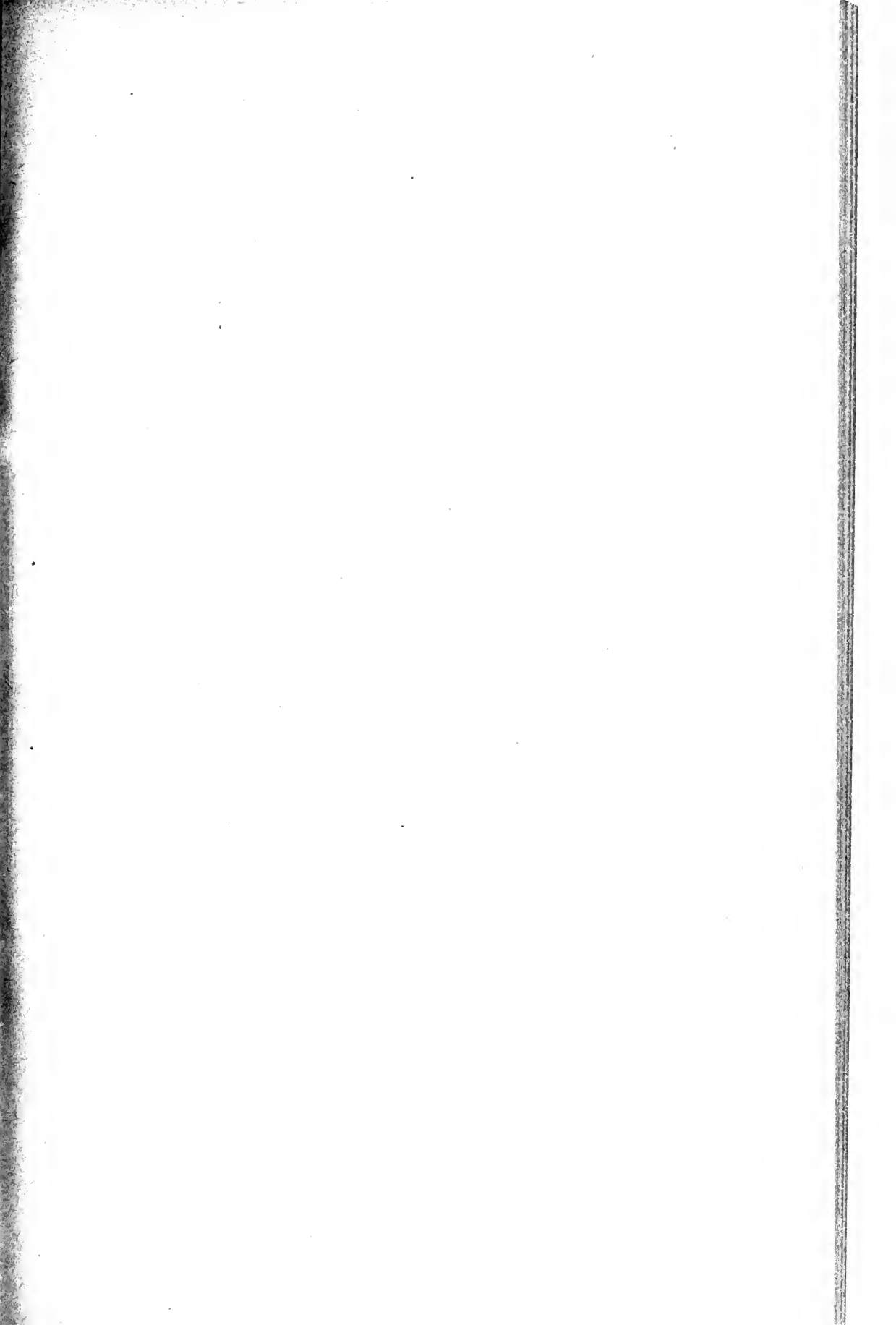
Medical
practitioner
to be selected
by judge and
may be
witness.

(2) Every such medical practitioner shall be selected by the court, judge or person making the order, and may afterwards be a witness on the trial unless the court, judge or person before whom the action or proceeding is tried otherwise directs.

Commence-
ment of
Ac.

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





BILL.

An Act to amend The Judicature Act.

1st Reading

February 12th, 1930

2nd Reading

3rd Reading

MR. PRICE

No. 71

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

BILL

An Act to amend The Judicature Act.

MR. PRICE

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

BILL

An Act to amend The Judicature Act.

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

Short title, **1.** This Act may be cited as *The Judicature Act, 1930.*

Rev. Stat.,
c. 88, s. 73,
subs. 1,
amended.

2.—(1) Subsection 1 of section 73 of *The Judicature Act* is amended by striking out all the words after the word “practitioner” in the eighth and ninth lines and inserting in lieu thereof the words “or by more than one duly qualified medical practitioner but no medical practitioner shall be appointed to make such examination who is a witness on either side,” and by adding at the end of the said subsection the following clause:

- (a) The court, judge or other person may order the second examination or further examinations upon such terms as to costs as may be deemed proper.

so that the subsection will now read as follows:

Physical ex-
amination of
party by
medical
practitioner.

- (1) In any action or proceeding for the recovery of damages or other compensation for or in respect of bodily injury sustained by any person, the court which, or the judge, or the person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury, damages or compensation are sought shall submit himself to a physical examination by a duly qualified medical practitioner or by more than one duly qualified medical practitioner, but no medical practitioner shall be appointed to make such examination who is a witness on either side.

- (a) The court, judge or other person may order the second examination or further examinations upon such terms as to costs as may be deemed proper.

(2) Subsection 2 of the said section 73 is amended by ^{Rev. Stat.,} striking out the word "The" at the commencement thereof ^{c. 88, s. 73,} and inserting in lieu thereof the words "Every such" so that ^{subs. 2,} the subsection will now read as follows: ^{amended.}

(2) Every such medical practitioner shall be selected ^{Medical} by the court, judge or person making the order, ^{practitioner} and may afterwards be a witness on the trial unless ^{to be selected} the court, judge or person before whom the action ^{by judge and} or proceeding is tried otherwise directs. ^{may be} ^{witness.}

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

BILL.

An Act to amend The Judicature Act.

1st Reading

February 12th, 1930

2nd Reading

February 14th, 1930

3rd Reading

March 12th, 1930

Mr. PRICE

No. 72

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

BILL

An Act to amend The Municipal Act.

MR. TWEED.

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

No. 72.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 65,
subs. 4,
amended.

1. Subsection 4 of section 65 of *The Municipal Act* is amended by striking out the words "town or village" in the first line and inserting in lieu thereof the words "city, town, township or village," so that the subsection will now read as follows:

In cities,
towns, town-
ships and
villages.

(4) The council of a city, town, township or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon and any such by-law shall remain in force from year to year until it is repealed.

Rev. Stat.,
c. 233, s. 422,
para. 1, cl. e,
amended.

2. The clause lettered *e* in paragraph 1 of section 422 of *The Municipal Act* is amended by inserting after the word "eyeglasses" in the seventh line the words "chinaware, glassware, earthenware, semi-porcelain and vitrified products."

Commence-
ment of
Act.

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

EXPLANATORY NOTE.

Section 1. This provides that nominations in all municipalities may be held at half-past seven o'clock in the afternoon. At present they may be held at that hour only in towns and villages.

Section 2. Under section 422 of the Act, which gives municipalities power to license hawkers and pedlars, hawker is defined as including persons who sell tea, coffee, carpets and a number of other named articles.

The Bill asks that chinaware, glassware, etc. be included among these articles.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 13th 1930

2nd February

3rd Reading

MR. TWEED.

No. 72

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

BILL

An Act to amend The Municipal Act.

MR. TWEED.

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

No. 72.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 65,
subs. 4,
amended.

1. Subsection 4 of section 65 of *The Municipal Act* is amended by striking out the words "town or village" in the first line and inserting in lieu thereof the words "city, town, township or village," so that the subsection will now read as follows:

In cities,
towns, town-
ships and
villages.

(4) The council of a city, town, township or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon and any such by-law shall remain in force from year to year until it is repealed.

Commence-
ment of
Act.

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

EXPLANATORY NOTE.

Section 1. This provides that nominations in all municipalities may be held at half-past seven o'clock in the afternoon. At present they may be held at that hour only in towns and villages.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 13th, 1930

2nd Reading

February 19th, 1930

3rd Reading

MR. TWEED.

(Reprinted as amended by the House).

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

BILL

An Act to amend The Municipal Act.

MR. MAHONY.

No. 73.

1930

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 297,
amended.

1. Section 297 of *The Municipal Act* is amended by adding thereto the following subsection:

- (1a) Where a corporation gives a premium note for insurance it shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates for the current year, as provided by subsection 1.

EXPLANATORY NOTE.

Under section 297 the council is not to incur any debt which is not provided for in the estimates for the current year unless a by-law authorizing it has been passed with the assent of the electors.

The object of the Bill is to provide that the premium note for insurance, although it is a liability extending beyond the current year does not come within this section.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 13th, 1930

2nd Reading

3rd Reading

MR. MAHONY.

No. 74

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

BILL

An Act respecting Burlington Beach.

MR. FINLAYSON

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

No. 74.

1930.

BILL

An Act respecting Burlington Beach.

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

Short title. **1.** This Act may be cited as *The Burlington Beach Act, 1930.*

Burlington Beach Commission. **2.** The corporation heretofore known as the "Burlington Beach Commission," hereinafter called the "Commission," is continued and shall consist of not less than two persons, who shall be appointed from time to time by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1927, c. 83, s. 1, (1), (2).

Limits of Burlington Beach. **3.** All those parcels or tracts of land and premises known as portions of Burlington Beach in the Township of Saltfleet, as shown and coloured red on parts of a plan of survey by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands and Forests, which are abutted and bounded as follows:—

First. Commencing at the point A as shown on the plan in the southern limit of the County of Halton; thence easterly along that limit to the easterly shore of the Beach at the point B as shown on the plan; thence southerly along the said Beach to the point C as shown on the plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of the Reserve to the westerly shore of the Beach at the point D as shown on the plan; thence northerly along the Beach to the point A as shown on the plan, the place of beginning;

Second. Commencing at the point E on the plan in the southern limit of the Burlington Canal Reserve; thence easterly along that limit to the easterly shore of the Beach at the point F as shown on the plan; thence southerly along the Beach to the point G as shown on the plan, being

EXPLANATORY NOTES.

The present arrangement of this Act is misleading. The sections have now been arranged in more logical order.

Section 2. This is taken from subsections 1 and 2 of the present section 1 and makes no change in the law.

Section 3. This is a description of Burlington Beach.

the point of intersection with the north side of the road between lots Nos. 28 and 29 in the 1st concession of the Township of Saltfleet, produced easterly to the Beach; thence westerly along the northerly side of that road produced to the westerly shore of the Beach at the point H as shown on the plan; thence northerly along the said Beach to the point E as shown on the plan, the place of beginning;

Third. The Burlington Canal Reserve;

Fourth. The promontory extending into Burlington Bay from the Beach, which is not coloured red on the plan, and which promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker by letters patent dated 18th May, 1896, southerly to a point opposite the lands granted to James Crooks by letters patent dated 7th April, 1897;

Fifth. Lands under the waters of Burlington Bay and Lake Ontario adjoining the Beach which may be required for water lots and kindred purposes in which the fee is vested in the Crown;

shall continue to be known as "Burlington Beach" and for the purposes of this Act shall be subject to the government of the Commission. R.S.O. 1927, c. 83, s. 2.

Separation
from town-
ship and
county.

4.—(1) Burlington Beach shall be deemed to be separated from and shall not form part of the Township of Saltfleet or the County of Wentworth for municipal or school purposes. R.S.O. 1927, c. 83, s. 24 (1), *part*.

Part of
county for
judicial
purposes.

Annual
payment to
county.

(2) For judicial purposes Burlington Beach shall be and shall remain a portion of the County of Wentworth and notwithstanding anything in *The Municipal Act* contained, the Commission shall pay annually on or before the 1st day of December, the sum of \$250 to the corporation of the County of Wentworth in full satisfaction of all liability to the county. R.S.O. 1927, c. 83, s. 24 (1), (4).

Elections to
Assembly.

5. For purposes of elections to the Assembly, Burlington Beach shall be and remain a portion of the Township of Saltfleet, and all persons in Burlington Beach possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township; and for such purposes the Commission shall annually before the 15th day of July prepare and furnish to the clerk of the township a list of persons so qualified, and, for the information of the clerk, shall furnish

Section 4. This is made up from subsections 1 and 4 of the present section 24 and makes no change in the law.

Sections 5, 6, 7, 8, 9. The same as the present sections 27, 3, 4, 5 and 6, respectively.

all particulars required in preparing his lists under *The Voters' Lists Act*. R.S.O. 1927, c. 83, s. 27.

Enquiry as to existing franchises, leases, etc.

6. It shall be the duty of the Commission and it shall have power to enquire into and ascertain the facts concerning all franchise agreements, all sub-leases, all portions of Burlington Beach held under sub-leases from the corporation of the City of Hamilton or otherwise, the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such agreements and sub-leases are made, and all other particulars in connection with the same. R.S.O. 1927, c. 83, s. 3.

Collection of arrears of rents, etc.

7. The Commission shall have power to demand, collect and receive from any person in occupation or use of the lands in Burlington Beach under any such agreement or sub-lease any money due and unpaid for rent or otherwise, in respect thereof. R.S.O. 1927, c. 83, s. 4.

Report on proposed sales, leases, etc.

8. The Commission shall, after making such inquiries, report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any land should be leased, sold or otherwise disposed of and any rights, privileges or franchises should be granted to the occupants or to other persons as to the Commission may seem just and proper under the circumstances of each case. R.S.O. 1927, c. 83, s. 5.

Regulations as to sales, leases, etc.

9. The Commission, subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by agreement, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 83, s. 6.

Chairman.

Secretary.

10.—(1) The Commissioners shall at the first meeting of the Commission in each year elect one of their number as chairman and shall appoint a secretary who for the purposes of this Act shall possess all the rights and powers and perform all the duties that pertain respectively to the offices of clerk and treasurer of a city. R.S.O. 1927, c. 83, s. 1 (3). *Amended.*

Other officers.

Rev. Stat., cc. 238, 7.

(2) The Commissioners shall by by-law appoint an assessor or assessors, or assessment commissioner, and collectors of rates and taxes who shall have and perform all the powers and duties provided for in *The Assessment Act* and *The Voters' Lists Act* in the case of clerks, assessors and collectors for the collection of all money due from the owners or occupants of

Section 10 (1). This is the same as subsection 3 of the present section 1 and makes no change except to make the secretary of the Commission treasurer as well as clerk.

(2) This provides expressly for the appointment of the necessary officers to carry out *The Municipal and Assessment Acts*.

any lands in Burlington Beach. *New.* (See R.S.O. 1927 c. 83, s. 19 (1)).

Statute
labour
Rev. Stat.
c. 239.

(3) Subsection 1 of section 2 of *The Statute Labour Act* shall apply *mutatis mutandis* to Burlington Beach and to the Commission in the same manner and to the same extent as to a city and to the council thereof. R.S.O. 1927, c. 83, s. 19 (2).

Action not
to lie against
commission
without
consent of
Crown.

11. No action shall be brought against the Commissioners personally for anything done or omitted to be done under this Act without the authority of the Lieutenant-Governor in Council. R.S.O. 1927, c. 83, s. 23.

Books of
account.

12.—(1) The Commission shall cause books to be provided and true and accurate accounts to be entered therein of all sums of money received and paid out and of the several purposes for which the same were received and paid out; and such books shall be at all times open to the inspection of the Treasurer of Ontario and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in Burlington Beach for such purposes, and any such person may take copies or extracts from such books.

Application
of Rev. Stat.
c. 25.

(2) Sections 10, 30, 32 and 33 of *The Audit Act* shall apply to the accounts of the Commissioners in respect of receipts and expenditures.

Publication
of summary.

(3) A summary of the receipts and expenditures shall be published annually in a newspaper published in the City of Hamilton. R.S.O. 1927, c. 83, s. 21.

Annual
report to
Crown

13. The Commission shall on or before the 1st day of December in each year report to the Lieutenant-Governor in Council the receipts and expenditures of the year and such other matters as may appear to it to be of public interest in relation to the government of Burlington Beach, or to anything arising out of this Act, and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct. R.S.O. 1927, c. 83, s. 22.

Collection of
revenues.

14. The Commission shall collect all rents, taxes or other money accruing due in respect of lands in Burlington Beach and may expend so much of the money received therefrom as may in its opinion seem necessary or expedient in beautifying or otherwise improving the same as a park and place of public resort or for any other purpose authorized by this Act. R.S.O. 1927, c. 83, s. 7. *Part.*

(3) This is the same as subsection 2 of the present section 19.

Sections 11, 12, 13. The same as the present sections 23, 21 and 22, respectively.

Section 14. This is the same as the present section 7 with some slight change in the wording and omitting the provision for the payment over of any surplus at the end of each financial year to the Treasurer of Ontario. This has never been done and there does not appear to be any good reason for continuing the provision.

Powers of Commission acting as council or board of police commissioners.

Rev. Stat. c. 233.

15. Subject to any general or special regulation made with respect to the government of Burlington Beach and subject, in the case of any by-law passed by the Commission, to the approval of the Lieutenant-Governor in Council, the Commission shall have and may exercise within the limits of Burlington Beach all powers and perform the duties conferred and imposed by *The Municipal Act* on the council or on the board of commissioners of police in a city having a population of not less than 100,000, and may from time to time pass by-laws for the appointment of constables and making regulations as to police and for licensing and regulating or prohibiting any trade or calling, and for fixing license fees, and generally for the good government of Burlington Beach in the same manner and to the same extent as any such council or board of commissioners of police. *New.* (See R.S.O. 1927, c. 83, s. 9.)

Debentures.

16.—(1) The Commission, with the approval of the Lieutenant-Governor in Council may from time to time pass by-laws for contracting debts and for issuing debentures for the construction or erection of any permanent works or improvements authorized by this Act, and may include the amount required to meet the payment of such debt or debentures in the general rate levied annually by the commission, but the total amount of any debentures so issued and outstanding at any one time shall not exceed \$100,000.

Form and terms.

(2) The debentures may be for such amounts, and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and unless otherwise directed by the Lieutenant-Governor in Council it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Municipal Act* relating to the contracting of debts by a municipal corporation.

Rev. Stat. c. 233.

Provision for payment.

(3) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the commission.

Rights of debenture holders.

(4) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenue of the commission, and the Commission shall pay such debenture debts in priority to all other debts. R.S.O. 1927, c. 83, s. 10.

Authentication of by-law.

17.—(1) By-laws passed by the commission shall be authenticated by the signatures of the chairman and secretary and the seal of the corporation; and a copy of any such by-law so authenticated shall be of the same force and shall have the

Section 15. This is a new section although there is now in the statute a provision which confers upon the Burlington Beach Commission the powers of commissioners of police in cities of 100,000 or over. It seems to be necessary to have some fuller provision in order to avoid doubts arising as to the extent of the powers of the Commission. It has to be borne in mind that all by-laws passed by the Commission are subject to the approval of the Lieutenant-Governor in Council.

Sections 16, 17. The same as present sections 10 and 13, respectively.

Rev. Stat. c. 233. same effect as a copy of a municipal by-law duly certified in the manner provided by *The Municipal Act*.

Application of Rev. Stat. c. 233 as to certification of by-laws. (2) The provisions of *The Municipal Act*, relating to the approval of municipal by-laws by the Ontario Railway and Municipal Board shall apply to any by-law heretofore or hereafter passed by the commission in the same manner and to the same extent as if the commission were a municipal corporation. R.S.O. 1927, c. 83, s. 13.

License fees and penalties to be paid to commission. **18.** All sums collected for license fees or for penalties for offences against any by-law passed by the commission shall be paid over to the commission. R.S.O. 1927, c. 83, s. 15.

Maintenance of highways. **19.** It shall be the duty of the Commission to keep the highways other than provincial highways in Burlington Beach in proper repair. R.S.O. 1927, c. 83, s. 16.

Commission to have rights of township under agreements with electric railways. **20.** In case a railway operated by electricity upon a highway or any portion of which is so operated has been heretofore constructed in Burlington Beach under any agreement with the corporation of the township of Saltfleet, then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highways in Burlington Beach over which the railway is operated and to the removal of snow and ice from the tracks of the railway and the disposal of such snow and ice upon the highway or elsewhere, the commission shall, in respect of that portion of the railway in Burlington Beach, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the corporation of the township of Saltfleet under such agreement and any officer or person named therein and charged with the performance of any duty in respect to such matters thereunder. R.S.O. 1927, c. 83, s. 17.

Tracks to conform to grades. **21.** All railway companies occupying highways in Burlington Beach shall cause their tracks to conform to the grades of the highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the highways and the passage of vehicles over the same; and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof. R.S.O. 1927, c. 83, s. 18.

Public Utilities. **22.** Subject to the approval of the Lieutenant-Governor in Council the commission may from time to time pass by-laws,—

(a) For establishing, constructing, erecting, laying down

Sections 18 to 21. These are the same as sections 15 to 18 of the present Act.

Section 22. This is a new section and seems to be necessary in order to provide for public services. When the water works service was connected with the Hamilton system there was a special provision authorizing the work. It seems to be wise to have some general provision under which the Commission may make contracts for the supply of any other public service.

and maintaining waterworks, electric light and power works, gas works or any other public utility;

- (b) For entering into contracts or agreements with any municipal corporation or commission in an adjacent municipality or with any provincial commission or with any company for the supply of any public utility to Burlington Beach or the inhabitants;
- (c) For the issue of debentures as provided in section 8 for any of the above purposes. (*New.*)

Application
of Rev. Stat.
c. 249.

23. *The Public Utilities Act* shall apply to Burlington Beach and to the commission in the same manner and to the same extent as if the commission were a municipal commission established under the said Act. (*New.*)

Powers as to
schools.

24. Subject to the approval of the Lieutenant-Governor in Council the commission shall have and may exercise all the rights and powers and shall perform the like duties, and be subject to the like obligations as the council, board of public school trustees and a board of high school trustees or a board of education in a city. (*New.*)

Debentures
for school
purposes.

25. The commission, with the approval of the Lieutenant-Governor in Council, may from time to time pass by-laws for the issue of debentures for the establishment, erection and maintenance of a public school or a continuation school in Burlington Beach and such debentures shall be for such amounts and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Municipal Act* or of the school laws of Ontario relating to the contracting of debts for school purposes. (*New.*)

Rev. Stat.
c. 233.

26. *The Burlington Beach Act*, being chapter 83 of the Revised Statutes of Ontario 1927, except as to section 11, and subsection 7 of section 9, of the said Act, is hereby repealed.

Rev. Stat.
c. 83
repealed.

Commence-
ment of
Act.

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

Section 23. This section is complementary to the new section 22.

Sections 24, 25. These are the school sections. It has always been supposed that the Commission had the powers of a board of school trustees and they have been carrying on a school at the Beach for a long time. It has become necessary to erect a new building and the powers given in this section are intended to enable this to be done. As the Act stands at present the Commission has no power whatever to issue debentures for school purposes. The powers given are of course subject to the approval of the Lieutenant-Governor in Council.

Section 26. This is the repeal section. Section 11 and subsection 7 of section 9 which are omitted from the repeal deal with arrangements for water works and the improvement of the Park.

BILL.
An Act respecting Burlington Beach.

1st Reading
February 14th, 1930

2nd Reading

3rd Reading

MR. FINLAYSON

No. 74

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

BILL

An Act respecting Burlington Beach.

MR. FINLAYSON

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

No. 74.

1930.

BILL

An Act respecting Burlington Beach.

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

Short title. **1.** This Act may be cited as *The Burlington Beach Act, 1930*.

Burlington
Beach
Commission. **2.** The corporation heretofore known as the "Burlington Beach Commission," hereinafter called the "Commission," is continued and shall consist of not less than two persons, who shall be appointed from time to time by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1927, c. 83, s. 1, (1), (2).

Limits of
Burlington
Beach. **3.** All those parcels or tracts of land and premises known as portions of Burlington Beach in the Township of Saltfleet, as shown and coloured red on parts of a plan of survey by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands and Forests, which are abutted and bounded as follows:—

First. Commencing at the point A as shown on the plan in the southern limit of the County of Halton; thence easterly along that limit to the easterly shore of the Beach at the point B as shown on the plan; thence southerly along the said Beach to the point C as shown on the plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of the Reserve to the westerly shore of the Beach at the point D as shown on the plan; thence northerly along the Beach to the point A as shown on the plan, the place of beginning;

Second. Commencing at the point E on the plan in the southern limit of the Burlington Canal Reserve; thence easterly along that limit to the easterly shore of the Beach at the point F as shown on the plan; thence southerly along the Beach to the point G as shown on the plan, being

EXPLANATORY NOTES.

The present arrangement of this Act is misleading. The sections have now been arranged in more logical order.

Section 2. This is taken from subsections 1 and 2 of the present section 1 and makes no change in the law.

Section 3. This is a description of Burlington Beach.

the point of intersection with the north side of the road between lots Nos. 28 and 29 in the 1st concession of the Township of Saltfleet, produced easterly to the Beach; thence westerly along the northerly side of that road produced to the westerly shore of the Beach at the point H as shown on the plan; thence northerly along the said Beach to the point E as shown on the plan, the place of beginning;

Third. The Burlington Canal Reserve;

Fourth. The promontory extending into Burlington Bay from the Beach, which is not coloured red on the plan, and which promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker by letters patent dated 18th May, 1896, southerly to a point opposite the lands granted to James Crooks by letters patent dated 7th April, 1897;

Fifth. Lands under the waters of Burlington Bay and Lake Ontario adjoining the Beach which may be required for water lots and kindred purposes in which the fee is vested in the Crown;

shall continue to be known as "Burlington Beach" and for the purposes of this Act shall be subject to the government of the Commission. R.S.O. 1927, c. 83, s. 2.

Separation
from town-
ship and
county.

4.—(1) Burlington Beach shall be deemed to be separated from and shall not form part of the Township of Saltfleet or the County of Wentworth for municipal or school purposes. R.S.O. 1927, c. 83, s. 24 (1), *part.*

Part of
county for
judicial
purposes.

Annual
payment to
county.

(2) For judicial purposes Burlington Beach shall be and shall remain a portion of the County of Wentworth and notwithstanding anything in *The Municipal Act* contained, the Commission shall pay annually on or before the 1st day of December, the sum of \$250 to the corporation of the County of Wentworth in full satisfaction of all liability to the county. R.S.O. 1927, c. 83, s. 24 (1), (4).

Elections to
Assembly.

5. For purposes of elections to the Assembly, Burlington Beach shall be and remain a portion of the Township of Saltfleet, and all persons in Burlington Beach possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township; and for such purposes the Commission shall annually before the 15th day of July prepare and furnish to the clerk of the township a list of persons so qualified, and, for the information of the clerk, shall furnish

Section 4. This is made up from subsections 1 and 4 of the present section 24 and makes no change in the law.

Sections 5, 6, 7, 8, 9. The same as the present sections 27, 3, 4, 5 and 6, respectively.

all particulars required in preparing his lists under *The Voters' Lists Act*. R.S.O. 1927, c. 83, s. 27.

Rev. Stat.
c. 7.

Enquiry as
to existing
franchises,
leases, etc.

6. It shall be the duty of the Commission and it shall have power to enquire into and ascertain the facts concerning all franchise agreements, all sub-leases, all portions of Burlington Beach held under sub-leases from the corporation of the City of Hamilton or otherwise, the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such agreements and sub-leases are made, and all other particulars in connection with the same. R.S.O. 1927, c. 83, s. 3.

Collection
of arrears
of rents, etc.

7. The Commission shall have power to demand, collect and receive from any person in occupation or use of the lands in Burlington Beach under any such agreement or sub-lease any money due and unpaid for rent or otherwise, in respect thereof. R.S.O. 1927, c. 83, s. 4.

Report on
proposed
sales, leases,
etc.

8. The Commission shall, after making such inquiries, report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any land should be leased, sold or otherwise disposed of and any rights, privileges or franchises should be granted to the occupants or to other persons as to the Commission may seem just and proper under the circumstances of each case. R.S.O. 1927, c. 83, s. 5.

Regulations
as to
sales, leases,
etc.

9. The Commission, subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by agreement, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 83, s. 6.

Chairman.

Secretary.

10.—(1) The Commissioners shall at the first meeting of the Commission in each year elect one of their number as chairman and shall appoint a secretary who for the purposes of this Act shall possess all the rights and powers and perform all the duties that pertain respectively to the offices of clerk and treasurer of a city. R.S.O. 1927, c. 83, s. 1 (3). *Amended.*

Other
officers.

Rev. Stat.,
cc. 238, 7.

(2) The Commissioners shall by by-law appoint an assessor or assessors, or assessment commissioner, and collectors of rates and taxes who shall have and perform all the powers and duties provided for in *The Assessment Act* and *The Voters' Lists Act* in the case of clerks, assessors and collectors for the collection of all money due from the owners or occupants of

Section 10 (1). This is the same as subsection 3 of the present section 1 and makes no change except to make the secretary of the Commission treasurer as well as clerk.

(2) This provides expressly for the appointment of the necessary **officers** to carry out *The Municipal and Assessment Acts*.

any lands in Burlington Beach. *New.* (See R.S.O. 1927, c. 83, s. 19 (1)).

Statute
labour
Rev. Stat.
o. 239.

(3) Subsection 1 of section 2 of *The Statute Labour Act* shall apply *mutatis mutandis* to Burlington Beach and to the Commission in the same manner and to the same extent as to a city and to the council thereof. R.S.O. 1927, c. 83, s. 19 (2).

Action not
to lie against
commission
without
consent of
Crown.

11. No action shall be brought against the Commissioners personally for anything done or omitted to be done under this Act without the authority of the Lieutenant-Governor in Council. R.S.O. 1927, c. 83, s. 23.

Books of
account.

12.—(1) The Commission shall cause books to be provided and true and accurate accounts to be entered therein of all sums of money received and paid out and of the several purposes for which the same were received and paid out; and such books shall be at all times open to the inspection of the Treasurer of Ontario and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in Burlington Beach for such purposes, and any such person may take copies or extracts from such books.

Application
of Rev. Stat.
c. 25.

(2) Sections 10, 30, 32 and 33 of *The Audit Act* shall apply to the accounts of the Commissioners in respect of receipts and expenditures.

Publication
of summary.

(3) A summary of the receipts and expenditures shall be published annually in a newspaper published in the City of Hamilton. R.S.O. 1927, c. 83, s. 21.

Annual
report to
Crown

13. The Commission shall on or before the 1st day of December in each year report to the Lieutenant-Governor in Council the receipts and expenditures of the year and such other matters as may appear to it to be of public interest in relation to the government of Burlington Beach, or to anything arising out of this Act, and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct. R.S.O. 1927, c. 83, s. 22.

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14. The Commission shall collect all rents, taxes or other money accruing due in respect of lands in Burlington Beach and may expend so much of the money received therefrom as may in its opinion seem necessary or expedient in beautifying or otherwise improving the same as a park and place of public resort or for any other purpose authorized by this Act. R.S.O. 1927, c. 83, s. 7. *Part.*

(3) This is the same as subsection 2 of the present section 19.

Sections 11, 12, 13. The same as the present sections 23, 21 and 22, respectively.

Section 14. This is the same as the present section 7 with some slight change in the wording and omitting the provision for the payment over of any surplus at the end of each financial year to the Treasurer of Ontario. This has never been done and there does not appear to be any good reason for continuing the provision.

Powers of Commission acting as council or board of police commissioners.

Rev. Stat. c. 233.

15. Subject to any general or special regulation made with respect to the government of Burlington Beach and subject, in the case of any by-law passed by the Commission, to the approval of the Lieutenant-Governor in Council, the Commission shall have and may exercise within the limits of Burlington Beach all powers and perform the duties conferred and imposed by *The Municipal Act* on the council or on the board of commissioners of police in a city having a population of not less than 100,000, and may from time to time pass by-laws for the appointment of constables and making regulations as to police and for licensing and regulating or prohibiting any trade or calling, and for fixing license fees, and generally for the good government of Burlington Beach in the same manner and to the same extent as any such council or board of commissioners of police. *New.* (See R.S.O. 1927, c. 83, s. 9.)

Debentures.

16.—(1) The Commission, with the approval of the Lieutenant-Governor in Council may from time to time pass by-laws for contracting debts and for issuing debentures for the construction or erection of any permanent works or improvements authorized by this Act, and may include the amount required to meet the payment of such debt or debentures in the general rate levied annually by the commission, but the total amount of any debentures so issued and outstanding at any one time shall not exceed \$100,000.

Form and terms.

(2) The debentures may be for such amounts, and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and unless otherwise directed by the Lieutenant-Governor in Council it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Municipal Act* relating to the contracting of debts by a municipal corporation.

Rev. Stat. c. 233.

Provision for payment.

(3) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the commission.

Rights of debenture holders.

(4) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenue of the commission, and the Commission shall pay such debenture debts in priority to all other debts. R.S.O. 1927, c. 83, s. 10.

Authentication of by-law.

17.—(1) By-laws passed by the commission shall be authenticated by the signatures of the chairman and secretary and the seal of the corporation; and a copy of any such by-law so authenticated shall be of the same force and shall have the

Section 15. This is a new section although there is now in the statute a provision which confers upon the Burlington Beach Commission the powers of commissioners of police in cities of 100,000 or over. It seems to be necessary to have some fuller provision in order to avoid doubts arising as to the extent of the powers of the Commission. It has to be borne in mind that all by-laws passed by the Commission are subject to the approval of the Lieutenant-Governor in Council.

Sections 16, 17. The same as present sections 10 and 13, respectively.

Rev. Stat. c. 233. same effect as a copy of a municipal by-law duly certified in the manner provided by *The Municipal Act*.

Application of Rev. Stat. c. 233 as to certification of by-laws. (2) The provisions of *The Municipal Act*, relating to the approval of municipal by-laws by the Ontario Railway and Municipal Board shall apply to any by-law heretofore or hereafter passed by the commission in the same manner and to the same extent as if the commission were a municipal corporation. R.S.O. 1927, c. 83, s. 13.

License fees and penalties to be paid to commission. **18.** All sums collected for license fees or for penalties for offences against any by-law passed by the commission shall be paid over to the commission. R.S.O. 1927, c. 83, s. 15.

Maintenance of highways. **19.** It shall be the duty of the Commission to keep the highways other than provincial highways in Burlington Beach in proper repair. R.S.O. 1927, c. 83, s. 16.

Commission to have rights of township under agreements with electric railways. **20.** In case a railway operated by electricity upon a highway or any portion of which is so operated has been heretofore constructed in Burlington Beach under any agreement with the corporation of the township of Saltfleet, then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highways in Burlington Beach over which the railway is operated and to the removal of snow and ice from the tracks of the railway and the disposal of such snow and ice upon the highway or elsewhere, the commission shall, in respect of that portion of the railway in Burlington Beach, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the corporation of the township of Saltfleet under such agreement and any officer or person named therein and charged with the performance of any duty in respect to such matters thereunder. R.S.O. 1927, c. 83, s. 17.

Tracks to conform to grades. **21.** All railway companies occupying highways in Burlington Beach shall cause their tracks to conform to the grades of the highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the highways and the passage of vehicles over the same; and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof. R.S.O. 1927, c. 83, s. 18.

Public Utilities. **22.** Subject to the approval of the Lieutenant-Governor in Council the commission may from time to time pass by-laws,—

(a) For establishing, constructing, erecting, laying down

Sections 18 to 21. These are the same as sections 15 to 18 of the present Act.

Section 22. This is a new section and seems to be necessary in order to provide for public services. When the water works service was connected with the Hamilton system there was a special provision authorizing the work. It seems to be wise to have some general provision under which the Commission may make contracts for the supply of any other public service.

and maintaining waterworks, electric light and power works, gas works or any other public utility;

(b) For entering into contracts or agreements with any municipal corporation or commission in an adjacent municipality or with any provincial commission or with any company for the supply of any public utility to Burlington Beach or the inhabitants;

(c) For the issue of debentures as provided in section 8 for any of the above purposes. (*New.*)

Application
of Rev. Stat.
c. 249.

23. *The Public Utilities Act* shall apply to Burlington Beach and to the commission in the same manner and to the same extent as if the commission were a municipal commission established under the said Act. (*New.*)

Powers as to
schools.

24. Subject to the approval of the Lieutenant-Governor in Council the commission shall have and may exercise all the rights and powers and shall perform the like duties, and be subject to the like obligations as the council, board of public school trustees and a board of high school trustees or a board of education in a city. (*New.*)

Debentures
for school
purposes.

25. The commission, with the approval of the Lieutenant-Governor in Council, may from time to time pass by-laws for the issue of debentures for the establishment, erection and maintenance of a public school or a continuation school in Burlington Beach and such debentures shall be for such amounts and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Municipal Act* or of the school laws of Ontario relating to the contracting of debts for school purposes. (*New.*)

Rev. Stat.
c. 233.

Provision for
annexation
to Hamilton.

26.—(1) Notwithstanding anything in this or any other Act contained, in case the council of the corporation of the city of Hamilton by resolution declares that it is expedient that the said Burlington Beach, as described in section 3 hereof, should be annexed to the city of Hamilton, and in case the majority of the ratepayers in said Burlington Beach petition the Lieutenant-Governor in Council to add the same to the said city, and after due notice of such resolution and petition has been given by the council of the said city to the council of the corporation of the county of Wentworth, the Lieutenant-Governor in Council may, by proclamation to take effect upon a day to be named therein, annex the said


Section 23. This section is complementary to the new section 22.

Sections 24, 25. These are the school sections. It has always been supposed that the Commission had the powers of a board of school trustees and they have been carrying on a school at the Beach for a long time. It has become necessary to erect a new building and the powers given in this section are intended to enable this to be done. As the Act stands at present the Commission has no power whatever to issue debentures for school purposes. The powers given are of course subject to the approval of the Lieutenant-Governor in Council.

Burlington Beach to the city of Hamilton, upon such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise howsoever, as shall be determined by the Lieutenant-Governor in Council.

(2) The Lieutenant-Governor in Council may vary or amend the terms and conditions of the said proclamation at any time in case it is deemed expedient so to do and may by proclamation repeal all or any of the provisions of this Act.

(3) The terms and conditions contained in any such proclamation of the Lieutenant-Governor in Council and the proclamation shall have the same force and effect and be as binding as if such terms and conditions were embodied in an Act of this Legislature.

(4) The Lieutenant-Governor in Council may direct that a vote be taken for determining whether or not the majority of the municipal electors of the part proposed to be annexed are in favour of its being annexed, and may fix the time and place for the taking of the vote, name the returning officer and make such other provisions as may be deemed necessary." 

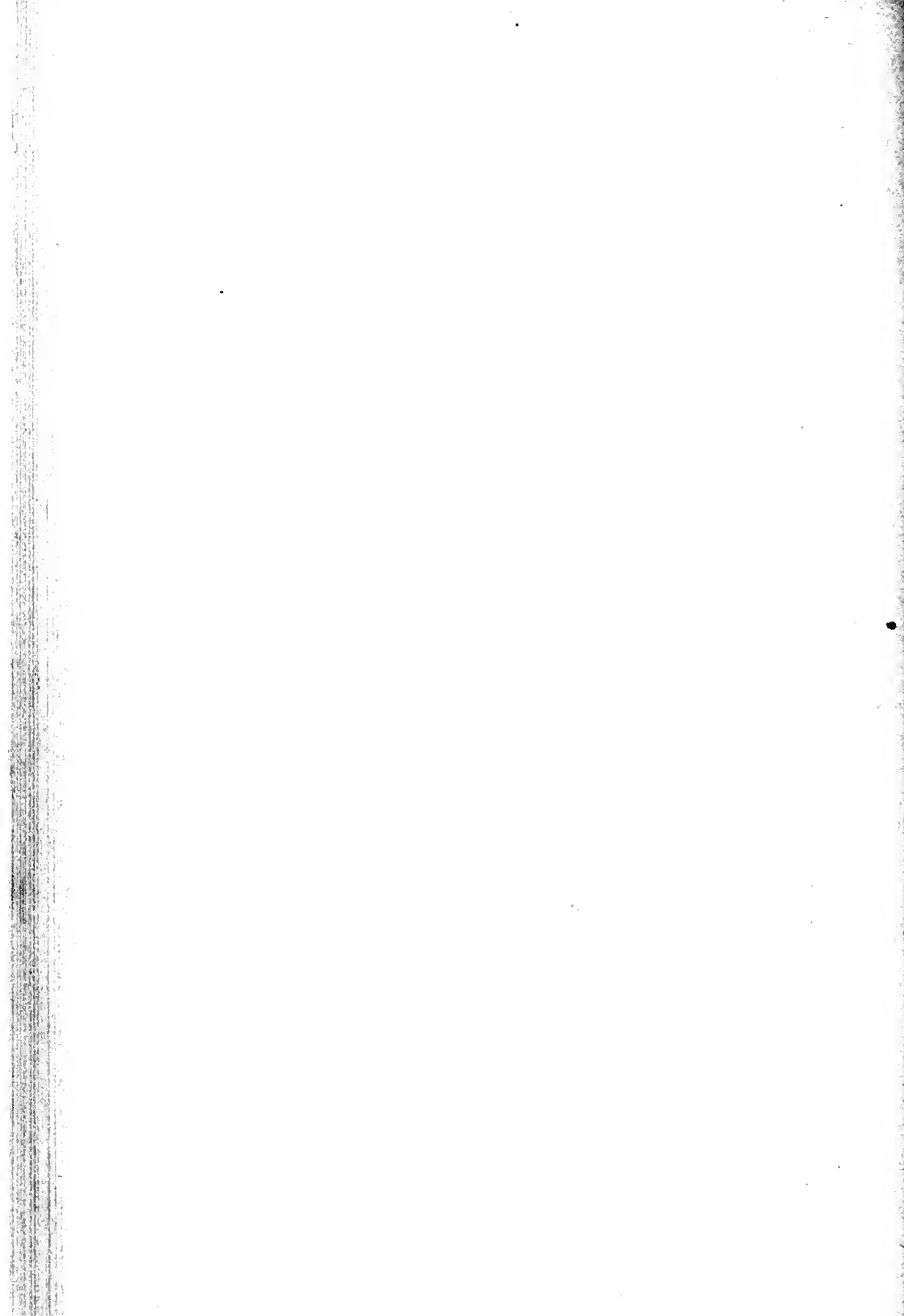
Rev. Stat.
c. 83
repealed.

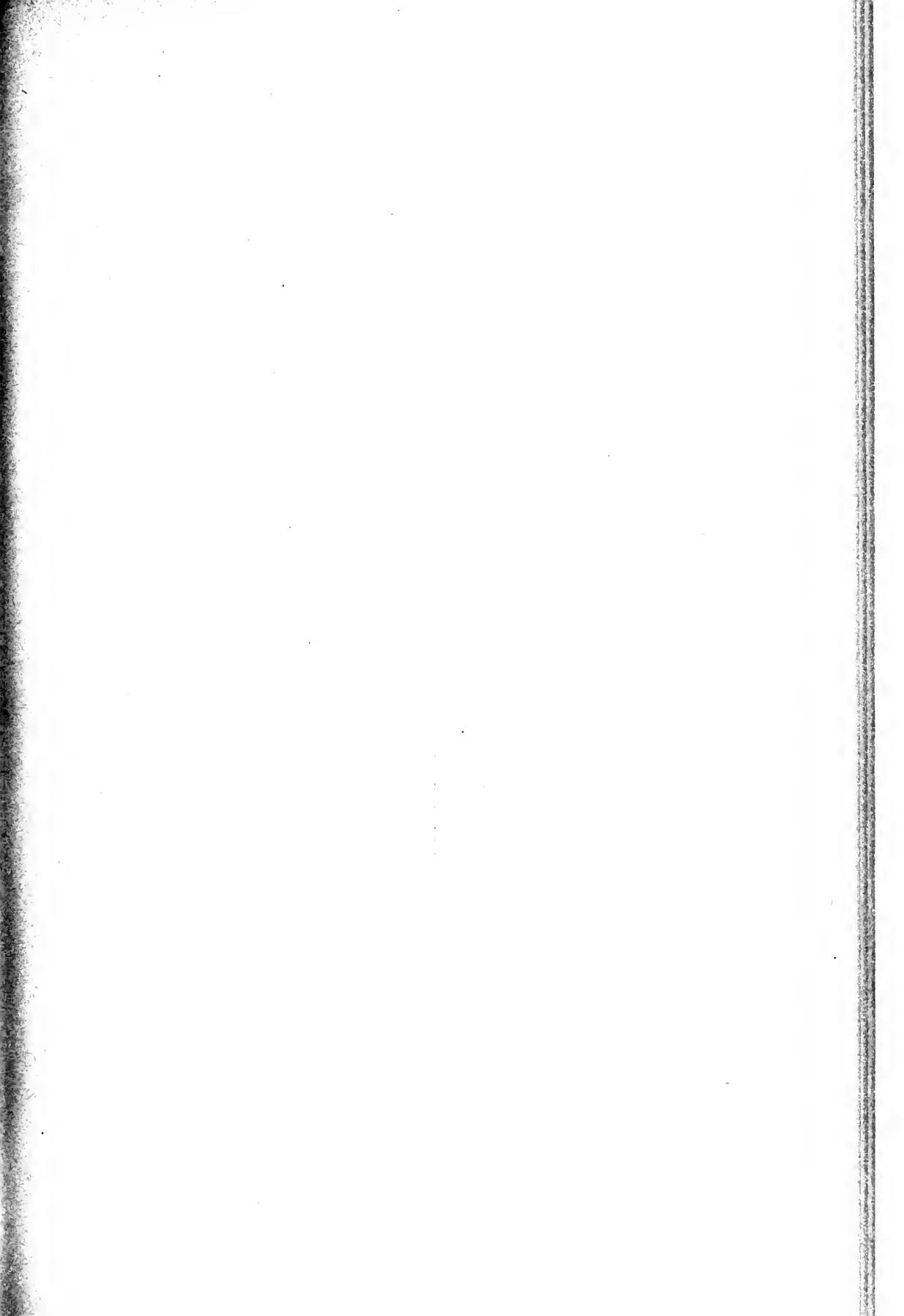
27. *The Burlington Beach Act*, being chapter 83 of the Revised Statutes of Ontario 1927, except as to section 11, and subsection 7 of section 9, of the said Act, is hereby repealed.

Commence-
ment of
Act.

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

Section 27. This is the repeal section. Section 11 and subsection 7 of section 9 which are omitted from the repeal deal with arrangements for water works and the improvement of the Park.





BILL.
An Act respecting Burlington Beach.

1st Reading
February 14th, 1930

2nd Reading
February 19th, 1930

3rd Reading

MR. FINLAYSON

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

No. 74

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

BILL

An Act respecting Burlington Beach.

MR. FINLAYSON

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

BILL

An Act respecting Burlington Beach.

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

Short title. **1.** This Act may be cited as *The Burlington Beach Act, 1930.*

Burlington
Beach
Commission. **2.** The corporation heretofore known as the "Burlington Beach Commission," hereinafter called the "Commission," is continued and shall consist of not less than two persons, who shall be appointed from time to time by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1927, c. 83, s. 1, (1), (2).

Limits of
Burlington
Beach. **3.** All those parcels or tracts of land and premises known as portions of Burlington Beach in the Township of Saltfleet, as shown and coloured red on parts of a plan of survey by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands and Forests, which are abutted and bounded as follows:—

First. Commencing at the point A as shown on the plan in the southern limit of the County of Halton; thence easterly along that limit to the easterly shore of the Beach at the point B as shown on the plan; thence southerly along the said Beach to the point C as shown on the plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of the Reserve to the westerly shore of the Beach at the point D as shown on the plan; thence northerly along the Beach to the point A as shown on the plan, the place of beginning;

Second. Commencing at the point E on the plan in the southern limit of the Burlington Canal Reserve; thence easterly along that limit to the easterly shore of the Beach at the point F as shown on the plan; thence southerly along the Beach to the point G as shown on the plan, being

the point of intersection with the north side of the road between lots Nos. 28 and 29 in the 1st concession of the Township of Saltfleet, produced easterly to the Beach; thence westerly along the northerly side of that road produced to the westerly shore of the Beach at the point H as shown on the plan; thence northerly along the said Beach to the point E as shown on the plan, the place of beginning;

Third. The Burlington Canal Reserve;

Fourth. The promontory extending into Burlington Bay from the Beach, which is not coloured red on the plan, and which promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker by letters patent dated 18th May, 1896, southerly to a point opposite the lands granted to James Crooks by letters patent dated 7th April, 1897;

Fifth. Lands under the waters of Burlington Bay and Lake Ontario adjoining the Beach which may be required for water lots and kindred purposes in which the fee is vested in the Crown;

shall continue to be known as "Burlington Beach" and for the purposes of this Act shall be subject to the government of the Commission. R.S.O. 1927, c. 83, s. 2.

4.—(1) Burlington Beach shall be deemed to be separated from and shall not form part of the Township of Saltfleet or the County of Wentworth for municipal or school purposes. R.S.O. 1927, c. 83, s. 24 (1), *part*. Separation from township and county.

(2) For judicial purposes Burlington Beach shall be and shall remain a portion of the County of Wentworth and notwithstanding anything in *The Municipal Act* contained, the Commission shall pay annually on or before the 1st day of December, the sum of \$250 to the corporation of the County of Wentworth in full satisfaction of all liability to the county. R.S.O. 1927, c. 83, s. 24 (1), (4). Part of county for judicial purposes. Annual payment to county.

5. For purposes of elections to the Assembly, Burlington Beach shall be and remain a portion of the Township of Saltfleet, and all persons in Burlington Beach possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township; and for such purposes the Commission shall annually before the 15th day of July prepare and furnish to the clerk of the township a list of persons so qualified, and, for the information of the clerk, shall furnish Elections to Assembly.

all particulars required in preparing his lists under *The Voters' Lists Act*. R.S.O. 1927, c. 83, s. 27.

Rev. Stat.
c. 7.

Enquiry as
to existing
franchises,
leases, etc.

6. It shall be the duty of the Commission and it shall have power to enquire into and ascertain the facts concerning all franchise agreements, all sub-leases, all portions of Burlington Beach held under sub-leases from the corporation of the City of Hamilton or otherwise, the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such agreements and sub-leases are made, and all other particulars in connection with the same. R.S.O. 1927, c. 83, s. 3.

Collection
of arrears
of rents, etc.

7. The Commission shall have power to demand, collect and receive from any person in occupation or use of the lands in Burlington Beach under any such agreement or sub-lease any money due and unpaid for rent or otherwise, in respect thereof. R.S.O. 1927, c. 83, s. 4.

Report on
proposed
sales, leases,
etc.

8. The Commission shall, after making such inquiries, report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any land should be leased, sold or otherwise disposed of and any rights, privileges or franchises should be granted to the occupants or to other persons as to the Commission may seem just and proper under the circumstances of each case. R.S.O. 1927, c. 83, s. 5.

Regulations
as to
sales, leases,
etc.

9. The Commission, subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by agreement, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 83, s. 6.

Chairman.

10.—(1) The Commissioners shall at the first meeting of the Commission in each year elect one of their number as chairman and shall appoint a secretary who for the purposes of this Act shall possess all the rights and powers and perform all the duties that pertain respectively to the offices of clerk and treasurer of a city. R.S.O. 1927, c. 83, s. 1 (3). *Amended.*

Secretary.

Other
officers.

(2) The Commissioners shall by by-law appoint an assessor or assessors, or assessment commissioner, and collectors of rates and taxes who shall have and perform all the powers and duties provided for in *The Assessment Act* and *The Voters' Lists Act* in the case of clerks, assessors and collectors for the collection of all money due from the owners or occupants of

Rev. Stat.,
oc. 238, 7.

any lands in Burlington Beach. *New.* (See R.S.O. 1927, c. 83, s. 19 (1)).

(3) Subsection 1 of section 2 of *The Statute Labour Act* shall apply *mutatis mutandis* to Burlington Beach and to the Commission in the same manner and to the same extent as to a city and to the council thereof. R.S.O. 1927, c. 83, s. 19 (2). Statute labour Rev. Stat. c. 239.

11. No action shall be brought against the Commissioners personally for anything done or omitted to be done under this Act without the authority of the Lieutenant-Governor in Council. R.S.O. 1927, c. 83, s. 23. Action not to lie against commission without consent of Crown.

12.—(1) The Commission shall cause books to be provided and true and accurate accounts to be entered therein of all sums of money received and paid out and of the several purposes for which the same were received and paid out; and such books shall be at all times open to the inspection of the Treasurer of Ontario and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in Burlington Beach for such purposes, and any such person may take copies or extracts from such books. Books of account.

(2) Sections 10, 30, 32 and 33 of *The Audit Act* shall apply to the accounts of the Commissioners in respect of receipts and expenditures. Application of Rev. Stat. c. 25.

(3) A summary of the receipts and expenditures shall be published annually in a newspaper published in the City of Hamilton. R.S.O. 1927, c. 83, s. 21. Publication of summary.

13. The Commission shall on or before the 1st day of December in each year report to the Lieutenant-Governor in Council the receipts and expenditures of the year and such other matters as may appear to it to be of public interest in relation to the government of Burlington Beach, or to anything arising out of this Act, and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct. R.S.O. 1927, c. 83, s. 22. Annual report to Crown

14. The Commission shall collect all rents, taxes or other money accruing due in respect of lands in Burlington Beach and may expend so much of the money received therefrom as may in its opinion seem necessary or expedient in beautifying or otherwise improving the same as a park and place of public resort or for any other purpose authorized by this Act. R.S.O. 1927, c. 83, s. 7. *Part.* Collection of revenues.

Powers of Commission acting as council or board of police commissioners.

Rev. Stat. c. 233.

15. Subject to any general or special regulation made with respect to the government of Burlington Beach and subject, in the case of any by-law passed by the Commission, to the approval of the Lieutenant-Governor in Council, the Commission shall have and may exercise within the limits of Burlington Beach all powers and perform the duties conferred and imposed by *The Municipal Act* on the council or on the board of commissioners of police in a city having a population of not less than 100,000, and may from time to time pass by-laws for the appointment of constables and making regulations as to police and for licensing and regulating or prohibiting any trade or calling, and for fixing license fees, and generally for the good government of Burlington Beach in the same manner and to the same extent as any such council or board of commissioners of police. *New.* (See R.S.O. 1927, c. 83, s. 9.)

Debentures.

16.—(1) The Commission, with the approval of the Lieutenant-Governor in Council may from time to time pass by-laws for contracting debts and for issuing debentures for the construction or erection of any permanent works or improvements authorized by this Act, and may include the amount required to meet the payment of such debt or debentures in the general rate levied annually by the commission, but the total amount of any debentures so issued and outstanding at any one time shall not exceed \$100,000.

Form and terms.

Rev. Stat. c. 233.

(2) The debentures may be for such amounts, and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and unless otherwise directed by the Lieutenant-Governor in Council it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Municipal Act* relating to the contracting of debts by a municipal corporation.

Provision for payment.

(3) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the commission.

Rights of debenture holders.

(4) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenue of the commission, and the Commission shall pay such debenture debts in priority to all other debts. R.S.O. 1927, c. 83, s. 10.

Authentication of by-law

17.—(1) By-laws passed by the commission shall be authenticated by the signatures of the chairman and secretary and the seal of the corporation; and a copy of any such by-law so authenticated shall be of the same force and shall have the

same effect as a copy of a municipal by-law duly certified in the manner provided by *The Municipal Act*.

Rev. Stat.
c. 233.

(2) The provisions of *The Municipal Act*, relating to the approval of municipal by-laws by the Ontario Railway and Municipal Board shall apply to any by-law heretofore or hereafter passed by the commission in the same manner and to the same extent as if the commission were a municipal corporation. R.S.O. 1927, c. 83, s. 13.

Application
of Rev. Stat.
c. 233 as to
certification
of by-laws.

18. All sums collected for license fees or for penalties for offences against any by-law passed by the commission shall be paid over to the commission. R.S.O. 1927, c. 83, s. 15.

License fees
and penalties
to be paid to
commission.

19. It shall be the duty of the Commission to keep the highways other than provincial highways in Burlington Beach in proper repair. R.S.O. 1927, c. 83, s. 16.

Maintenance
of highways.

20. In case a railway operated by electricity upon a highway or any portion of which is so operated has been heretofore constructed in Burlington Beach under any agreement with the corporation of the township of Saltfleet, then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highways in Burlington Beach over which the railway is operated and to the removal of snow and ice from the tracks of the railway and the disposal of such snow and ice upon the highway or elsewhere, the commission shall, in respect of that portion of the railway in Burlington Beach, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the corporation of the township of Saltfleet under such agreement and any officer or person named therein and charged with the performance of any duty in respect to such matters thereunder. R.S.O. 1927, c. 83, s. 17.

Commission
to have
rights of
township
under
agreements
with electric
railways.

21. All railway companies occupying highways in Burlington Beach shall cause their tracks to conform to the grades of the highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the highways and the passage of vehicles over the same; and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof. R.S.O. 1927, c. 83, s. 18.

Tracks to
conform to
grades.

22. Subject to the approval of the Lieutenant-Governor in Council the commission may from time to time pass by-laws,—

Public
Utilities.

(a) For establishing, constructing, erecting, laying down

and maintaining waterworks, electric light and power works, gas works or any other public utility;

- (b) For entering into contracts or agreements with any municipal corporation or commission in an adjacent municipality or with any provincial commission or with any company for the supply of any public utility to Burlington Beach or the inhabitants;
- (c) For the issue of debentures as provided in section 8 for any of the above purposes. (*New.*)

Application
of Rev. Stat.
c. 249.

23. *The Public Utilities Act* shall apply to Burlington Beach and to the commission in the same manner and to the same extent as if the commission were a municipal commission established under the said Act. (*New.*)

Powers as to
schools.

24. Subject to the approval of the Lieutenant-Governor in Council the commission shall have and may exercise all the rights and powers and shall perform the like duties, and be subject to the like obligations as the council, board of public school trustees and a board of high school trustees or a board of education in a city. (*New.*)

Debentures
for school
purposes.

25. The commission, with the approval of the Lieutenant-Governor in Council, may from time to time pass by-laws for the issue of debentures for the establishment, erection and maintenance of a public school or a continuation school in Burlington Beach and such debentures shall be for such amounts and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Municipal Act* or of the school laws of Ontario relating to the contracting of debts for school purposes. (*New.*)

Rev. Stat.
c. 233.

Provision for
annexation
to Hamilton.

26.—(1) Notwithstanding anything in this or any other Act contained, in case the council of the corporation of the city of Hamilton by resolution declares that it is expedient that the said Burlington Beach, as described in section 3 hereof, should be annexed to the city of Hamilton, and in case the majority of the ratepayers in said Burlington Beach petition the Lieutenant-Governor in Council to add the same to the said city, and after due notice of such resolution and petition has been given by the council of the said city to the council of the corporation of the county of Wentworth, the Lieutenant-Governor in Council may, by proclamation to take effect upon a day to be named therein, annex the said

Burlington Beach to the city of Hamilton, upon such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise howsoever, as shall be determined by the Lieutenant-Governor in Council.

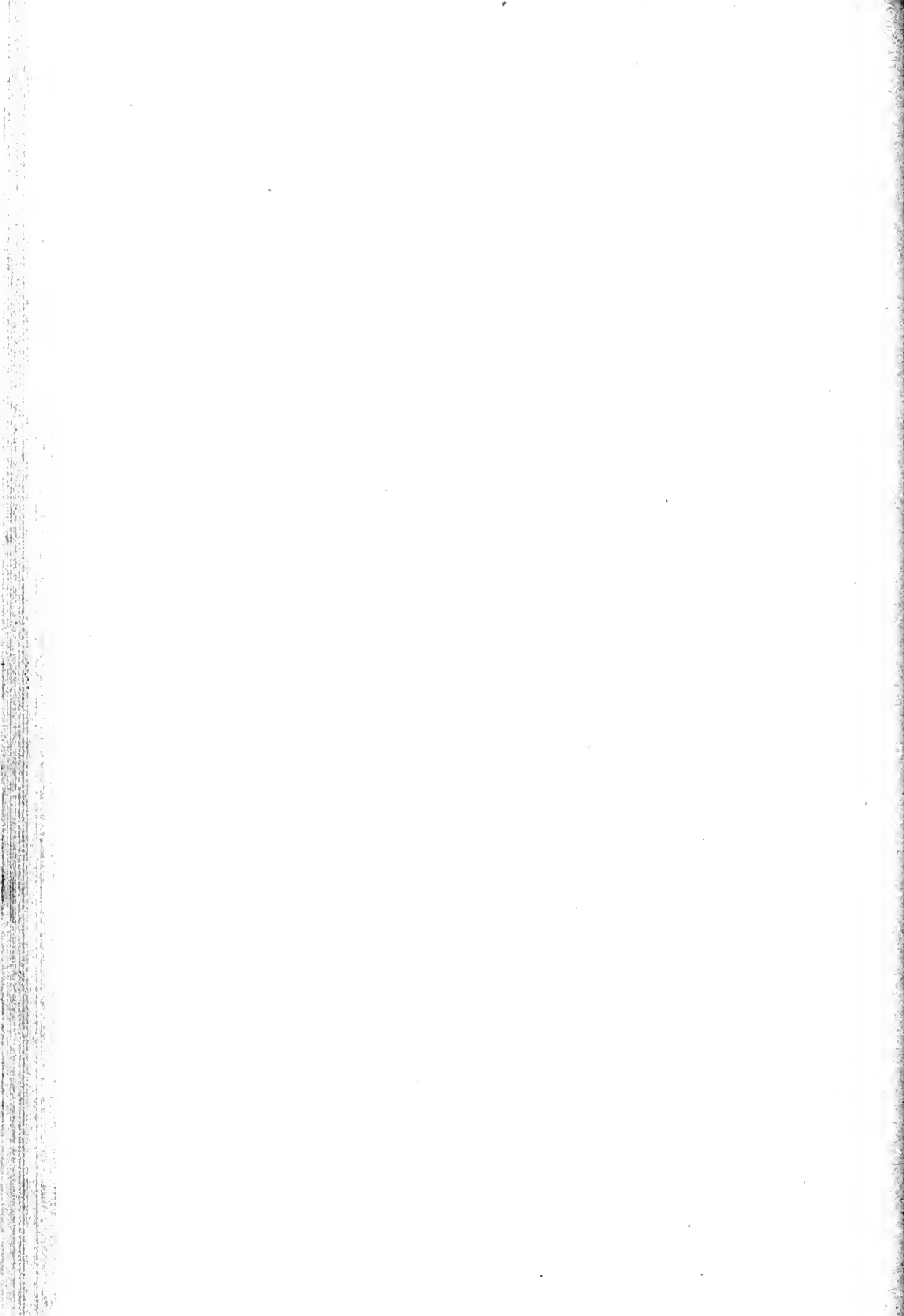
(2) The Lieutenant-Governor in Council may vary or amend the terms and conditions of the said proclamation at any time in case it is deemed expedient so to do and may by proclamation repeal all or any of the provisions of this Act.

(3) The terms and conditions contained in any such proclamation of the Lieutenant-Governor in Council and the proclamation shall have the same force and effect and be as binding as if such terms and conditions were embodied in an Act of this Legislature.

(4) The Lieutenant-Governor in Council may direct that a vote be taken for determining whether or not the majority of the municipal electors of the part proposed to be annexed are in favour of its being annexed, and may fix the time and place for the taking of the vote, name the returning officer and make such other provisions as may be deemed necessary."

27. *The Burlington Beach Act*, being chapter 83 of the Revised Statutes of Ontario 1927, except as to section 11, and subsection 7 of section 9, of the said Act, is hereby repealed.

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





BILL.
An Act respecting Burlington Beach.

1st Reading

February 14th, 1930

2nd Reading

February 19th, 1930

3rd Reading

March 19th, 1930

MR. FINLAYSON

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

BILL

An Act for the Prevention of Fraud in connection with the
Sale of Securities.

MR. PRICE

BILL

An Act for the Prevention of Fraud in connection with the Sale of Securities.

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

Short Title. **1.** This Act may be cited as The Security Frauds Prevention Act, 1930.

Interpretations. **2.** In this Act—

- “Broker.” (a) “Broker” shall mean every person other than a salesman who engages either for the whole or part of his time directly or through an agent in the business of trading in securities and shall include **a company, and** such officials of a company or partnership which trades in securities as may be designated by the Regulations, **and shall include a security issuer except where the context clearly indicates the contrary.**
- “Company.” (b) “Company” **means** any incorporated corporation, **association** or other organization.
- “Fraud.” (c) “Fraud,” “fraudulent” and “fraudulent act” shall, in addition to their ordinary meaning, include:
- (i) any intentional misrepresentation by word, conduct or in any manner of any material fact either present or past, and any intentional omission to disclose any such fact;
 - (ii) any promise or representation as to the future which is beyond reasonable expectation and not made in good faith;
 - (iii) any fictitious or pretended trade in any security;

EXPLANATORY NOTE.

The Act is re-enacted for greater convenience, so that the proper effect of the amendments of 1929 and 1930 may be more readily understood. The changes for 1930 are indicated in blacker type than the body of the Bill.

Section 2 (*a*). The definition is extended to include a company in order to save repetition later on, and to exclude companies, syndicates, etc., which issue only their own stock, units, etc. Former reference to a trustee capacity is deleted.

Section 2 (*b*). Rearranged for greater clarity.

- (iv) the gaining or attempt to gain, directly or indirectly, through a trade in any security, a commission, fee or **gross** profit so large and exorbitant as to be unconscionable and unreasonable;
- (v) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser **or the vendor** of any security as to the nature of any transaction or as to the value of such security;
- (vi) the making of any material false statement in any application, information, material or evidence submitted or given to the Attorney-General, his representative or the Registrar under the provisions of this Act or the Regulations; or in any prospectus or return filed with the Provincial Secretary;
- (vii) the violation of any provision of this Act or of the Regulations relating to trading in securities;
- (viii) **generally** any artifice, agreement, device or scheme **course of conduct or business** to obtain money, profit or property by any of the means hereinbefore set forth or otherwise contrary to law **and** anything specifically designated in the Regulations as coming within the meaning of this definition;

"Person."

- (d) "Person" shall mean an individual, partnership, association, syndicate and any unincorporated organization.

"Registrar."

- (e) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar under the provisions of this Act and the Regulations.

"Regulations."

- (f) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act.

"Salesman."

- (g) "Salesman" shall mean every person employed, appointed or authorized by any broker or company to trade in securities whether directly or through sub-agents.

Section 2 (c) (iv). The words "gross profit" prevent any argument as to whether "net profit" might have been meant.

Section 2 (c) (v). Amended to include deceit of one who has a security to exchange for what may prove to be one of less value.

Section 2 (c) (vii). More concisely worded.

Section 2 (c) (viii). Rearranged with the addition of the power to add further definitions.

Section 2 (d). Reference to a trustee capacity is deleted.

"Security."

(h) "Security" shall include,

- (a) any document, instrument or writing commonly known as a security, or
- (b) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company; or
- (c) any document constituting evidence of an interest in an association of legatees or heirs, or
- (d) any document constituting evidence of an interest in any option given upon a security, or
- (e) any document designated as a security by the regulations.

"Security issuer."

- (i) "Security issuer" shall include a company or person, other than an individual, trading in securities of its own issue and not trading generally in other securities.

"Trade."

- (j) "Trade" or "Trading" shall include any **solicitation or obtaining of a subscription to**, disposition of, transaction in, or attempt to deal in, sell or dispose of a security or interest in or option upon a security for any valuable consideration whether the terms of payment be upon margin, instalment or otherwise, and any underwriting of any issue or part of an issue of a security, and any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing or specifically designated as "trade" or "trading" in the Regulations.

PART I.

REGISTRATION OF BROKERS AND SALESMEN.

3.—(1) No person shall,—

- (a) trade in any security unless he is registered as a broker or salesman of a **registered broker**, or

Brokers,
officials and
salesmen to
register.

Section 2 (*h*). The definition is merely rearranged.

Section 2 (*i*). A new definition to distinguish the company selling its own stock from the general broker.

Section 2 (*j*). Amended to cover the solicitations of subscriptions to capital stock, to overcome any possible restriction upon the scope of the definition.

Note.—A former definition of “trustee” is deleted as superfluous.

Section 3 (1). Amended to make it clear that salesman can only do business while employed by a registered broker, and not after dismissal, etc., until they have been employed by another registered broker.

- (b) act as an official of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he or the partnership or company is registered as a broker,
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he is registered as a salesman **of a partnership or company which is registered as a broker,**

and such registrations have been made in accordance with the provisions of this Act and the Regulations, and any violation of this section shall constitute an offence.

Partnership
or company
may be
registered.

(2) With the approval of the Attorney-General, any partnership or company may be registered as a broker, whereupon the partnership or company may trade in securities, and the members and officials of the partnership, and the officials of the company other than branch managers or salesmen of the partnership or company, may act as such without separate registration, and the provisions of this Act, and of the Regulations relating to registered persons or companies, shall be deemed to apply to such partnership or company.

Exemptions.

(3) **Registration shall not be required in respect of any of the following classes of trades or securities,—**

Judicial
sales.

(a) A trade in a security taking place at a judicial, executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under *The Bankruptcy Act*, a receiver under *The Judicature Act*, or a liquidator under *The Companies Act* or *The Winding Up Act*.

R.S.C. cc.
11, 213.
(Dom.),
Rev. Stat.
cc. 88, 218.

Isolated
transactions
by owner.

(b) An isolated trade in a specific security by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like character, **nor by a person whose usual business is trading in securities.**

Banks, etc.,
Crown,
municipal
and public
officials, and
registered
persons, etc.

(c) A trade where one of the parties is a bank, loan company, trust company or insurance company, or is an official or employee, in the performance of his

Section 3 (3). Phraseology slightly changed.

Section 3 (3) (b). Amended to cover cases that have arisen of salesmen who have been refused registration trying to evade the Act.

duties as such, of His Majesty in right of the Dominion or any province or territory of Canada or of any municipal corporation, or public board or commission in Canada or is registered as a broker under the provisions of this Act.

Sale by
pledgee for
debt.

(d) A trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by selling or offering for sale or delivery in good faith in the ordinary course of business a security pledged in good faith as security for such debt.

Stock
dividends,
etc.

(e) The distribution, issuance or sale by a company exclusively to the holders of its securities of capital stock, bonds or other securities as a stock dividend or other distribution out of earnings or surplus, or in the process of a *bona fide* reorganization of the company, or of additional capital stock where no commission or other remuneration is paid or given in connection therewith.

Exchange
on merger.

(f) The exchange by or on account of one company with another company of its own securities in connection with a consolidation, amalgamation or merger of either company.

Prospector's
'grubstake'
or share in
claim.

(g) A trade in good faith by an actual prospector of a security issued by him for the purpose of financing a prospecting expedition, or for the purpose of disposing of any of his interest in a mining claim or property staked by or wholly or partly owned by him.

Trust.

(h) Securities in which trust funds may lawfully be invested in Ontario.

Secured
bonds.

(i) **Securities** secured by mortgage upon real estate or tangible personal property where the entire mortgage, together with all of the **securities** secured thereby **or where all of the securities secured thereby** are sold at the one time.

Negotiable
paper.

(j) Negotiable promissory notes or commercial paper maturing not more than a year from the date of issue.

Securities
based upon
conditional
sales.

(k) Securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the

Section 3 (3) (i). Slight amendment to supersede a similar regulation.

acquisition of personal property under conditional sale contracts.

Shares of non-profit-sharing companies.

- (l) Securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder.

Trades or securities exempted by Regulations.

- (m) Any class of trade or security specifically exempted from the application of subsections 1 and 2 of this section by the Regulations.

Registration within ten days unless Attorney-General objects.

4.—(1) Unless the Attorney-General otherwise directs the Registrar may after the receipt by him of any application for registration cause to be entered in a book kept for such purpose and open to public inspection, hereinafter called the "Register," the name and address for service of such applicant, whereupon such applicant shall be deemed to be registered as a broker or salesman as the case may be.

Temporary registration.

(2) The Registrar may cause a temporary entry to be made, designated as such, in the register, subject to cancellation at any time upon the order of the Attorney-General.

Expiration, change and renewal of registration.

(3) Registrations shall expire, and may be changed or renewed as the Regulations shall provide.

Application to be upon forms with proper fees and bonds.

5.—(1) Every application under this Act or the Regulations shall be made in writing upon the forms provided by the Registrar, and shall be accompanied by the fee prescribed by the Regulations and such bond as may be required.

Address for service.

(2) Every applicant, whether domiciled in Ontario or not, shall state in every application an address for service in Ontario, and all notices under this Act or the Regulations and all legal process issued by or on behalf of any person or company shall be sufficiently served for all purposes if posted by registered mail to the applicant at the latest address for service so stated, and in the case of a non-registered company where the officials are registered to the latest address of the person registered as the senior official of such company in Ontario.

Further information.

(3) The Registrar may from time to time and shall when so directed by the Attorney-General require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any matter then or previously submitted.

Section 4 (1). Words “within ten days” after “may” in line 2, deleted to conform to practice.

Section 4 (2). The requirement of a special direction for a “temporary registration” is dispensed with to conform to practice.

\$500 bond
by every
broker and
applicant.

6.—(1) Every applicant for registration as a broker shall before registration submit a bond by the applicant or the person or company he represents as the Registrar may require, such bond be in the sum of \$500 and in such form and upon such condition as the Regulations shall prescribe.

Bond
by a surety
company if
required.

(2) The Registrar may and when so directed by the Attorney-General shall require any applicant or any registered person or company within a specified time limit to deliver a bond by a surety company approved by the Attorney-General **or any other bond** in such form and upon such condition as the Regulations shall prescribe, and in such amount as the Regulations or the Attorney-General shall require.

New bond.

(3) The Registrar may and when so directed by the Attorney-General shall require a new bond of the kind mentioned in subsections 1 or 2 to be filed within a specified time limit.

Forfeiture
of bonds.

7.—(1) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when there has been filed with the Registrar the Attorney-General's certificate that the **broker** in respect of whose conduct the bond is conditioned, or any official of **the broker** has, in connection with a trade in a security, been,—

\$500 bond.

(a) in the case of the bond mentioned in subsection 1 of section 6,

(i) charged with any criminal offence, or,

(ii) found upon investigation by the Attorney-General or his representative to have committed a fraudulent act, or

Bond
by surety
company.

(b) in the case of the bond mentioned in subsection 2 of section 6,

(i) convicted of a criminal offence, or

(ii) convicted of an offence against any provision of this Act or the Regulations, or

(iii) enjoined by the Supreme Court or a Judge thereof otherwise than by an interim injunction.

(iv) a party to civil proceedings in the courts as a result of which final judgment has

Section 7 (1) Deletion of words "employee or salesman" after "official" in line 7, removes a somewhat unreasonable responsibility from the surety companies.

"Broker" replaces "person or company."

Section 7 (1) (b) (iv). This makes the surety bond available to a judgment creditor who has obtained judgment from a broker who has defrauded him.

been given against such person, company or official in connection with a trade in a security where such judgment is based upon a finding of fraud.

Forfeiture upon bankruptcy or winding up proceedings.

(2) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when there has been filed with the Registrar a certificate signed by the Attorney-General that proceedings by or in respect of the **broker or salesman** in respect of whose conduct the bond is conditioned have been taken under *The Bankruptcy Act*, or by way of winding up.

Assignment of bond or payment of moneys to creditors.

(3) The Attorney-General may assign any bond forfeited under the provisions of subsections 1, or 2, or may pay over any moneys recovered thereunder to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company as the case may be, such assignment or payment over to be in accordance with and upon conditions set forth in the Regulations or in any special order of the Lieutenant-Governor in Council.

Attorney-General's orders concerning applications.

8.—(1) The Attorney-General may order that,—

(a) any application for registration, renewal, or change of registration shall or shall not be granted for any reason which he may deem sufficient, or that

Deceptive names.

(b) the application of any person for registration shall not be granted where it appears that such person proposes to use or is using a trading name other than his own, or that of his partner, where such trading name is apt to lead the public to believe it is that of a business firm of longer established standing in Ontario, or is calculated to conceal from the public the identity of the applicant, or is for any reason objectionable, or that

Temporary entries.

(c) any temporary entry in the register shall be made, suspended or cancelled for any reason which he may deem sufficient, or that

Registration reduced or cancelled.

(d) any registration shall be reduced to a temporary registration or suspended or cancelled upon,—

Section 7 (2) "Broker" replaces "person or company."

Section 7 (3). A misprint corrected.

Section 8 (1) (d). Extension of the power to reduce registration to temporary registration as enacted in 1929.
"Broker" replaces "person or company."

- (i) any proceedings being taken by or in respect of the **broker** under *The Bankruptcy Act* or by way of winding up, or
- (ii) suspension from any stock exchange of any **broker** or **any** representative upon any stock exchange of any **broker, or**
- (iii) **institution of criminal proceedings against the broker or any official of the broker, or**
- (iv) **conviction of the broker or an official of the broker of an offence against this Act or the Regulations.**

Suspension or cancellation for default.

- (e) the registration of any **broker or salesman** shall be suspended for any period or cancelled by reason of default in filing a bond when required under the provisions of subsections 2 and 3 of section 6, or that

Suspension under Part II.

- (f) the registration of any **broker or salesman** shall be suspended as provided in section 10,

and no order of the Attorney-General shall be subject to review in any way in any court.

Entry or suspension or cancellation.

(2) The Registrar upon receiving any order of the Attorney-General suspending or cancelling any registration shall cause immediate entry thereof to be made in the register whereupon the suspension or cancellation shall become effective forthwith, but notice thereof and of the refusal of any application shall be sent to the **broker or salesman** concerned.

Further applications.

(3) Notwithstanding any order of the Attorney-General a further application may be made upon new or other material, or where it is clear that material circumstances have changed.

PART II.

INVESTIGATION AND ACTION BY THE ATTORNEY-GENERAL.

Investigation by Attorney-General.

9.—(1) The Attorney-General, or any person or persons to whom as his representative or representatives he may in writing delegate such authority, may examine any person, **company, property** or thing whatsoever at any time in order to ascertain whether any fraudulent act, or any offence against this Act or of the Regulations has been, is being, or is about to be committed, and for such purpose shall have the

Section 8 (1) (e), (f); Section 8 (2). "Broker or salesman" replaces "person or company."

Section 9 (1). The meaning of the section enabling the Attorney General to examine any person "at any time" is clarified, and the question of privilege, which was misunderstood by the trial judge in a recent case is set forth better. The Act takes away the common law privilege of objecting to produce documents on the ground that they might incriminate, as this was untouched by The Evidence Act. The right to object under that Act is retained, and only interfered with in section 11 (3).

same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath and to produce documents, records and things as is vested in the Supreme Court or a Judge thereof for the trial of civil cases, save that the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby and no evidence given shall be privileged except under The Evidence Act and The Canada Evidence Act, and save further that no provisions of The Evidence Act shall exempt any bank or any officer or employee thereof from the operation of this section.

Appoint-
ment of
accountants
and other
experts.

(2) When the Attorney-General, or his representative, is about to examine or is examining any person or company under this section the Attorney-General may appoint an accountant or other expert to examine documents, records, properties and matters and report thereon to him.

Failure to
give infor-
mation, etc.,
an offence
and also
prima facie
evidence.

(3) The failure without reasonable excuse of any person or company to furnish information required by the Registrar under Part I within the time limited, or the failure without reasonable excuse of any person summoned for examination under subsection 1 to appear or his refusal to give evidence or to answer any question, or the failure without reasonable excuse or refusal of any person or company to produce anything where the evidence, answer or production would be required in an action shall constitute an offence and shall also be *prima facie* evidence upon which,—

- (a) the Attorney-General, or his representative, may base an affirmative finding concerning any fraudulent act to which he may deem it relevant, or
- (b) the Supreme Court, or a Judge thereof, may grant an interim or permanent injunction, or
- (c) a police magistrate may base a conviction for an offence against this Act or the Regulations.

Evidence
not to be
disclosed.

(4) Disclosure by any person other than the Attorney-General, his representative or the Registrar, without the consent of any one of them, of any information or evidence

To remove any doubt as to whether or not a bank is exempt from examination, it is expressly provided that The Evidence Act of 1929 shall not affect the operation of the section.

Section 9 (2). This is to enable the appointment of expert accountants engineers, etc., to investigate.

obtained or the name of any witness examined or sought to be examined under subsection 1 shall constitute an offence.

Attorney-
General
may

10. If the Attorney-General or his representative upon investigation finds that any fraudulent act, or that any offence against this Act or the Regulations, has been, is being, or is about to be committed, the Attorney-General

suspend for
over ten
days

(a) may where a registered broker, company or salesman is in his opinion concerned therein, order that the broker, company or salesman and any other registered broker, company or salesman connected with the same organization, be suspended from registration for any period not exceeding ten days, or

and proceed
by injunc-
tion.

(b) may where he considers a suspension for ten days inadequate, or where any unregistered person or company is in his opinion concerned in such fraudulent act or in such offence, proceed under the provisions of section 11, or, otherwise under this Act or the Regulations, or

Notice of
fraud.

(c) may give notice of the fraudulent act to the public by advertisement or otherwise or to any individual by letter or otherwise, whenever he deems it advisable.

Supreme
Court or
Judge may
enjoin from
trading in
securities.

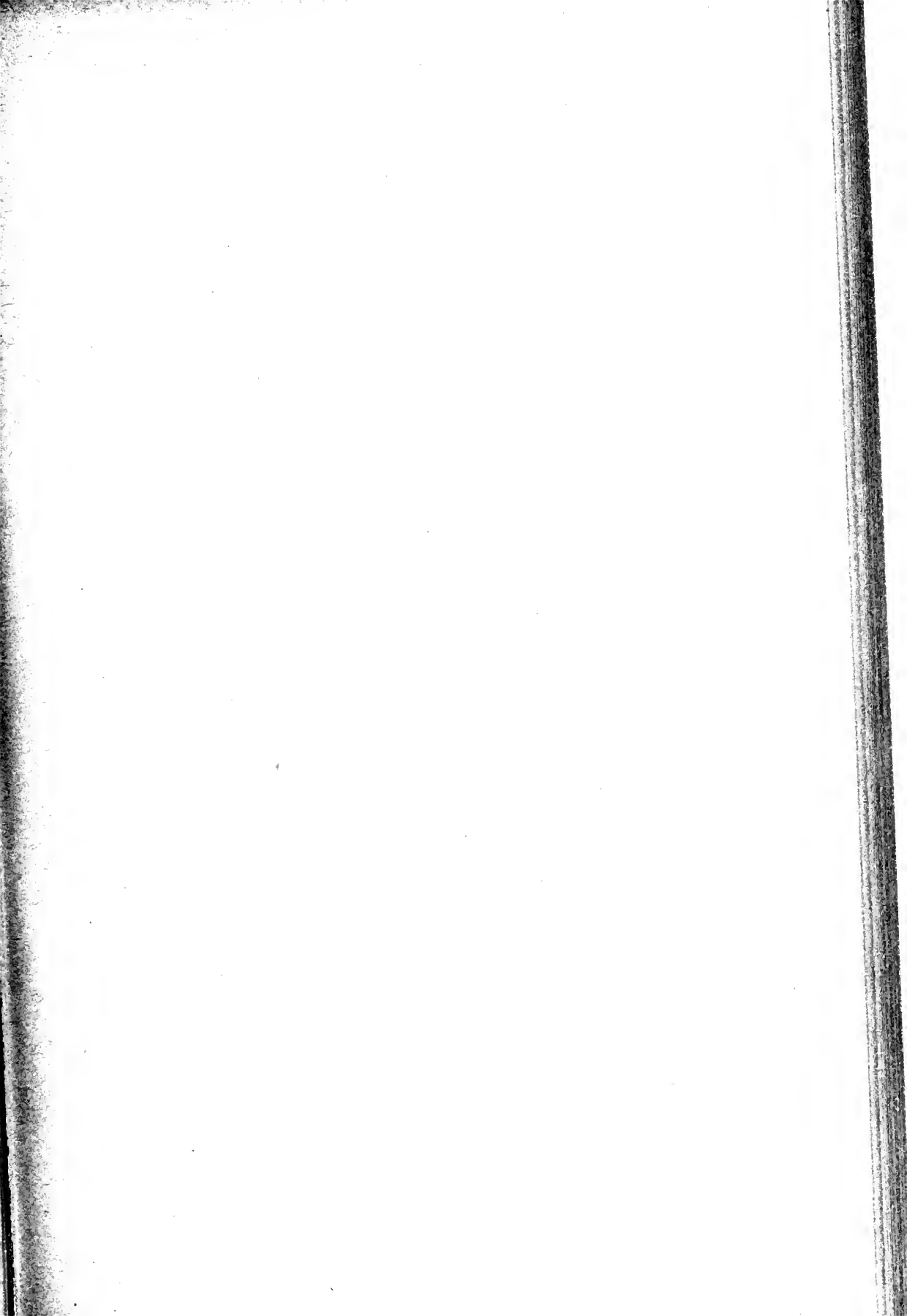
11.—(1) The Supreme Court or any Judge thereof is hereby empowered upon the application of the Attorney-General, where it is made to appear upon the material filed or evidence adduced that any fraudulent act, or any offence against this Act or the Regulations has been, is being or is about to be committed may by order enjoin,—

(a) any registered broker, company or salesman or any person or company implicated with any of them in the same matter from trading in any security whatever absolutely or for such period of time as shall seem just, and any such injunction shall *ipso facto* suspend the registration of any registered person or company named in the order during the same period, or

(b) any person or company from trading in any security whatever, or in any specific security, or from committing any specific fraudulent act or series of fraudulent acts absolutely or for such period of time as shall seem just.

Application
may be *ex*
parte

(2) The application of the Attorney-General under subsection 1 may be made without any action being instituted, either,—



(a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* hereof is sooner heard and determined, or

or by
originating
notice.

(b) by an originating notice of motion, which, if an interim injunction has been granted, shall be served within five and returnable within ten days from the date of such interim injunction.

Evidence.

(3) Any information, evidence, exhibit or thing obtained by the Attorney-General or his representative or the Registrar under the provisions of this Act or the Regulations, or copies thereof, **or statement that a person or company is or is not registered or other data concerning registration** certified by the Attorney-General or the Registrar **without proof of the office or signature of the person certifying**, shall, so far as relevant, be receivable in evidence for all purposes in any action, proceeding or prosecution and, in proceedings under this section only, the evidence of a witness may be used against him notwithstanding anything in *The Evidence Act* contained.

Rev. Stat.
c. 107.

Attorney-
General
may order
funds, etc.,
to be held.

12.—(1) The Attorney-General may,—

- (a) when he is about to examine or during or after the examination of any person or company under the provisions of section 9, or
- (b) when he is about to apply for or has applied for or has obtained an injunction interim or otherwise against any person or company under the provisions of section 11, or
- (c) where criminal proceedings which in his opinion are connected with or arise out of any security or any trade therein, or out of any business conducted by the accused are about to be or have been instituted against any person,

in writing or by telegram direct any person or company having in Ontario on deposit or under control or for safe keeping any funds or securities of the person or company so to be or actually examined, enjoined or charged, to hold such funds or securities **or direct the person or company so to be or actually examined, enjoined or charged to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping, or to**

Section 11 (3). The Registrar is enabled to certify as to registration without having to attend and give evidence.

Section 12 (1). The power to hold funds and securities is extended somewhat.

hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of *The Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or *The Winding Up Act*, or until the Attorney-General in writing revokes such direction or consents to release any particular fund or security from such direction, and failure without reasonable excuse by any person or company to comply with any such direction shall constitute an offence, provided that no such direction shall apply to funds or securities in a stock exchange clearing house nor to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

Proviso.

Application for direction.

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such fund or security and may make such order as to costs as may seem just.

Notice to Registrars of Deeds or Masters of Titles.

(3) In any of the circumstances mentioned in clauses (a), (b) or (c) of subsection 1, the Attorney-General may in writing or by telegram notify any Registrar of Deeds or Master of Titles or any Local Master of Titles or any Mining Recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the said notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Attorney-General may in writing revoke or modify such notice.

and may take bankruptcy proceedings, etc.

R.S.C., cc. 11, 213. (Dom.), Rev. Stat. cc. 88, 218.

(4) The Attorney-General, whenever His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of sections 6 and 7, may take such proceedings as he shall see fit under *The Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or *The Winding Up Act* for the appointment of an interim receiver, custodian, trustee, receiver or liquidator as the case may be.

PART III.

GENERAL PROVISIONS.

Judge
not *persona*
designata

13.—(1) A judge of the Supreme Court in exercising any of the powers conferred upon such judge by this Act shall be deemed so to act as a judge of such court and not as *persona designata*.

nor
Attorney-
General.

(2) The Attorney-General shall in all proceedings under this Act or the Regulations be deemed to be acting as the representative of His Majesty in the right of the Province of Ontario, and not as *persona designata*.

Judicature
Act and
Rules apply.
Rev. Stat.,
c. 88.

(3) The provisions of *The Judicature Act* and the Consolidated Rules of Practice and Procedure made thereunder so far as they are applicable to proceedings of a like nature, including those relating to appeals and to the enforcement of judgments and orders, shall apply to every proceeding before the Supreme Court or a judge thereof under the provisions of this Act, save that service of notices and other legal process shall be in accordance with subsection 2 of section 5 and save that costs may be awarded to but not against the Attorney-General.

No action,
etc., against
persons ad-
ministering
this Act.

14. No action whatever, and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the Regulations where such person is the Attorney-General or his representative, or the Registrar or where such person or company was proceeding under the written or verbal direction or consent of any one of them, or under an order of the Supreme Court or a judge thereof made under the provisions of this Act.

Regulations,
general
powers.

15. The Lieutenant-Governor in Council may make and from time to time amend, alter or repeal regulations not inconsistent with this Act for the better carrying out of the provisions of this Act, for the more efficient administration thereof and for the prevention of fraud in trading in securities whether upon any stock exchange or elsewhere in Ontario for the creation of offences, and for any other purpose elsewhere indicated in this Act, and all such regulations and any amendment, alteration or repeal thereof shall become effective in all respects as if enacted in this Act upon the publication thereof in the *Ontario Gazette*.

Penalties. **16.**—(1) Every person who violates any provision of this Act or the Regulations designated as an offence, or who does any fraudulent act not punishable under the provisions of the Criminal Code of Canada, shall be liable upon conviction thereof under *The Summary Convictions Act* to a penalty of not more than \$1,000 for a first offence, nor \$2,000 for a second or subsequent offence, and in case of either a first or a subsequent offence either in default of payment of any penalty imposed, or in addition to such penalty, to imprisonment for a term not exceeding six months.

Rev. Stat.
c. 121.

Companies. (2) The provisions of subsection 1 shall be deemed to apply *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000.

Apportionment of penalty on company among officers, etc.

(3) Where any company is convicted under this Act the magistrate may direct that, in default of payment of the penalty imposed, proportionate parts thereof shall be paid by such officers, directors, officials or employees of the company, and in such amounts as he shall designate, and in default of payment by any person so designated the magistrate may impose a penalty of imprisonment for a term not exceeding six months.

Consent of the Attorney-General required.

(4) No proceedings under this section shall be instituted except with the consent or under the direction of the Attorney General.

Collection of costs of investigation.

17. Where in consequence of an investigation under Part II of this Act, any person or company has been,—

- (a) convicted of a criminal offence; or
- (b) convicted of an offence against any provision of this Act or the Regulations; or
- (c) enjoined by the Supreme Court or a judge thereof otherwise than by an interim injunction, or
- (d) **examined and documents, records, properties or matters have been examined by an accountant or other expert appointed by the Attorney-General.**

the Attorney-General may certify in writing as to the costs of the investigation and shall be entitled to take such proceedings as are available to a judgment creditor for the collection from such person or company of the sum set forth in such

Section 17 (d). Extends the remedy of recovering the costs of an investigation.

certificate, which sum shall be a debt to His Majesty in right of the Province of Ontario.

Execution of warrant issued in another province.

18.—(1) Where a police magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of The Security Frauds Prevention Act or any similar statute of that province, any police magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the handwriting of the police magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all police constables within the territorial jurisdiction of the police magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario.

Prisoner in transit.

(2) Any police constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed in pursuance of subsection (1) hereof shall be entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof.

Expenses.
Rev. Stat.
c. 25.

19. Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act.

PART IV.

AUDIT, ACCOUNTS, INFORMATION.

Inter-pretation.

20.—(1) In this Part:

“Brokers’ Auditor.”

(a) “Brokers’ Auditor” shall mean an accountant whose name is on the panel of accountants approved by an executive committee.

Exchange Auditor.

(b) “Exchange Auditor” shall mean an accountant who shall have practiced as such in the Province for not less than ten years and who is employed by the executive committee.

Section 18. This corresponds largely to section 662 of the Criminal Code, and will enable the Provinces to aid each other in capturing undesirables accused of offences against this Act.

Section 20 (1) (b). Slightly recast.

"Executive Committee." (c) "Executive Committee" shall include the board of directors, managing committee or other governing committee of a stock exchange in Ontario.

Panel of brokers' auditors. (2) **Every** executive committee **shall** from time to time select a panel of accountants each of whom shall have practised as such in Ontario for not less than five years and shall be known as a brokers' auditor, and **shall** also employ an exchange auditor.

Exchange auditor.

Allotment of audits. (3) The executive committee shall allot to each brokers' auditor the persons or companies, whether members of or represented upon the exchange, which are to be audited by him, and all of the expenses of every audit are to be paid to the brokers' auditor by the executive committee, subject to full repayment forthwith by the person or company audited, and until such repayment is made the executive committee shall have a lien upon the seat belonging to or controlled by the person or company so indebted to the executive committee.

Duties of auditor.

(4) **Every brokers' auditor shall in each year audit the assets and liabilities as at a permanent date in each year fixed by the executive committee and prepare a balance sheet showing the position as at such date of the business and affairs of each person or company allotted to him, and shall also in each year make a like audit and prepare a like balance sheet as of a date designated by the executive committee, such last mentioned date to be not earlier than four months nor later than eight months from the permanent date in such year, and shall also make such further audit and prepare such further statements and make such further reports as such auditor may think advisable or as the executive committee may direct; no warning or notice shall in any way be given of any audit, other than that of the permanent date.**

Special audit.

(5) The executive committee of a stock exchange may at any time require any brokers' auditor upon the panel of accountants of the exchange to make any general or special audit or report upon the whole or any aspect of the business or affairs of any person or company who is or has been a member of or in any way represented upon the exchange.

Powers of auditors.

(6) Every brokers' auditor, for the purpose of any audit under the provisions of this section shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company being audited, and any person or company withholding, destroying, con-

Section 20 (2). As the principal exchanges have put this audit into effect, it is well to force the smaller ones to comply. Hence "may" is replaced by "shall."

Section 20 (4). Somewhat altered so that one audit will be at a fixed date in order to let it be used as the end of a fiscal year, for purposes of income tax, etc. The other audit will be at random.

cealing or refusing to give any information or thing reasonably required by the auditor for the purpose of his audit, shall be guilty of an offence.

Auditors' reports.

(7) Every brokers' auditor during or upon the completion of every **statement and** audit under the provisions of this section shall send a copy of every report whether interim or final to the exchange auditor and shall in addition specially report to such auditor any particular information which may be required under the by-laws, rules or regulations of the exchange and any further information which the brokers' auditor deems it to be in the public interest so to report, and the exchange auditor shall summarize all information so received, and report thereon to the executive committee for scrutiny, identifying the person or company affected thereby by number only until the executive committee decides to take action in respect of any such person or company, **or until the exchange auditor thinks it advisable in the public interest or in the interests of the Exchange to disclose such name to the executive committee.**

Power to examine.

(8) Any person designated in writing by an executive committee may examine under oath any member of the exchange or any officer of any company represented thereon, or any associate or employee of any such person or company upon any matter arising out of any report of a brokers' auditor and for the purposes of such inquiry the person so designated shall have all the powers which **a representative of the Attorney-General may exercise under section 9 hereof.**

Change of accounting system.

(9) Any executive committee may in writing, require any person or company whose affairs have been audited or are being audited to alter, supplement or replace any system of book or record keeping in any manner **"and to comply with any recommendation made by the exchange auditor," and any requirement of such executive committee.**

Failure to comply.

(10) Failure by any person or company, a member of or represented upon any stock exchange, to comply with any requirement of the executive committee of the exchange, or any person designated by it under subsection 8 hereof, shall constitute an offence and shall entitle the executive committee to suspend such person or member representing such company for such period as the said committee shall determine.

No action against auditors, etc.

(11) No action shall lie against any stock exchange, executive committee or any member thereof, or any person designated by it under subsection 8 hereof, or against any brokers' or exchange auditor in respect of any act or proceeding, under the provisions of this section.

Section 20 (7). Slightly redrawn so as to give the exchange auditor a broader discretion.

Section 20 (8). Gives the designee of the executive committee more clear-cut powers.

Section 20 (9). Gives the exchanges absolute power to enforce the recommendations of the exchange auditor.

Section 20 (11). Protects the exchanges also.

PART V.

Regulation of Trading.

Selling
against
customers'
buying
orders.

21.—(1) Whenever a person, or a member or employee of a partnership, or a director, officer or employee of a corporation, while he, or the partnership or corporation is employed as a broker by any customer to buy and carry upon margin any securities of any incorporated or unincorporated company or undertaking either in Canada or elsewhere, thereafter sells or causes to be sold, securities of the same company or undertaking for any account in which

- (a) he, or
- (b) his firm or a partner thereof, or
- (c) the corporation or a director thereof,

Customer's
contract
voidable.

has a direct or indirect interest, if the effect of such sale shall otherwise than unintentionally be to reduce the amount of such securities in the hands of the broker or under his control in the ordinary course of business below the amount of such securities which he should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the broker all moneys paid with interest thereon or securities deposited in respect thereof, and the broker shall be guilty of an offence.

An offence.

Exercise of
option.

(2) The customer may exercise such option by a registered letter to that effect addressed to the broker at his address for service in this Province.

Confirma-
tion to
customers.

22. Every broker who has acted as an agent for a customer shall promptly send or deliver to each customer for whom any security has been bought or sold by the broker, a written confirmation of the transaction, setting forth:

- (a) the quantity and description of the security.
- (b) the name of the person or company from or to whom the security was bought or sold.
- (c) the day, and in the case of a member of a stock exchange, the half hours between which, and the name of the stock exchange, upon which, the transaction took place,

Section 21. This is directed at the practice of a broker selling for his own account against a customer's buying order, thus preventing the purchase from having any effect upon the market, and relieving the broker from carrying the stock.

The customer, who has been so treated may elect to treat the contract as void, and recover whatever he paid with interest.

The act is also an offence.

Section 22. Provides more extensive information so customers can trace transactions and ascertain whether they were charged higher than the price paid by the broker.

and failure, without reasonable excuse, to comply herewith shall constitute an offence.

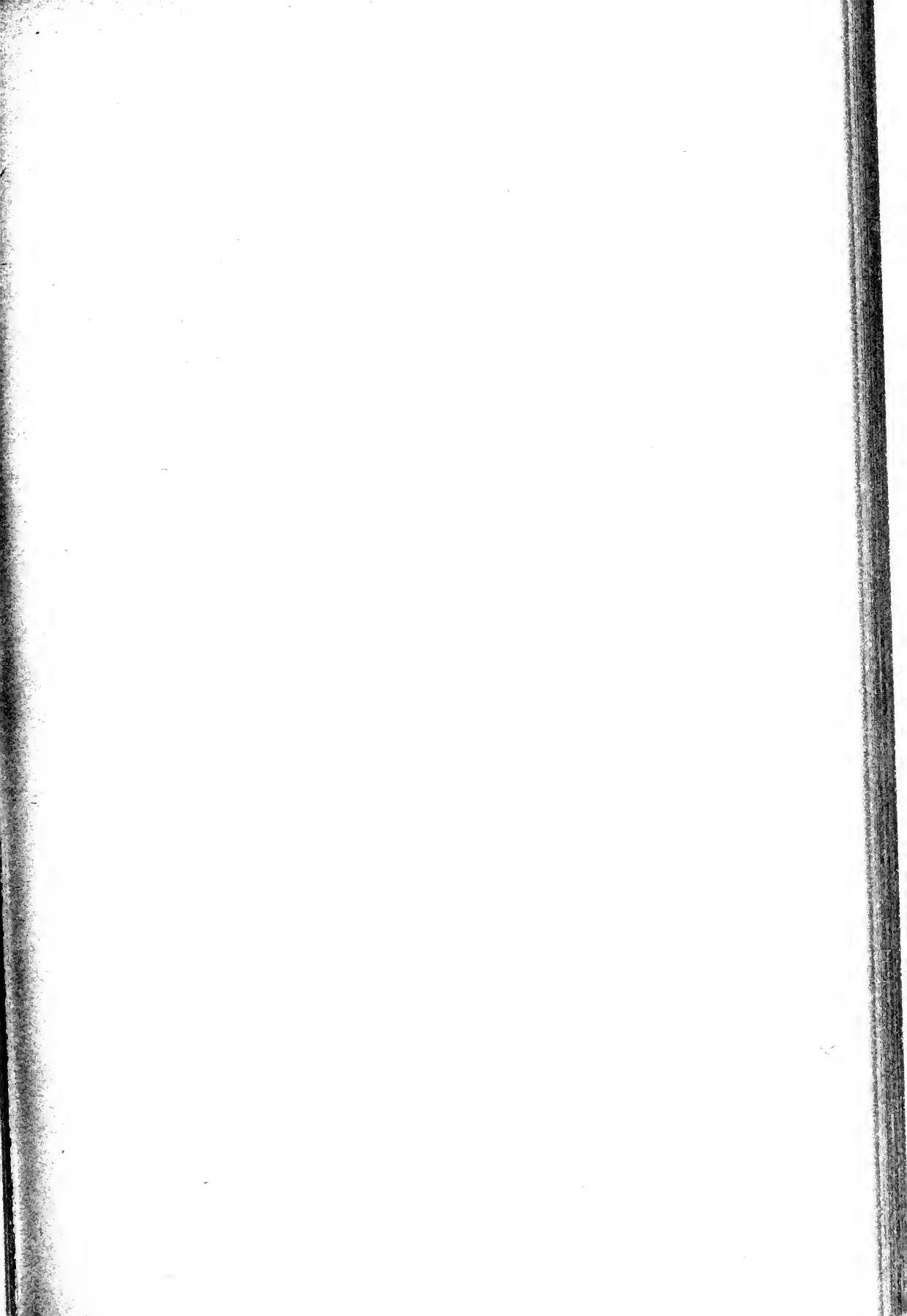
23. Every stock exchange shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of any written confirmation of any transaction with any such member, particulars of the time at which such transaction took place and certification or otherwise of the matters set forth in such confirmation.

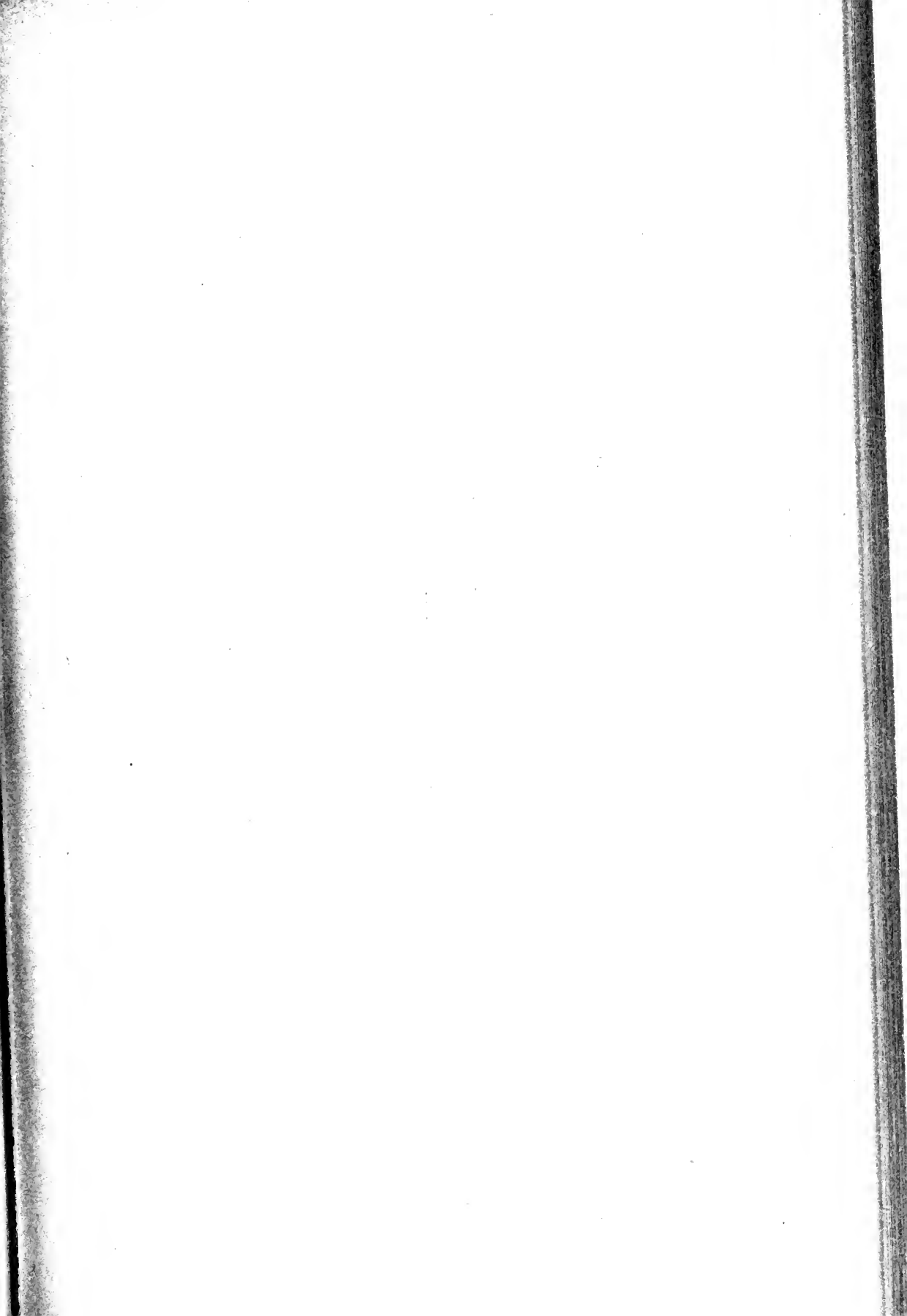
1928, c. 34;
1919, c. 51,
repealed.

24. The Security Frauds Prevention Acts, 1928 and 1929, are hereby repealed.

Royal
Assent.

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





BILL.

An Act for the Prevention of Fraud in
connection with the Sale of Securities.

1st Reading.

2nd Reading.

3rd Reading.

MR. PRICE.

No. 75

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

BILL

**An Act for the Prevention of Fraud in connection with the
Sale of Securities.**

MR. PRICE

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

No. 75.

1930.

BILL

An Act for the Prevention of Fraud in connection
with the Sale of Securities.

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

Short Title. **1.** This Act may be cited as The Security Frauds Prevention
Act, 1930.

Interpreta- **2.** In this Act—
tions.

“Broker.” (a) “Broker” shall mean every person other than a
salesman who engages either for the whole or part
of his time directly or through an agent in the
business of trading in securities and shall include
a company, and such officials of a company or
partnership which trades in securities as may be
designated by the Regulations, **and shall include a
security issuer except where the context clearly
indicates the contrary.**

“Company.” (b) “Company” **means** any incorporated corporation,
association or other organization.

“Fraud.” (c) “Fraud,” “fraudulent” and “fraudulent act” shall, in
addition to their ordinary meaning, include:

(i) any intentional misrepresentation by word,
conduct or in any manner of any material
fact either present or past, and any intentional
omission to disclose any such fact;

(ii) any promise or representation as to the
future which is beyond reasonable expectation
and not made in good faith;

(iii) any fictitious or pretended trade in any
security;

EXPLANATORY NOTE.

The Act is re-enacted for greater convenience, so that the proper effect of the amendments of 1929 and 1930 may be more readily understood. The changes for 1930 are indicated in blacker type than the body of the Bill.

Section 2 (*a*). The definition is extended to include a company in order to save repetition later on, and to include companies, syndicates, etc., which issue only their own stock, units, etc. Former reference to a trustee capacity is deleted.

Section 2 (*b*). Rearranged for greater clarity.

- (iv) the gaining or attempt to gain, directly or indirectly, through a trade in any security, a commission, fee or **gross** profit so large and exorbitant as to be unconscionable and unreasonable;
- (v) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser **or the vendor** of any security as to the nature of any transaction or as to the value of such security;
- (vi) the making of any material false statement in any application, information, material or evidence submitted or given to the Attorney-General, his representative or the Registrar under the provisions of this Act or the Regulations; or in any prospectus or return filed with the Provincial Secretary;
- (vii) the violation of any provision of this Act or of the Regulations relating to trading in securities;
- (viii) **generally** any artifice, agreement, device or scheme **course of conduct or business** to obtain money, profit or property by any of the means hereinbefore set forth or otherwise contrary to law **and** anything specifically designated in the Regulations as coming within the meaning of this definition;

- "Person." (d) "Person" shall mean an individual, partnership, association, syndicate and any unincorporated organization.
- "Registrar." (e) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar under the provisions of this Act and the Regulations.
- "Regulations." (f) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act.
- "Salesman." (g) "Salesman" shall mean every person employed, appointed or authorized by any broker or company to trade in securities whether directly or through sub-agents.

Section 2 (c) (iv). The words "gross profit" prevent any argument as to whether "net profit" might have been meant.

Section 2 (c) (v). Amended to include deceit of one who has a security to exchange for what may prove to be one of less value.

Section 2 (c) (vii). More concisely worded.

Section 2 (c) (viii). Rearranged with the addition of the power to add further definitions.

Section 2 (d). Reference to a trustee capacity is deleted.

"Security."

(h) "Security" shall include,

- (a) any document, instrument or writing commonly known as a security, or
- (b) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company; or
- (c) any document constituting evidence of an interest in an association of legatees or heirs, or
- (d) any document constituting evidence of an interest in any option given upon a security, or
- (e) any document designated as a security by the regulations.

"Security issuer."

(i) "Security issuer" shall include a company or person, other than an individual, trading in securities of its own issue and not trading generally in other securities.

"Trade."

(j) "Trade" or "Trading" shall include any **solicitation or obtaining of a subscription to**, disposition of, transaction in, or attempt to deal in, sell or dispose of a security or interest in or option upon a security for any valuable consideration whether the terms of payment be upon margin, instalment or otherwise, and any underwriting of any issue or part of an issue of a security, and any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing or specifically designated as "trade" or "trading" in the Regulations.

PART I.

REGISTRATION OF BROKERS AND SALESMEN.

3.—(1) No person shall,—

- (a) trade in any security unless he is registered as a broker or salesman of a **registered broker**, or

Brokers,
officials and
salesmen to
register.

Section 2 (*h*). The definition is merely rearranged.

Section 2 (*i*). A new definition to distinguish the company selling its own stock from the general broker.

Section 2 (*j*). Amended to cover the solicitations of subscriptions to capital stock, to overcome any possible restriction upon the scope of the definition.

Note.—A former definition of “trustee” is deleted as superfluous.

Section 3 (1). Amended to make it clear that salesman can only do business while employed by a registered broker, and not after dismissal, etc., until they have been employed by another registered broker.

- (b) act as an official of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he or the partnership or company is registered as a broker,
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he is registered as a salesman of a **partnership or company which is registered as a broker,**

and such registrations have been made in accordance with the provisions of this Act and the Regulations, and any violation of this section shall constitute an offence.

Partnership
or company
may be
registered.

(2) With the approval of the Attorney-General, any partnership or company may be registered as a broker, whereupon the partnership or company may trade in securities, and the members and officials of the partnership, and the officials of the company other than branch managers or salesmen of the partnership or company, may act as such without separate registration, and the provisions of this Act, and of the Regulations relating to registered persons or companies, shall be deemed to apply to such partnership or company.

Exemptions.

4. Registration shall not be required in respect of any of the following classes of trades or securities,—

Judicial
sales.

(a) A trade in a security taking place at a judicial, executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under *The Bankruptcy Act*, a receiver under *The Judicature Act*, or a liquidator under *The Companies Act* or *The Winding Up Act*.

R.S.C. cc.
11, 213.
(Dom.),
Rev. Stat.
cc. 88, 218.

Isolated
transactions
by owner.

(b) An isolated trade in a specific security by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like character, *and is not made by a person whose usual business is trading in securities.*

Banks, etc.,
Crown,
municipal
and public
officials, and
registered
persons, etc.

(c) A trade where one of the parties is a bank, loan company, trust company or insurance company, or is an official or employee, in the performance of his

Section 4. *Formerly section 3 (3)*. Phraseology slightly changed.

Section 4 (b). *Formerly section 3 (3) (b)*. Amended to cover cases that have arisen of salesmen who have been refused registration trying to evade the Act.

duties as such, of His Majesty in right of the Dominion or any province or territory of Canada or of any municipal corporation, or public board or commission in Canada or is registered as a broker under the provisions of this Act.

Sale by
pledgee for
debt.

(d) A trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by selling or offering for sale or delivery in good faith in the ordinary course of business a security pledged in good faith as security for such debt.

Stock
dividends,
etc.

(e) The distribution, issuance or sale by a company, exclusively to the holders of its securities of capital stock, bonds or other securities as a stock dividend or other distribution out of earnings or surplus, or in the process of a *bona fide* reorganization of the company, or of additional capital stock where no commission or other remuneration is paid or given in connection therewith.

Exchange
on merger.

(f) The exchange by or on account of one company with another company of its own securities in connection with a consolidation, amalgamation or merger of either company.

Prospector's
"grubstake"
or share in
claim.

(g) A trade in good faith by an actual prospector of a security issued by him for the purpose of financing a prospecting expedition, or for the purpose of disposing of any of his interest in a mining claim or property staked by or wholly or partly owned by him.

Trust.

(h) Securities in which trust funds may lawfully be invested in Ontario.

Secured
bonds.

(i) **Securities** secured by mortgage upon real estate or tangible personal property where the entire mortgage, together with all of the **securities** secured thereby **or where all of the securities secured thereby** are sold at the one time.

Negotiable
paper.

(j) Negotiable promissory notes or commercial paper maturing not more than a year from the date of issue.

Securities
based upon
conditional
sales.

(k) Securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the

Section 4 (i). Formerly section 3 (3) (i). Slight amendment to supersede a similar regulation.

acquisition of personal property under conditional sale contracts.

Shares of non-profit-sharing companies.

(l) Securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder.

Trades or securities exempted by Regulations.

(m) Any class of trade or security specifically exempted from the application of subsections 1 and 2 of this section by the Regulations.

Company stock sales to employees.

(n) Securities traded by a company with its employees who are not induced by expectation of employment or continued employment.

Stock of private company.

(o) The issuance of its own securities by a private company.

Registration within ten days unless Attorney-General objects.

5.—(1) Unless the Attorney-General otherwise directs the Registrar may after the receipt by him of any application for registration cause to be entered in a book kept for such purpose and open to public inspection, hereinafter called the "Register," the name and address for service of such applicant, whereupon such applicant shall be deemed to be registered *temporarily or otherwise* as a broker or salesman as the case may be.

Temporary registration.

(2) The Registrar may cause a temporary entry to be made, designated as such, in the register, subject to cancellation at any time upon the order of the Attorney-General.

Expiration, change and renewal of registration.

(3) Registrations shall expire, and may be changed or renewed as the Regulations shall provide.

Application to be upon forms with proper fees and bonds.

6.—(1) Every application under this Act or the Regulations shall be made in writing upon the forms provided by the Registrar, and shall be accompanied by the fee prescribed by the Regulations and such bond as may be required.

Address for service.

(2) Every applicant, whether domiciled in Ontario or not, shall state in every application an address for service in Ontario, and all notices under this Act or the Regulations and all legal process issued by or on behalf of any person or company shall be sufficiently served for all purposes if posted by registered mail to the applicant at the latest address for service so stated, and in the case of a non-registered company where the officials are registered to the latest address of the person registered as the senior official of such company in Ontario.

Further information.

(3) The Registrar may from time to time and shall when so directed by the Attorney-General require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any matter then or previously submitted.

Section 4 (n). To relieve companies selling stock to employees in good faith.

Section 4 (o). In relief of private companies.

Section 5 (1), formerly section 4 (1). Words "within ten days" after "may" in line 2, deleted to conform to practice.

Section 6 (2), formerly section 4 (2). The requirement of a special direction for a "temporary registration" is dispensed with to conform to practice.

\$500 bond
by every
broker and
applicant.

7.—(1) Every applicant for registration as a broker shall before registration deliver a bond by the applicant or the person or company he represents as the Registrar may require, such bond be in the sum of \$500 and in such form and upon such condition as the Regulations shall prescribe.

Bond
by a surety
company if
required.

(2) The Registrar may and when so directed by the Attorney-General shall require any applicant or any registered person or company within a specified time limit to deliver a bond by a surety company approved by the Attorney-General **or any other bond** in such form and upon such condition as the Regulations shall prescribe, and in such amount as the Regulations or the Attorney-General shall require.

New bond.

(3) The Registrar may and when so directed by the Attorney-General shall require a new or an additional bond of the kind mentioned in subsections 1 or 2 to be filed within a specified time limit.

Forfeiture
of bonds.

8.—(1) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when there has been filed with the Registrar the Attorney-General's certificate that the **broker or salesman** in respect of whose conduct the bond is conditioned, or any official of **the broker** has, in connection with a trade in a security, been,—

\$500 bond

(a) in the case of the bond mentioned in subsection 1 of section 7,

(i) charged with any criminal offence, or,

(ii) found upon investigation by the Attorney-General or his representative to have committed a fraudulent act, or

Bond
by surety
company.

(b) in the case of the bond mentioned in subsection 2 of section 7,

(i) convicted of a criminal offence, or

(ii) convicted of an offence against any provision of this Act or the Regulations, or

(iii) enjoined by the Supreme Court or a Judge thereof otherwise than by an interim injunction.

(iv) a party to civil proceedings in the courts as a result of which final judgment has

Section 8 (1), section 7 (1). Deletion of words "employee or salesman" after "official" in line 7, removes a somewhat unreasonable responsibility from the surety companies.

"Broker or salesman" replaces "person or company."

Section 8 (1) (b) (iv), section 8 (1) (b) (iv). This makes the surety bond available to a judgment creditor who has obtained judgment from a broker who has defrauded him.

been given against such person, company or official in connection with a trade in a security where such judgment is based upon a finding of fraud.

Forfeiture
upon bank-
ruptcy or
winding up
proceedings.

(2) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when there has been filed with the Registrar a certificate signed by the Attorney-General that proceedings by or in respect of the **broker or salesman** in respect of whose conduct the bond is conditioned have been taken under *The Bankruptcy Act*, or by way of winding up.

Assignment
of bond or
payment of
moneys to
creditors.

(3) The Attorney-General may assign any bond forfeited under the provisions of subsections 1, **or 2**, or may pay over any moneys recovered thereunder to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company as the case may be, such assignment or payment over to be in accordance with and upon conditions set forth in the Regulations or in any special order of the Lieutenant-Governor in Council.

Bank-
ruptcy pro-
ceedings, etc.

(4) The Attorney-General, whenever His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of sections 6, 7 and 8, may take such proceedings as he shall see fit under *The Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or *The Winding Up Act* for the appointment of an interim receiver, custodian, trustee, receiver or liquidator as the case may be.

R.S.C., cc.
11, 213,
(Dom.),
Rev. Stat.
cc. 88, 218.

Attorney-
General's
orders con-
cerning
applications.

9.—(1) The Attorney-General may order that,—

(a) any application for registration, renewal, or change of registration shall or shall not be granted for any reason which he may deem sufficient, or that

Deceptive
names.

(b) the application of any person for registration shall not be granted where it appears that such person proposes to use or is using a trading name other than his own, or that of his partner, where such trading name is apt to lead the public to believe it is that of a business firm of longer established standing in Ontario, or is calculated to conceal from the public the identity of the applicant, or is for any reason objectionable, or that

Section 8 (2) "Broker" replaces "person or company."

Section 8 (3). A misprint corrected.

Section 8 (4). Formerly section 12 (4).

Section 9 (1) (d). Extension of the power to reduce registration to temporary registration as enacted in 1929.
"Broker" replaces "person or company."

Temporary entries.

(c) any temporary entry in the register shall be made, suspended or cancelled for any reason which he may deem sufficient, or that

Registration reduced or cancelled.

(d) **any registration shall be reduced to a temporary registration or suspended or cancelled upon,—**

(i) any proceedings being taken by or in respect of the **broker** under *The Bankruptcy Act* or by way of winding up, or

(ii) suspension from any stock exchange of any **broker** or **any** representative upon any stock exchange of any **broker, or**

(iii) **institution of criminal proceedings against the broker or any official of the broker, or**

(iv) **conviction of the broker or an official of the broker of an offence against this Act or the Regulations.**

Suspension or cancellation for default.

(e) the registration of any **broker or salesman** shall be suspended for any period or cancelled by reason of default in filing a bond when required under the provisions of subsections 2 and 3 of section 7, or that

Suspension under Part II.

(f) the registration of any **broker or salesman** shall be suspended as provided in section 11,

and no order of the Attorney-General shall be subject to review in any way in any court.

Entry or suspension or cancellation.

(2) The Registrar upon receiving any order of the Attorney-General suspending or cancelling any registration shall cause immediate entry thereof to be made in the register whereupon the suspension or cancellation shall become effective forthwith, but notice thereof and of the refusal of any application shall be sent to the **broker or salesman** concerned.

Further applications.

(3) Notwithstanding any order of the Attorney-General a further application may be made upon new or other material, or where it is clear that material circumstances have changed.

PART II.

Investigation by Attorney-General.

INVESTIGATION AND ACTION BY THE ATTORNEY-GENERAL.

10.—(1) The Attorney-General, or any person or persons to whom as his representative or representatives he may in writing delegate such authority, may examine any person, **company, property** or thing whatsoever at any time in order to ascertain whether any fraudulent act, or any offence against this Act or of the Regulations has been, is being, or is about to be committed, and for such purpose shall have the

Section 9 (1) (e), (f); Section 8 (2). "Proker or salesman" replaces "person or company."

Section 10 (1), formerly section 9 (1). The meaning of the section enabling the Attorney-General to examine any person "at any time" is clarified, and the question of privilege, which was misunderstood by the trial judge in a recent case is set forth better. The Act takes away the common law privilege of objecting to produce documents on the ground that they might incriminate, as this was untouched by *The Evidence Act*. The right to object under that Act is retained, and only interfered with in section 12 (3).

same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath and to produce documents, records and things as is vested in the Supreme Court or a Judge thereof for the trial of civil cases, save that the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby and no evidence given shall be privileged except under The Evidence Act and The Canada Evidence Act, and save further that no provisions of The Evidence Act shall exempt any bank or any officer or employee thereof from the operation of this section.

Appoint-
ment of
accountants
and other
experts.

(2) When the Attorney-General, or his representative, is about to examine or is examining any person or company under this section the Attorney-General may appoint an accountant or other expert to examine documents, records, properties and matters and report thereon to him.

Failure to
give infor-
mation, etc.,
an offence
and also
prima facie
evidence.

(3) The failure without reasonable excuse of any person or company to furnish information required by the Registrar under Part I within the time limited, or the failure without reasonable excuse of any person summoned for examination under subsection 1 to appear or his refusal to give evidence or to answer any question where the evidence or answer could be required in an action or the failure without reasonable excuse or refusal of any person or company to produce anything shall constitute an offence and shall also be *prima facie* evidence upon which,—

- (a) the Attorney-General, or his representative, may base an affirmative finding concerning any fraudulent act to which he may deem it relevant, or
- (b) the Supreme Court, or a Judge thereof, may grant an interim or permanent injunction, or
- (c) a police magistrate may base a conviction for an offence against this Act or the Regulations.

Evidence
not to be
disclosed.

(4) Disclosure by any person other than the Attorney-General, his representative or the Registrar, without the consent of any one of them, of any information or evidence

To remove any doubt as to whether or not a bank is exempt from examination, it is expressly provided that The Evidence Act of 1929 shall not affect the operation of the section.

Section 10 (2). This is to enable the appointment of expert accountants, engineers, etc., to investigate.

obtained or the name of any witness examined or sought to be examined under subsection 1 shall constitute an offence.

Attorney-
General
may

11. If the Attorney-General or his representative upon investigation finds that any fraudulent act, or that any offence against this Act or the Regulations, has been, is being, or is about to be committed, the Attorney-General

suspend for
over ten
days

(a) may where a registered broker, company or salesman is in his opinion concerned therein, order that the broker, company or salesman and any other registered broker, company or salesman connected with the same organization, be suspended from registration for any period not exceeding ten days, or

and proceed
by injunc-
tion.

(b) may where he considers a suspension for ten days inadequate, or where any unregistered person or company is in his opinion concerned in such fraudulent act or in such offence, proceed under the provisions of section 12, or, otherwise under this Act or the Regulations, or

Notice of
fraud.

(c) may give notice of the fraudulent act to the public by advertisement or otherwise or to any individual by letter or otherwise, whenever he deems it advisable.

Supreme
Court or
Judge may
enjoin from
trading in
securities.

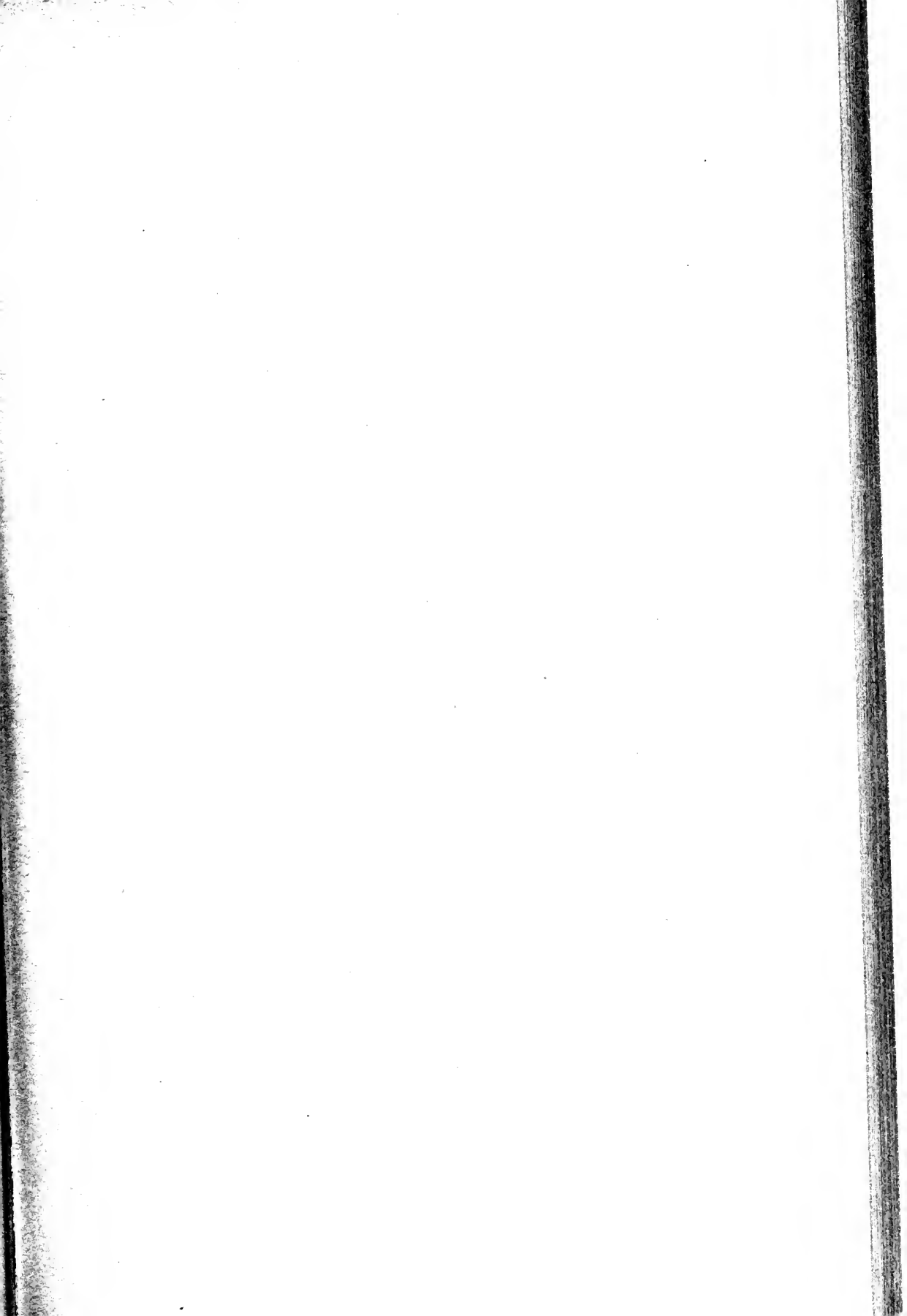
12.—(1) The Supreme Court or any Judge thereof is hereby empowered upon the application of the Attorney-General, where it is made to appear upon the material filed or evidence adduced that any fraudulent act, or any offence against this Act or the Regulations has been, is being or is about to be committed may by order enjoin,—

(a) any registered broker, company or salesman or any person or company implicated with any of them in the same matter from trading in any security whatever absolutely or for such period of time as shall seem just, and any such injunction shall *ipso facto* suspend the registration of any registered person or company named in the order during the same period, or

(b) any person or company from trading in any security whatever, or in any specific security, or from committing any specific fraudulent act or series of fraudulent acts absolutely or for such period of time as shall seem just.

Application
may be *ex*
parte

(2) The application of the Attorney-General under subsection 1 may be made without any action being instituted, either,—



- (a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* hereof is sooner heard and determined, or
- (b) by an originating notice of motion, which, if an interim injunction has been granted, shall be served within five and returnable within ten days from the date of such interim injunction.

or by
originating
notice.

Attorney-
General
may order
funds, etc.,
to be held.

13.—(1) The Attorney-General may,—

- (a) when he is about to examine or during or after the examination of any person or company under the provisions of section 10, or
- (b) when he is about to apply for or has applied for or has obtained an injunction, interim or otherwise against any person or company under the provisions of section 12, or
- (c) where criminal proceedings which in his opinion are connected with or arise out of any security or any trade therein, or out of any business conducted by the accused are about to be or have been instituted against any person,

in writing or by telegram direct any person or company having in Ontario on deposit or under control or for safe keeping any funds or securities of the person or company so to be or actually examined, enjoined or charged, to hold such funds or securities **or direct the person or company so to be or actually examined, enjoined or charged to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping, or to hold all funds or securities of clients or others in his possession or control** in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of *The Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or *The Winding Up Act*, or until the Attorney-General in writing revokes such direction or consents to release any particular fund or security from such direction, and failure without reasonable excuse by any person or company to comply with any such direction shall constitute an offence, provided that no such direction shall apply to funds or securities in a stock exchange clearing house nor to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

Proviso.

Section 13 (1), formerly section 12 (1). The power to hold funds and securities is extended somewhat.

Application
for direction.

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such fund or security and may make such order as to costs as may seem just.

Notice to
Registrars
of Deeds or
Masters of
Titles.

(3) In any of the circumstances mentioned in clauses (a), (b) or (c) of subsection 1, the Attorney-General may in writing or by telegram notify any Registrar of Deeds or Master of Titles or any Local Master of Titles or any Mining Recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the said notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Attorney-General may in writing revoke or modify such notice.

PART III.

Regulation of Trading.

Selling
against
customers'
buying
orders.

14.—(1) Whenever a person, or a member or employee of a partnership, or a director, officer or employee of a corporation, after he, or the partnership or corporation has contracted as a broker with any customer to buy and carry upon margin any securities of any incorporated or unincorporated company or undertaking either in Canada or elsewhere, and while such contract continues sells or causes to be sold, securities of the same company or undertaking for any account in which

(a) he, or

(b) his firm or a partner thereof, or

(c) the corporation or a director thereof,

Customer's
contract
voidable.

has a direct or indirect interest, if the effect of such sale shall, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the broker or under his control in the ordinary course of business below the amount of such securities which he should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the broker all moneys paid with interest thereon or securities deposited in respect thereof, and the broker shall be guilty of an offence.

An offence.

Section 14 *formerly section 21*. This is directed at the practice of a broker selling for his own account against a customer's buying order, thus preventing the purchase from having any effect upon the market, and relieving the broker from carrying the stock.

The customer, who has been so treated may elect to treat the contract as void, and recover whatever he paid with interest.

The act is also an offence.

Exercise of
option.

(2) The customer may exercise such option by a registered letter to that effect addressed to the broker at his address for service in this Province.

Confirma-
tion to
customers.

15. Every broker who has acted as an agent for a customer shall promptly send or deliver to each customer for whom any security has been bought or sold by the broker, a written confirmation of the transaction, setting forth:

- (a) the quantity and description of the security.
- (b) the name of the person or company from or to *or through* whom the security was bought or sold.
- (c) the day, and the name of the stock exchange, upon which, the transaction took place,

and failure, without reasonable excuse, to comply herewith shall constitute an offence.

16. Every stock exchange shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of any written confirmation of any transaction with any such member, particulars of the time at which such transaction took place and *verification* or otherwise of the matters set forth in such confirmation.

PART IV.

AUDIT, ACCOUNTS, INFORMATION.

Inter-
pretation.

17.—(1) In this Part:

“Brokers’
Auditor.”

- (a) “Brokers’ Auditor” shall mean an accountant whose name is on the panel of accountants approved by an executive committee.

Exchange
Auditor.

- (b) “Exchange Auditor” shall mean an accountant who shall have practiced as such in the Province for not less than ten years and who is employed by the executive committee.

“Executive
Committee.”

- (c) “Executive Committee” shall include the board of directors, managing committee or other governing committee of a stock exchange in Ontario.

Section 15 formerly Bill section 22. Provides more extensive information so customers can trace transactions and ascertain whether they were charged higher than the price paid by the broker.

Section 16, formerly section 23. Imposes a new duty upon the stock exchanges greatly in aid of the public.

Section 17, formerly section 20 (1) (b). Slightly recast.

Panel
of brokers'
auditors.

18. Every executive committee shall from time to time select a panel of accountants each of whom shall have practised as such in Ontario for not less than five years and shall be known as a brokers' auditor, and shall also employ an exchange auditor.

Exchange
auditor.

Allotment
of audits.

19. The executive committee shall allot to each brokers' auditor the persons or companies, whether members of or represented upon the exchange, which are to be audited by him, and all of the expenses of every audit are to be paid to the brokers' auditor by the executive committee, subject to full repayment forthwith by the person or company audited, and until such repayment is made the executive committee shall have a lien upon the seat belonging to or controlled by the person or company so indebted to the executive committee.

Duties of
auditor.

20. Every brokers' auditor shall in each year audit the assets and liabilities as at a permanent date in each year fixed by the executive committee and prepare a balance sheet showing the position at such date of the business and affairs of each person or company allotted to him, and shall also in each year make a like audit and prepare a like balance sheet as of a date designated by the *exchange auditor*, such last mentioned date to be not earlier than four months nor later than eight months from the permanent date in such year, and shall also make such further audit and prepare such further statements and make such further reports as *the exchange auditor* may think advisable or as the executive committee may direct; no warning or notice shall in any way be given of any audit, other than that of the permanent date.

Special
audit.

21. The executive committee of a stock exchange may at any time require any brokers' auditor upon the panel of accountants of the exchange to make any general or special audit or report upon the whole or any aspect of the business or affairs of any person or company who is or has been a member of or in any way represented upon the exchange.

Powers of
auditors.

22. Every brokers' auditor, for the purpose of any audit under the provisions of this *Part* shall be entitled to free access to all books of account, securities, cash, documents, bank accounts vouchers, correspondence and records of every description of the person or company being audited, and any person or company withholding, destroying, concealing or refusing to give any information or thing reasonably required by the auditor for the purpose of his audit, shall be guilty of an offence.

Section 18, formerly section 20 (2). As the principal exchanges have put this audit into effect, it is well to force the smaller ones to comply. Hence "may" is replaced by "shall."

Section 20, formerly section 20 (4). Somewhat altered so that one audit will be at a fixed date in order to let it be used as the end of a fiscal year, for purposes of income tax, etc. The other audit will be at random.

Auditors' reports.

23. Every brokers' auditor during or upon the completion of every **statement and** audit under the provisions of this *Part* shall send a copy of every report whether interim or final to the exchange auditor and shall in addition specially report to such auditor any particular information which may be required under the by-laws, rules or regulations of the exchange and any further information which the brokers' auditor deems it to be in the public interest so to report, and the exchange auditor shall summarize all information so received, and report thereon to the executive committee for scrutiny, identifying the person or company affected thereby by number only until the executive committee decides to take action in respect of any such person or company, **or until the exchange auditor thinks it advisable in the public interest or in the interests of the Exchange to disclose such name to the executive committee, and the exchange auditor may, in any report, make such recommendations as he thinks advisable.**

Power to examine.

24. Any person designated in writing by an executive committee may examine under oath any member of the exchange or any officer of any company represented thereon, or any associate or employee of any such person or company upon any matter arising out of any report of a brokers' auditor and for the purposes of such inquiry the person so designated shall have all the powers which **a representative of the Attorney-General may exercise under section 10.**

Change of accounting system.

25. Any executive committee may in writing, require any person or company whose affairs have been audited or are being audited to alter, supplement or replace any system of book or record keeping in any manner **and to comply with any recommendation made by the exchange auditor, and any requirement of such executive committee.**

Failure to comply.

26. Failure by any person or company, a member of or represented upon any stock exchange, to comply with any requirement of the executive committee of the exchange, or any person designated by it under *section 24*, shall constitute an offence and shall entitle the executive committee to suspend such person or member representing such company for such period as the said committee shall determine.

No action against auditors, etc.

27. No action shall lie against any **stock exchange, executive committee or any member thereof, or any person designated by it under section 24, or against any brokers' or exchange auditor in respect of any act or proceeding, under the provisions of this Part.**

Audits by brokers not members of stock exchanges.

28. Every broker not subject to audit under the preceding section of this Part shall, at least once in each year, file with the Registrar a financial statement in duplicate, prepared at the


Section 23, formerly section 20 (7). Slightly redrawn so as to give the exchange auditor a broader discretion, the added portion was all recommended by the Conference.

Section 24, formerly section 20 (8). Gives the designee of the executive committee more clear-cut powers.

Section 25, formerly section 20 (9). Gives the exchanges absolute power to enforce the recommendations of the exchange auditor.

Section 27, formerly section 20 (11). Protects the exchanges also.

Section 28. Provides for a yearly automatic audit of every broker not audited by a stock exchange under the preceding sections.

expense of the broker by an accountant, in such form as the Registrar requires, certified to be correct by the broker or two partners or directors thereof, and shall also file such further financial statements as the Registrar may from time to time require. 

PART V.

GENERAL PROVISIONS.

Judge
not *persona*
designata

29.—(1) A judge of the Supreme Court in exercising any of the powers conferred upon such judge by this Act shall be deemed so to act as a judge of such court and not as *persona designata*.

nor
Attorney-
General.

(2) The Attorney-General shall in all proceedings under this Act or the Regulations be deemed to be acting as the representative of His Majesty in the right of the Province of Ontario, and not as *persona designata*.


Judicature
Act and
Rules apply.
Rev. Stat.,
c. 88.

(3) The provisions of *The Judicature Act* and the Consolidated Rules of Practice and Procedure made thereunder so far as they are applicable to proceedings of a like nature, including those relating to appeals and to the enforcement of judgments and orders, shall apply to every proceeding before the Supreme Court or a judge thereof under the provisions of this Act, save that service of notices and other legal process shall be in accordance with subsection 2 of section 6 and save that costs may be awarded to but not against the Attorney-General.

No action,
etc., against
persons ad-
ministering
this Act.

30. No action whatever, and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the Regulations where such person is the Attorney-General or his representative, or the Registrar or where such person or company was proceeding under the written or verbal direction or consent of any one of them, or under an order of the Supreme Court or a judge thereof made under the provisions of this Act.


Regulations.

 **31.** The Lieutenant-Governor in Council may make, and from time to time amend, alter or repeal, regulations not inconsistent with this Act,—

- (a) for the regulation of listing and trading in securities upon any stock exchange, of the records relating thereto and of the clearing of transactions thereon,

Section 31, replaces Bill section 15. The power to make regulations, is more clearly set out.

- (b) for the furnishing of information by brokers or salesmen to the public;
- (c) for the preparation and filling of financial statements of the affairs of brokers not represented upon any stock exchange;
- (d) for the creation of offences;
- (e) for the better carrying out of the provisions of this Act and for the more efficient administration thereof;
- (f) for any other purpose elsewhere indicated in this Act;

and all such regulations and any amendment, alteration or repeal thereof shall become effective in all respects as if enacted in this Act upon the publication thereof in the *Ontario Gazette*. 

Penalties.

Rev. Stat.
c. 121.

32.—(1) Every person who violates any provision of this Act or the Regulations designated as an offence, or who does any fraudulent act not punishable under the provisions of the Criminal Code of Canada, shall be liable upon conviction thereof under *The Summary Convictions Act* to a penalty of not more than \$1,000 for a first offence, nor \$2,000 for a second or subsequent offence, and in case of either a first or a subsequent offence either in default of payment of any penalty imposed, or in addition to such penalty, to imprisonment for a term not exceeding six months.

Companies.

(2) The provisions of subsection 1 shall be deemed to apply *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000.

Apportionment of penalty on company among officers, etc.

(3) Where any company is convicted under this Act the magistrate may direct that, in default of payment of the penalty imposed, proportionate parts thereof shall be paid by such officers, directors, officials or employees of the company, and in such amounts as he shall designate, and in default of payment by any person so designated the magistrate may impose a penalty of imprisonment for a term not exceeding six months.

Consent of the Attorney-General required.

(4) No proceedings under this section shall be instituted except with the consent or under the direction of the Attorney General.

Evidence.

33. Any information, evidence, exhibit or thing obtained by the Attorney-General or his representative or the Registrar under the provisions of this Act, or the Regulations, or copies

Section 33, formerly section 11 (3). The Registrar is enabled to certify as to registration without having to attend and give evidence.

thereof, or statement that a person or company is or is not registered or other data concerning registration purporting to be certified by the Attorney-General or the Registrar without proof of the office or signature of the person certifying, shall, so far as relevant, be receivable in evidence for all purposes in any action, proceeding or prosecution and, in proceedings under Part II only, the evidence of a witness may be used against him notwithstanding anything in *The Evidence Act* contained.

Rev. Stat.,
c. 107.

Collection of costs of investigation. **34.** Where in consequence of an investigation under Part II of this Act, any person or company has been,—

- (a) convicted of a criminal offence; or
- (b) convicted of an offence against any provision of this Act or the Regulations; or
- (c) enjoined by the Supreme Court or a judge thereof otherwise than by an interim injunction, or
- (d) examined and documents, records, properties or matters have been examined by an accountant or other expert appointed by the Attorney-General,

the Attorney-General may certify in writing as to the costs of the investigation and shall be entitled to take such proceedings as are available to a judgment creditor for the collection from such person or company of the sum set forth in such certificate, which sum shall be a debt to His Majesty in right of the Province of Ontario.

Execution of warrant issued in another province.

35.—(1) Where a police magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of *The Security Frauds Prevention Act* or any similar statute of that province, any police magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the handwriting of the police magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all police constables within the territorial jurisdiction of the police magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario.

Section 34, formerly section 17 (d). Extends the remedy of recovering the costs of an investigation.

Section 35, formerly section 18. This corresponds largely to section 662 of the Criminal Code, and will enable the Provinces to aid each other in capturing undesirables accused of offences against this Act.

Prisoner in
transit.

(2) Any police constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed in pursuance of subsection (I) hereof shall be entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof.

Expenses.
Rev. Stat.
c. 25.

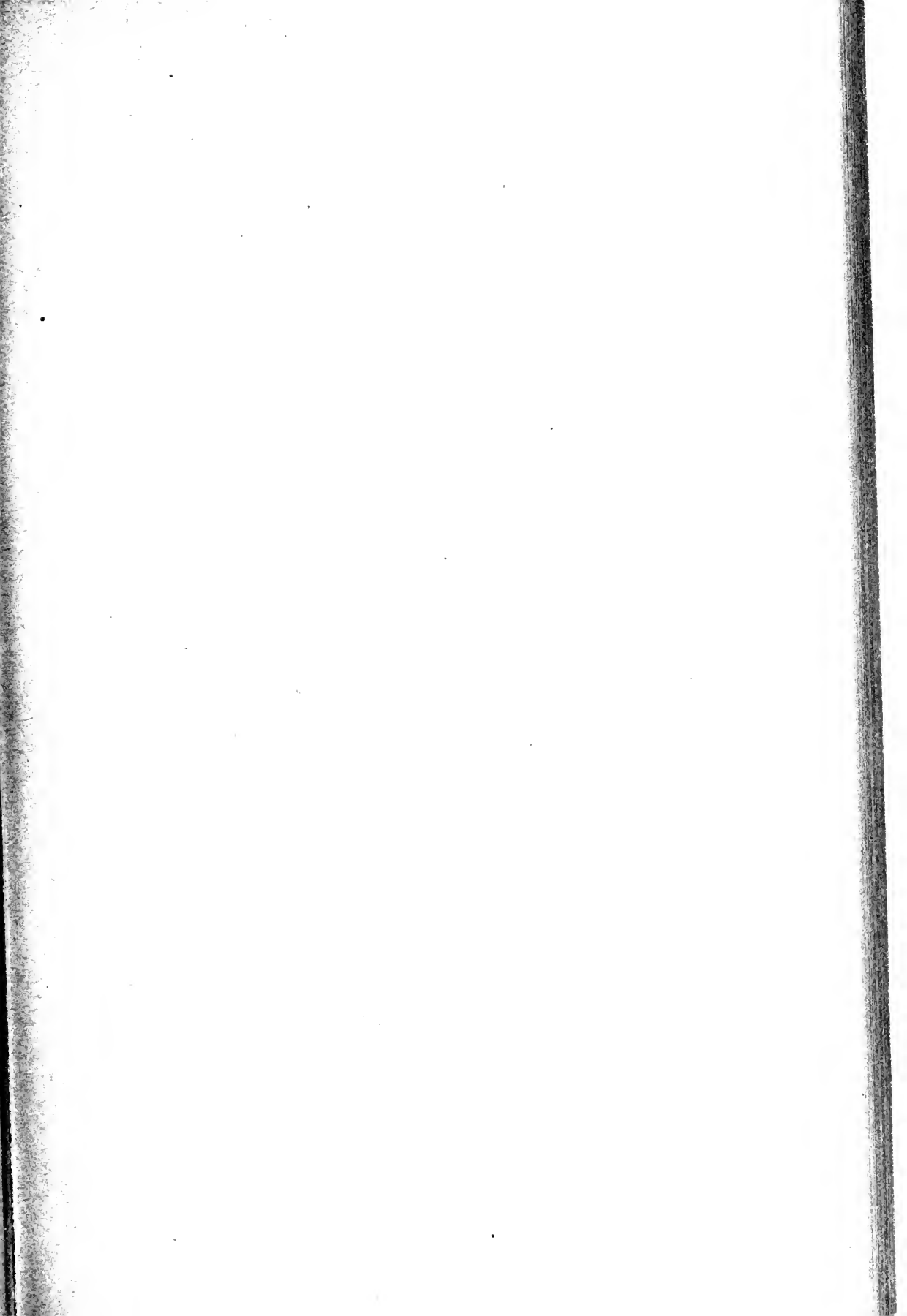
36. Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act.

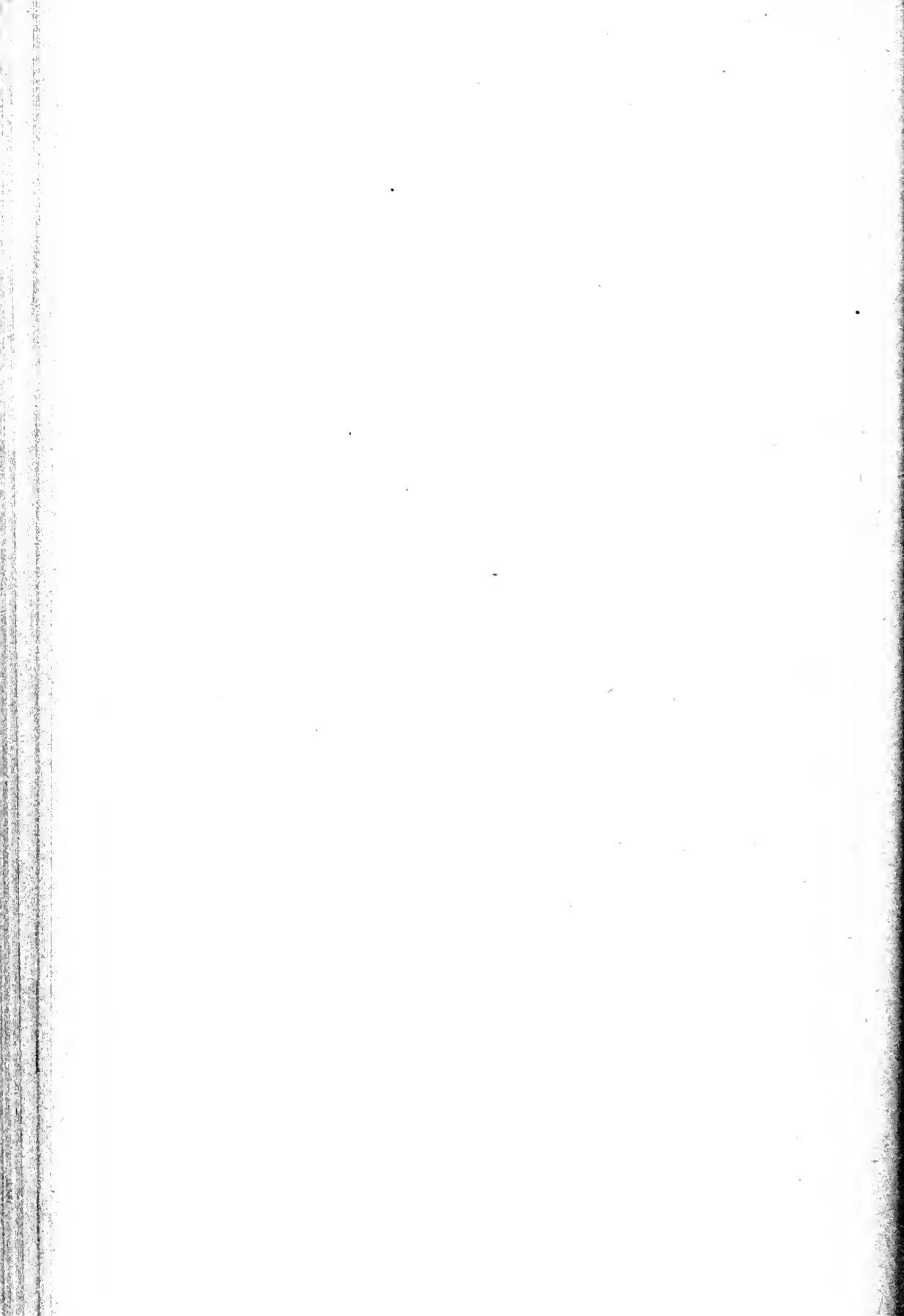
1928, c. 34;
1919, c. 51,
repealed.

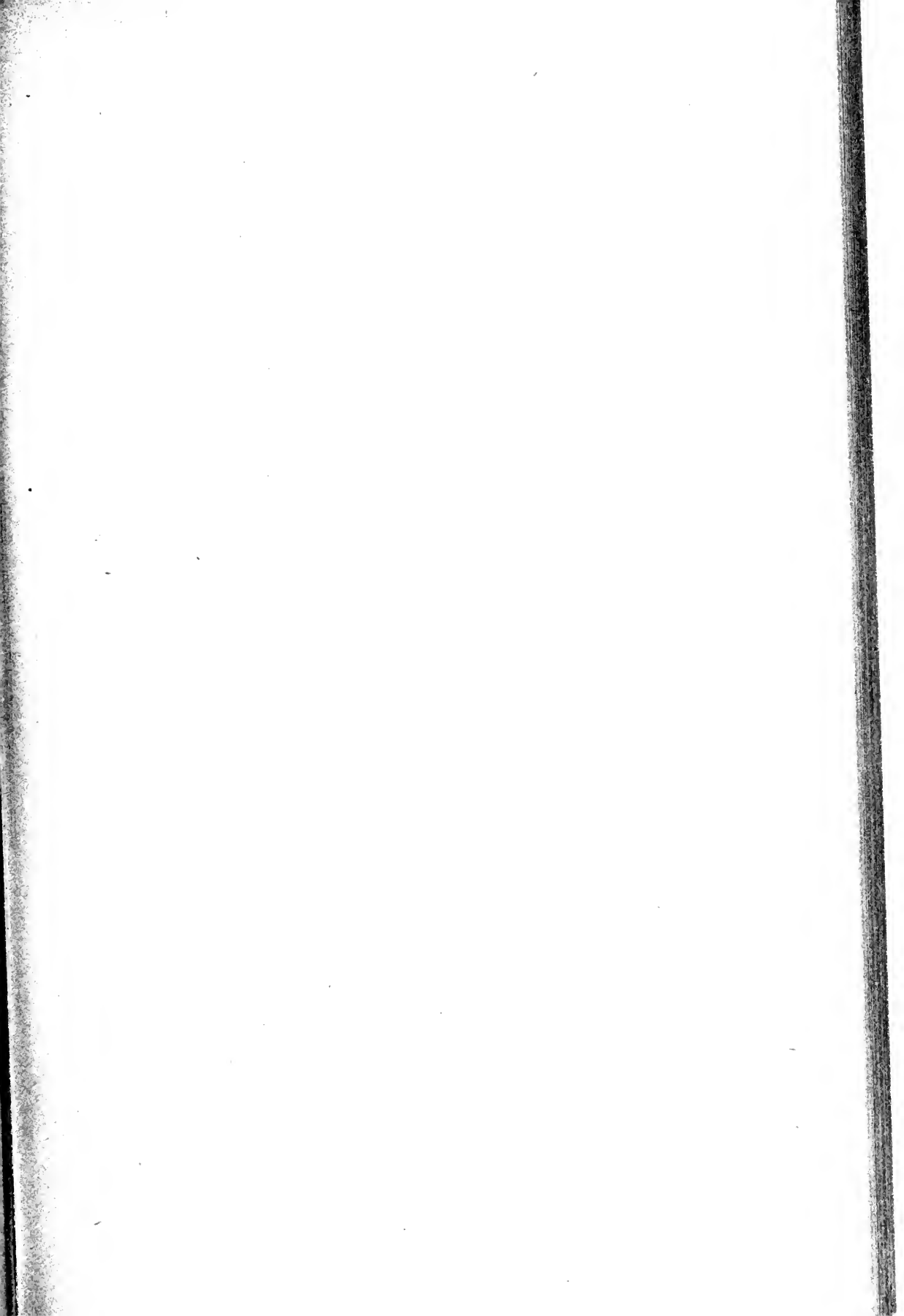
37. The Security Frauds Prevention Acts, 1928 and 1929, are hereby repealed.

Royal
Assent.

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







BILL.

An Act for the Prevention of Fraud in
connection with the Sale of Securities.

1st Reading.

February 20th, 1930

2nd Reading.

March 6th, 1930.

3rd Reading.

MR. PRICE.

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

No. 75

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

BILL

**An Act for the Prevention of Fraud in connection with the
Sale of Securities.**

MR. PRICE

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

No. 75.

1930.

BILL

An Act for the Prevention of Fraud in connection
with the Sale of Securities.

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

Short title. **1.** This Act may be cited as *The Security Frauds Prevention Act, 1930.*

Interpreta-
tions. **2.** In this Act,—

“Broker.” (a) “Broker” shall mean every person other than a
salesman who engages either for the whole or part
of his time directly or through an agent in the
business of trading in securities and shall include
a company, and such officials of a company or
partnership which trades in securities as may be
designated by the Regulations, and shall include a
security issuer except where the context clearly
indicates the contrary.

“Company.” (b) “Company” means any incorporated corporation,
association or other organization.

“Fraud.” (c) “Fraud,” “fraudulent” and “fraudulent act” shall, in
addition to their ordinary meaning, include:

(i) any intentional misrepresentation by word,
conduct or in any manner of any material
fact either present or past, and any intentional
omission to disclose any such fact;

(ii) any promise or representation as to the
future which is beyond reasonable expectation
and not made in good faith;

(iii) any fictitious or pretended trade in any
security;

- (iv) the gaining or attempt to gain, directly or indirectly, through a trade in any security, a commission, fee or gross profit so large and exorbitant as to be unconscionable and unreasonable;
 - (v) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any security as to the nature of any transaction or as to the value of such security;
 - (vi) the making of any material false statement in any application, information, material or evidence submitted or given to the Attorney-General, his representative or the Registrar under the provisions of this Act or the Regulations; or in any prospectus or return filed with the Provincial Secretary;
 - (vii) the violation of any provision of this Act or of the Regulations relating to trading in securities;
 - (viii) generally any artifice, agreement, device or scheme, course of conduct or business to obtain money, profit or property by any of the means hereinbefore set forth or otherwise contrary to law and anything specifically designated in the Regulations as coming within the meaning of this definition;
- (d) "Person" shall mean an individual, partnership, association, syndicate and any unincorporated organization. ^{"Person."}
 - (e) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar under the provisions of this Act and the Regulations. ^{"Registrar."}
 - (f) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act. ^{"Regulations."}
 - (g) "Salesman" shall mean every person employed, appointed or authorized by any broker or company to trade in securities whether directly or through sub-agents. ^{"Salesman."}

"Security."

(h) "Security" shall include,—

- (a) any document, instrument or writing commonly known as a security, or
- (b) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company; or
- (c) any document constituting evidence of an interest in an association of legatees or heirs, or
- (d) any document constituting evidence of an interest in any option given upon a security, or
- (e) any document designated as a security by the regulations.

"Security issuer."

- (i) "Security issuer" shall include a company or person, other than an individual, trading in securities of its own issue and not trading generally in other securities.

"Trade."

- (j) "Trade" or "Trading" shall include any solicitation or obtaining of a subscription to, disposition of, transaction in, or attempt to deal in, sell or dispose of a security or interest in or option upon a security for any valuable consideration whether the terms of payment be upon margin, instalment or otherwise, and any underwriting of any issue or part of an issue of a security, and any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing or specifically designated as "trade" or "trading" in the Regulations.

PART I.

REGISTRATION OF BROKERS AND SALESMEN.

3.—(1) No person shall,—

- (a) trade in any security unless he is registered as a broker or salesman of a registered broker, or

Brokers,
officials and
salesmen to
register.

- (b) act as an official of or on behalf of any partnership¹ or company in connection with any trade in any security by the partnership or company, unless he or the partnership or company is registered as a broker,
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he is registered as a salesman of a partnership or company which is registered as a broker,

and such registrations have been made in accordance with the provisions of this Act and the Regulations, and any violation of this section shall constitute an offence.

(2) With the approval of the Attorney-General, any partnership or company may be registered as a broker, ^{Partnership or company may be registered.} whereupon the partnership or company may trade in securities, and the members and officials of the partnership, and the officials of the company other than branch managers or salesmen of the partnership or company, may act as such without separate registration, and the provisions of this Act, and of the Regulations relating to registered persons or companies, shall be deemed to apply to such partnership or company.

4. Registration shall not be required in respect of any of ^{Exemptions.} the following classes of trades or securities,—

- (a) A trade in a security taking place at a judicial, ^{Judicial sales.} executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under *The Bankruptcy Act*, a receiver under *The Judicature Act*, or a liquidator under *The Companies Act* or *The Winding Up Act*. ^{R.S.C. cc. 11, 213. (Dom.), Rev. Stat. cc. 88, 218.}
- (b) An isolated trade in a specific security by or on ^{Isolated transactions by owner.} behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like character, and is not made by a person whose usual business is trading in securities.
- (c) A trade where one of the parties is a bank, loan ^{Banks, etc., Crown, municipal and public officials, and registered persons, etc.} company, trust company or insurance company, or is an official or employee, in the performance of his

duties as such, of His Majesty in right of the Dominion or any province or territory of Canada or of any municipal corporation, or public board or commission in Canada or is registered as a broker under the provisions of this Act.

Sale by
pledgee for
debt.

- (d) A trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by selling or offering for sale or delivery in good faith in the ordinary course of business a security pledged in good faith as security for such debt.

Stock
dividends,
etc.

- (e) The distribution, issuance or sale by a company exclusively to the holders of its securities of capital stock, bonds or other securities as a stock dividend or other distribution out of earnings or surplus, or in the process of a *bona fide* reorganization of the company, or of additional capital stock where no commission or other remuneration is paid or given in connection therewith.

Exchange
on merger.

- (f) The exchange by or on account of one company with another company of its own securities in connection with a consolidation, amalgamation or merger of either company.

Prospector's
"grubstake"
or share in
claim.

- (g) A trade in good faith by an actual prospector of a security issued by him for the purpose of financing a prospecting expedition, or for the purpose of disposing of any of his interest in a mining claim or property staked by or wholly or partly owned by him.

Trust.

- (h) Securities in which trust funds may lawfully be invested in Ontario.

Secured
bonds.

- (i) Securities secured by mortgage upon real estate or tangible personal property where the entire mortgage, together with all of the securities secured thereby or where all of the securities secured thereby are sold at the one time.

Negotiable
paper.

- (j) Negotiable promissory notes or commercial paper maturing not more than a year from the date of issue.

Securities
based upon
conditional
sales.

- (k) Securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the

acquisition of personal property under conditional sale contracts.

- (l) Securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder. Shares of non-profit-sharing companies.
- (m) Any class of trade or security specifically exempted from the application of subsections 1 and 2 of this section by the Regulations. Trades or securities exempted by Regulations.
- (n) Securities traded by a company with its employees who are not induced by expectation of employment or continued employment. Company stock sales to employees.
- (o) The issuance of its own securities by a private company. Stock of private company.

5.—(1) Unless the Attorney-General otherwise directs the Registrar may after the receipt by him of any application for registration cause to be entered in a book kept for such purpose and open to public inspection, hereinafter called the "Register," the name and address for service of such applicant, whereupon such applicant shall be deemed to be registered temporarily or otherwise as a broker or salesman as the case may be. Registration within ten days unless Attorney-General objects.

(2) The Registrar may cause a temporary entry to be made, designated as such, in the register, subject to cancellation at any time upon the order of the Attorney-General. Temporary registration.

(3) Registrations shall expire, and may be changed or renewed as the Regulations shall provide. Expiration, change and renewal of registration.

6.—(1) Every application under this Act or the Regulations shall be made in writing upon the forms provided by the Registrar, and shall be accompanied by the fee prescribed by the Regulations and such bond as may be required. Application to be upon forms with proper fees and bonds.

(2) Every applicant, whether domiciled in Ontario or not, shall state in every application an address for service in Ontario, and all notices under this Act or the Regulations and all legal process issued by or on behalf of any person or company shall be sufficiently served for all purposes if posted by registered mail to the applicant at the latest address for service so stated, and in the case of a non-registered company where the officials are registered to the latest address of the person registered as the senior official of such company in Ontario. Address for service.

(3) The Registrar may from time to time and shall when so directed by the Attorney-General require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any matter then or previously submitted. Further information.

\$500 bond
by every
broker and
applicant.

7.—(1) Every applicant for registration as a broker shall before registration deliver a bond by the applicant or the person or company he represents as the Registrar may require, such bond to be in the sum of \$500 and in such form and upon such condition as the Regulations shall prescribe.

Bond
by a surety
company if
required.

(2) The Registrar may and when so directed by the Attorney-General shall require any applicant or any registered person or company within a specified time limit to deliver a bond by a surety company approved by the Attorney-General or any other bond in such form and upon such condition as the Regulations shall prescribe, and in such amount as the Regulations or the Attorney-General shall require.

New bond.

(3) The Registrar may and when so directed by the Attorney-General shall require a new or an additional bond of the kind mentioned in subsections 1 or 2 to be filed within a specified time limit.

Forfeiture
of bonds.

8.—(1) Any bond mentioned in section 7 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when there has been filed with the Registrar the Attorney-General's certificate that the broker or salesman in respect of whose conduct the bond is conditioned, or any official of the broker has, in connection with a trade in a security, been,—

\$500 bond.

(a) in the case of the bond mentioned in subsection 1 of section 7,

- (i) charged with any criminal offence, or,
- (ii) found upon investigation by the Attorney-General or his representative to have committed a fraudulent act, or

Bond
by surety
company.

(b) in the case of the bond mentioned in subsection 2 of section 7,

- (i) convicted of a criminal offence, or
- (ii) convicted of an offence against any provision of this Act or the Regulations, or
- (iii) enjoined by the Supreme Court or a Judge thereof otherwise than by an interim injunction.
- (iv) a party to civil proceedings in the courts as a result of which final judgment has

been given against such person, company or official in connection with a trade in a security where such judgment is based upon a finding of fraud.

(2) Any bond mentioned in section 7 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when there has been filed with the Registrar a certificate signed by the Attorney-General that proceedings by or in respect of the broker or salesman in respect of whose conduct the bond is conditioned have been taken under *The Bankruptcy Act*, or by way of winding up.

(3) The Attorney-General may assign any bond forfeited under the provisions of subsections 1 or 2, or may pay over any moneys recovered thereunder to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company as the case may be, such assignment or payment over to be in accordance with and upon conditions set forth in the Regulations or in any special order of the Lieutenant-Governor in Council.

(4) The Attorney-General, whenever His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of sections 6, 7 and 8, may take such proceedings as he shall see fit under *The Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or *The Winding Up Act* for the appointment of an interim receiver, custodian, trustee, receiver or liquidator as the case may be.

9.—(1) The Attorney-General may order that,—

- (a) any application for registration, renewal, or change of registration shall or shall not be granted for any reason which he may deem sufficient, or that
- (b) the application of any person for registration shall not be granted where it appears that such person proposes to use or is using a trading name other than his own, or that of his partner, where such trading name is apt to lead the public to believe it is that of a business firm of longer established standing in Ontario, or is calculated to conceal from the public the identity of the applicant, or is for any reason objectionable, or that

- Temporary entries. (c) any temporary entry in the register shall be made, suspended or cancelled for any reason which he may deem sufficient, or that
- Registration reduced or cancelled. (d) any registration shall be reduced to a temporary registration or suspended or cancelled upon,—
- (i) any proceedings being taken by or in respect of the broker under *The Bankruptcy Act* or by way of winding up, or
 - (ii) suspension from any stock exchange of any broker or any representative upon any stock exchange of any broker, or
 - (iii) institution of criminal proceedings against the broker or any official of the broker, or
 - (iv) conviction of the broker or an official of the broker of an offence against this Act or the Regulations.
- Suspension or cancellation for default. (e) the registration of any broker or salesman shall be suspended for any period or cancelled by reason of default in filing a bond when required under the provisions of subsections 2 and 3 of section 7, or that
- Suspension under Part II. (f) the registration of any broker or salesman shall be suspended as provided in section 11,
- and no order of the Attorney-General shall be subject to review in any way in any court.
- Entry of suspension or cancellation. (2) The Registrar upon receiving any order of the Attorney-General suspending or cancelling any registration shall cause immediate entry thereof to be made in the register whereupon the suspension or cancellation shall become effective forthwith, but notice thereof and of the refusal of any application shall be sent to the broker or salesman concerned.
- Further applications. (3) Notwithstanding any order of the Attorney-General a further application may be made upon new or other material, or where it is clear that material circumstances have changed.

PART II.

Investigation by Attorney-General.

INVESTIGATION AND ACTION BY THE ATTORNEY-GENERAL.

10.—(1) The Attorney-General, or any person or persons to whom as his representative or representatives he may in writing delegate such authority, may examine any person, company, property or thing whatsoever at any time in order to ascertain whether any fraudulent act, or any offence against this Act or of the Regulations has been, is being, or is about to be committed, and for such purpose shall have the

same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath and to produce documents, records and things as is vested in the Supreme Court or a Judge thereof for the trial of civil cases, save that the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby and no evidence given shall be privileged except under *The Evidence Act* and *The Canada Evidence Act*, and save further that no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operation of this section.

(2) When the Attorney-General, or his representative, is about to examine or is examining any person or company under this section the Attorney-General may appoint an accountant or other expert to examine documents, records, properties and matters and report thereon to him. Appointment of accountants and other experts.

(3) The failure without reasonable excuse of any person or company to furnish information required by the Registrar under Part I within the time limited, or the failure without reasonable excuse of any person summoned for examination under subsection 1 to appear or his refusal to give evidence or to answer any question where the evidence or answer could be required in an action or the failure without reasonable excuse or refusal of any person or company to produce anything shall constitute an offence and shall also be *prima facie* evidence upon which,— Failure to give information, etc., an offence and also prima facie evidence.

- (a) the Attorney-General, or his representative, may base an affirmative finding concerning any fraudulent act to which he may deem it relevant, or
- (b) the Supreme Court, or a Judge thereof, may grant an interim or permanent injunction, or
- (c) a police magistrate may base a conviction for an offence against this Act or the Regulations.

(4) Disclosure by any person other than the Attorney-General, his representative or the Registrar, without the consent of any one of them, of any information or evidence Evidence not to be disclosed.

obtained or the name of any witness examined or sought to be examined under subsection 1 shall constitute an offence.

Attorney-
General
may

11. If the Attorney-General or his representative upon investigation finds that any fraudulent act, or that any offence against this Act or the Regulations, has been, is being, or is about to be committed, the Attorney-General

suspend for
over ten
days

(a) may where a registered broker, company or salesman is in his opinion concerned therein, order that the broker, company or salesman and any other registered broker, company or salesman connected with the same organization, be suspended from registration for any period not exceeding ten days, or

and proceed
by injunc-
tion.

(b) may where he considers a suspension for ten days inadequate, or where any unregistered person or company is in his opinion concerned in such fraudulent act or in such offence, proceed under the provisions of section 12, or, otherwise under this Act or the Regulations, or

Notice of
fraud.

(c) may give notice of the fraudulent act to the public by advertisement or otherwise or to any individual by letter or otherwise, whenever he deems it advisable.

Supreme
Court or
Judge may
enjoin from
trading in
securities.

12.—(1) The Supreme Court or any Judge thereof is hereby empowered upon the application of the Attorney-General, where it is made to appear upon the material filed or evidence adduced that any fraudulent act, or any offence against this Act or the Regulations has been, is being or is about to be committed may by order enjoin,—

(a) any registered broker, company or salesman or any person or company implicated with any of them in the same matter from trading in any security whatever absolutely or for such period of time as shall seem just, and any such injunction shall *ipso facto* suspend the registration of any registered person or company named in the order during the same period, or

(b) any person or company from trading in any security whatever, or in any specific security, or from committing any specific fraudulent act or series of fraudulent acts absolutely or for such period of time as shall seem just.

Application
may be *ex*
parte

(2) The application of the Attorney-General under subsection 1 may be made without any action being instituted, either,—

- (a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* hereof is sooner heard and determined, or
- (b) by an originating notice of motion, which, if an interim injunction has been granted, shall be served within five and returnable within ten days from the date of such interim injunction.

13.—(1) The Attorney-General may,—

- (a) when he is about to examine or during or after the examination of any person or company under the provisions of section 10, or
- (b) when he is about to apply for or has applied for or has obtained an injunction, interim or otherwise against any person or company under the provisions of section 12, or
- (c) where criminal proceedings which in his opinion are connected with or arise out of any security or any trade therein, or out of any business conducted by the accused are about to be or have been instituted against any person,

in writing or by telegram direct any person or company having in Ontario on deposit or under control or for safe keeping any funds or securities of the person or company so to be or actually examined, enjoined or charged, to hold such funds or securities or direct the person or company so to be or actually examined, enjoined or charged to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping, or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of *The Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or *The Winding Up Act*, or until the Attorney-General in writing revokes such direction or consents to release any particular fund or security from such direction, and failure without reasonable excuse by any person or company to comply with any such direction shall constitute an offence, provided that no such direction shall apply to funds or securities in a stock exchange clearing house nor to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

Application
for direction.

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such fund or security and may make such order as to costs as may seem just.

Notice to
Registrars
of Deeds or
Masters of
Titles.

(3) In any of the circumstances mentioned in clauses (a), (b) or (c) of subsection 1, the Attorney-General may in writing or by telegram notify any Registrar of Deeds or Master of Titles or any Local Master of Titles or any Mining Recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the said notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Attorney-General may in writing revoke or modify such notice.

PART III.

REGULATION OF TRADING.

Selling
against
customers'
buying
orders.

14.—(1) Whenever a person, or a member or employee of a partnership, or a director, officer or employee of a corporation, after he, or the partnership or corporation has contracted as a broker with any customer to buy and carry upon margin any securities of any incorporated or unincorporated company or undertaking either in Canada or elsewhere, and while such contract continues sells or causes to be sold, securities of the same company or undertaking for any account in which,—

(a) he, or

(b) his firm or a partner thereof, or

(c) the corporation or a director thereof,

Customer's
contract
voidable.

has a direct or indirect interest, if the effect of such sale shall, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the broker or under his control in the ordinary course of business below the amount of such securities which he should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the broker all moneys paid with interest thereon or securities deposited in respect thereof, and the broker shall be guilty of an offence.

An offence.

(2) The customer may exercise such option by a registered letter to that effect addressed to the broker at his address for service in this Province. ^{Exercise of option.}

15. Every broker who has acted as an agent for a customer shall promptly send or deliver to each customer for whom any security has been bought or sold by the broker, a written confirmation of the transaction, setting forth: ^{Confirmation to customers.}

- (a) the quantity and description of the security.
- (b) the name of the person or company from or to or through whom the security was bought or sold.
- (c) the day, and the name of the stock exchange, upon which, the transaction took place,

and failure, without reasonable excuse, to comply herewith shall constitute an offence.

16. Every stock exchange shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of any written confirmation of any transaction with any such member, particulars of the time at which such transaction took place and verification or otherwise of the matters set forth in such confirmation. ^{Record.}

PART IV.

AUDIT, ACCOUNTS, INFORMATION.

17.—(1) In this Part:

- (a) "Brokers' Auditor" shall mean an accountant whose name is on the panel of accountants approved by an executive committee. ^{Inter-pretation.}
- (b) "Exchange Auditor" shall mean an accountant who shall have practised as such in the Province for not less than ten years and who is employed by the executive committee. ^{"Brokers' Auditor."}
- (c) "Executive Committee" shall include the board of directors, managing committee or other governing committee of a stock exchange in Ontario. ^{Exchange Auditor.} ^{"Executive Committee."}

Panel
of brokers'
auditors.

18. Every executive committee shall from time to time select a panel of accountants each of whom shall have practised as such in Ontario for not less than five years and shall be known as a brokers' auditor, and shall also employ an exchange auditor.

Exchange
auditor.

Allotment
of audits.

19. The executive committee shall allot to each brokers' auditor the persons or companies, whether members of or represented upon the exchange, which are to be audited by him, and all of the expenses of every audit are to be paid to the brokers' auditor by the executive committee, subject to full repayment forthwith by the person or company audited, and until such repayment is made the executive committee shall have a lien upon the seat belonging to or controlled by the person or company so indebted to the executive committee.

Duties of
auditor.

20. Every brokers' auditor shall in each year audit the assets and liabilities as at a permanent date in each year fixed by the executive committee and prepare a balance sheet showing the position at such date of the business and affairs of each person or company allotted to him, and shall also in each year make a like audit and prepare a like balance sheet as of a date designated by the exchange auditor, such last mentioned date to be not earlier than four months nor later than eight months from the permanent date in such year, and shall also make such further audit and prepare such further statements and make such further reports as the exchange auditor may think advisable or as the executive committee may direct; no warning or notice shall in any way be given of any audit, other than that of the permanent date.

Special
audit.

21. The executive committee of a stock exchange may at any time require any brokers' auditor upon the panel of accountants of the exchange to make any general or special audit or report upon the whole or any aspect of the business or affairs of any person or company who is or has been a member of or in any way represented upon the exchange.

Powers of
auditors.

22. Every brokers' auditor, for the purpose of any audit under the provisions of this Part shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company being audited, and any person or company withholding, destroying, concealing or refusing to give any information or thing reasonably required by the auditor for the purpose of his audit, shall be guilty of an offence.

23. Every brokers' auditor during or upon the completion of every statement and audit under the provisions of this Part shall send a copy of every report whether interim or final to the exchange auditor and shall in addition specially report to such auditor any particular information which may be required under the by-laws, rules or regulations of the exchange and any further information which the brokers' auditor deems it to be in the public interest so to report, and the exchange auditor shall summarize all information so received, and report thereon to the executive committee for scrutiny, identifying the person or company affected thereby by number only until the executive committee decides to take action in respect of any such person or company, or until the exchange auditor thinks it advisable in the public interest or in the interests of the exchange to disclose such name to the executive committee, and the exchange auditor may, in any report, make such recommendations as he thinks advisable.

Auditors' reports.

24. Any person designated in writing by an executive committee may examine under oath any member of the exchange or any officer of any company represented thereon, or any associate or employee of any such person or company upon any matter arising out of any report of a brokers' auditor and for the purposes of such inquiry the person so designated shall have all the powers which a representative of the Attorney-General may exercise under section 10.

Power to examine.

25. Any executive committee may in writing, require any person or company whose affairs have been audited or are being audited to alter, supplement or replace any system of book or record keeping in any manner and to comply with any recommendation made by the exchange auditor, and any requirement of such executive committee.

Change of accounting system.

26. Failure by any person or company, a member of or represented upon any stock exchange, to comply with any requirement of the executive committee of the exchange, or any person designated by it under section 24, shall constitute an offence and shall entitle the executive committee to suspend such person or member representing such company for such period as the said committee shall determine.

Failure to comply.

27. No action shall lie against any stock exchange, executive committee or any member thereof, or any person designated by it under section 24, or against any brokers' or exchange auditor in respect of any act or proceeding, under the provisions of this Part.

No action against auditors, etc.

28. Every broker not subject to audit under the preceding sections of this Part, shall file with the Registrar annually, and at such other times as the Registrar may require a certi-

Audits by brokers not members of stock exchanges.

ificate satisfactory to the Registrar as to the financial position of the broker, signed by the broker or by two of the partners or officials thereof, and by an independent accountant, and in addition thereto the Registrar may at any time require a financial statement in any form, from the broker, certified as aforesaid, and failure, without reasonable excuse, to comply with the provisions of this section or the requirements of the Registrar thereunder shall constitute an offence.

PART V.

GENERAL PROVISIONS.

Judge
not *persona*
designata

29.—(1) A judge of the Supreme Court in exercising any of the powers conferred upon such judge by this Act shall be deemed so to act as a judge of such court and not as *persona designata*.

nor
Attorney-
General.

(2) The Attorney-General shall in all proceedings under this Act or the Regulations be deemed to be acting as the representative of His Majesty in the right of the Province of Ontario, and not as *persona designata*.

Judicature
Act and
Rules apply.
Rev. Stat.,
c. 88.

(3) The provisions of *The Judicature Act* and the Consolidated Rules of Practice and Procedure made thereunder so far as they are applicable to proceedings of a like nature, including those relating to appeals and to the enforcement of judgments and orders, shall apply to every proceeding before the Supreme Court or a judge thereof under the provisions of this Act, save that service of notices and other legal process shall be in accordance with subsection 2 of section 6 and save that costs may be awarded to but not against the Attorney-General.

No action,
etc., against
persons ad-
ministering
this Act.

30. No action whatever, and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the Regulations where such person is the Attorney-General or his representative, or the Registrar or where such person or company was proceeding under the written or verbal direction or consent of any one of them, or under an order of the Supreme Court or a judge thereof made under the provisions of this Act.

Regulations.

31. The Lieutenant-Governor in Council may make, and from time to time amend, alter or repeal, regulations not inconsistent with this Act,—

- (a) for the regulation of listing and trading in securities upon any stock exchange, of the records relating thereto and of the clearing of transactions thereon,

- (b) for the furnishing of information by brokers or salesmen to the public;
- (c) for the preparation and filling of financial statements of the affairs of brokers not represented upon any stock exchange;
- (d) for the creation of offences;
- (e) for the better carrying out of the provisions of this Act and for the more efficient administration thereof;
- (f) for any other purpose elsewhere indicated in this Act;

and all such regulations and any amendment, alteration or repeal thereof shall become effective in all respects as if enacted in this Act upon the publication thereof in the *Ontario Gazette*.

32.—(1) Every person who violates any provision of this Act or the Regulations designated as an offence, or who does any fraudulent act not punishable under the provisions of the Criminal Code of Canada, shall be liable upon conviction thereof under *The Summary Convictions Act* to a penalty of not more than \$1,000 for a first offence, nor \$2,000 for a second or subsequent offence, and in case of either a first or a subsequent offence either in default of payment of any penalty imposed, or in addition to such penalty, to imprisonment for a term not exceeding six months.

Penalties.

Rev. Stat. c. 121.

(2) The provisions of subsection 1 shall be deemed to apply *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000.

Companies.

(3) Where any company is convicted under this Act the magistrate may direct that, in default of payment of the penalty imposed, proportionate parts thereof shall be paid by such officers, directors, officials or employees of the company, and in such amounts as he shall designate, and in default of payment by any person so designated the magistrate may impose a penalty of imprisonment for a term not exceeding six months.

Apportionment of penalty on company among officers, etc.

(4) No proceedings under this section shall be instituted except with the consent or under the direction of the Attorney General.

Consent of the Attorney-General required.

33. Any information, evidence, exhibit or thing obtained by the Attorney-General or his representative or the Registrar under the provisions of this Act, or the Regulations, or copies

Evidence.

thereof, or statement that a person or company is or is not registered or other data concerning registration purporting to be certified by the Attorney-General or the Registrar without proof of the office or signature of the person certifying, shall, so far as relevant, be receivable in evidence for all purposes in any action, proceeding or prosecution and, in proceedings under Part II only, the evidence of a witness may be used against him notwithstanding anything in *The Evidence Act* contained.

Rev. Stat.,
c. 107.

Collection of costs of investigation. **34.** Where in consequence of an investigation under Part II of this Act, any person or company has been,—

- (a) convicted of a criminal offence; or
- (b) convicted of an offence against any provision of this Act or the Regulations; or
- (c) enjoined by the Supreme Court or a judge thereof otherwise than by an interim injunction, or
- (d) examined and documents, records, properties or matters have been examined by an accountant or other expert appointed by the Attorney-General,

the Attorney-General may certify in writing as to the costs of the investigation and shall be entitled to take such proceedings as are available to a judgment creditor for the collection from such person or company of the sum set forth in such certificate, which sum shall be a debt to His Majesty in right of the Province of Ontario.

Execution of warrant issued in another province.

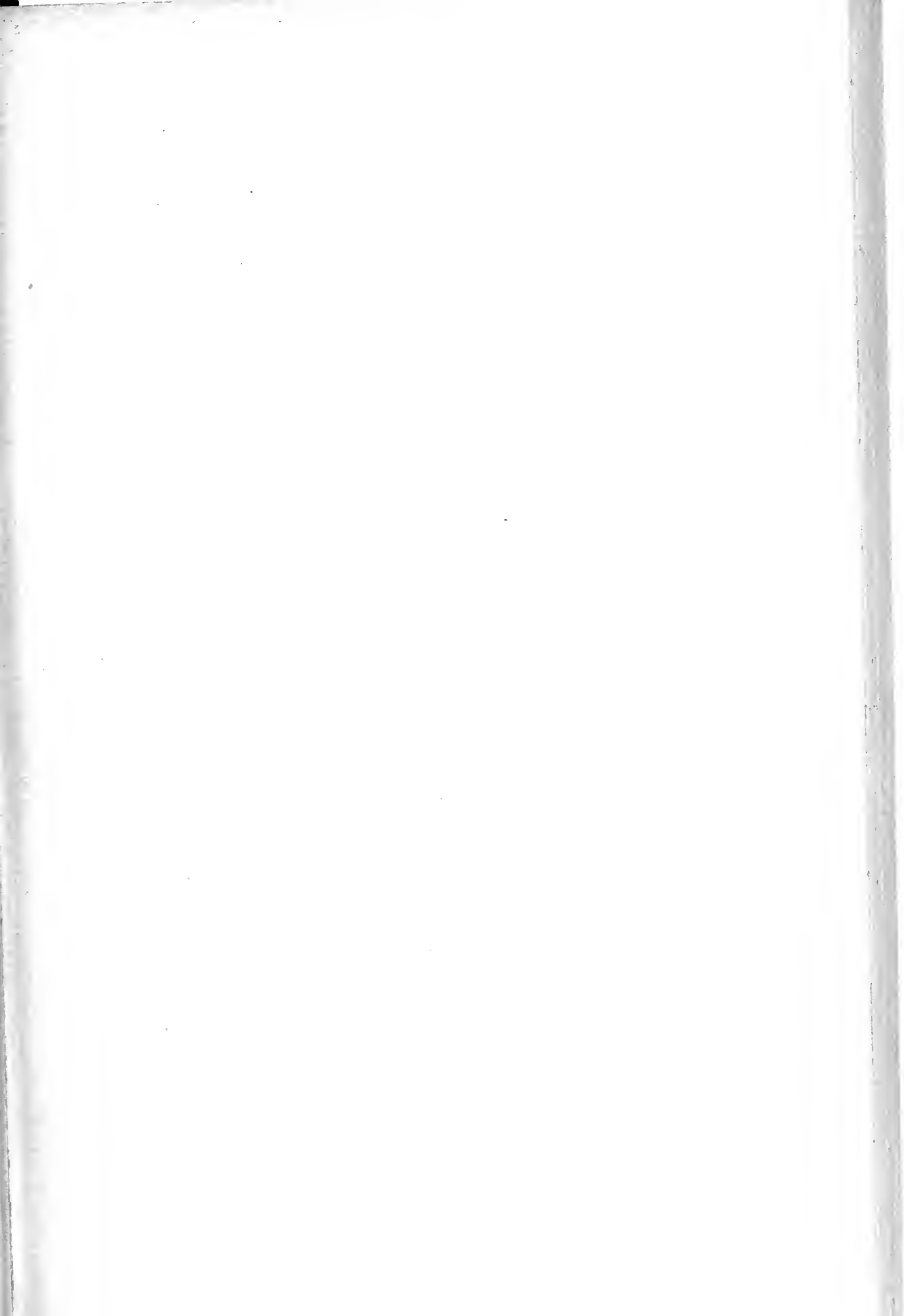
35.—(1) Where a police magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of *The Security Frauds Prevention Act* or any similar statute of that province, any police magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the hand-writing of the police magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all police constables within the territorial jurisdiction of the police magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to re-arrest such person anywhere in Ontario.

(2) Any police constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed in pursuance of subsection 1 hereof shall be entitled to hold, take and re-arrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. ^{Prisoner in transit.}

36. Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act. ^{Expenses. Rev. Stat. c. 25.}

37. *The Security Frauds Prevention Acts, 1928 and 1929*, are hereby repealed. ^{1928, c. 34; 1919, c. 51, repealed.}

38. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Royal Assent.}



BILL.

An Act for the Prevention of Fraud in
connection with the Sale of Securities.

1st Reading.

February 20th, 1930

2nd Reading.

March 6th, 1930.

3rd Reading.

March 27th, 1930

MR. PRICE.

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

BILL

An Act to amend The Municipal Act.

MR. ELLIOTT

No. 76.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 70,
subs. 8,
amended.

1. Subsection 8 of section 70 of *The Municipal Act* is amended by inserting after the word "acclamation" in the first line the words "in cities, towns and villages" and by inserting after the word "week" in the second line the words "and in townships within two weeks."

Rev. Stat.,
c. 233, s. 70,
subs. 4a,
(1929, c. 58,
s. 1),
amended.

2. Subsection 4a of section 70 of *The Municipal Act* as enacted by section 1 of *The Municipal Amendment Act, 1929*, is amended by inserting at the commencement thereof the words "In cities and separated towns."

EXPLANATORY NOTE.

Section 1. Under subsection 8 of section 70 of *The Municipal Act* any person elected by acclamation is required to make a declaration of qualification within one week after the day of nomination, and in default he is deemed to have resigned.

The Bill seeks to confine the one week to cities, towns and villages, and make it two weeks in the case of townships.

Section 2. Last Session an amendment was made requiring candidates to file certificates as to payment of taxes with their declaration of qualification.

The Bill proposes that this provision should apply only to cities and separated towns.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 18th, 1930

2nd Reading

3rd Reading

MR. ELLIOTT

No. 77

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

BILL

An Act to amend The Public Health Act.

MR. MCBRIEN

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

BILL

An Act to amend The Public Health Act.

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

Short title. **1.** This Act may be cited as *The Public Health Act, 1930.*

Rev. Stat.,
c. 262,
amended. **2.** *The Public Health Act* is amended by adding thereto the following section:

REGULATION AND LICENSING OF BARBER SHOPS AND HAIRDRESSING ESTABLISHMENTS.

Regulation
of barber
shops, etc.

87a.—(1) The council of any city or town may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Approval of
by-law by
Department.

(2) The said by-law shall not take effect until approved in writing by the Department, and when so approved shall be in force notwithstanding any provision of this Act or other regulation imposed under authority of this Act to the contrary.

EXPLANATORY NOTE.

This Bill is intended to enable city and town councils to better regulate barber shops, hair dressing establishments and what are known as "beauty shops." Subsection 2 of the proposed new section it will be seen, provides for the approval of the Department of Health so as to avoid unnecessary and vexatious regulations.

BILL.

An Act to amend The Public Health Act.

1st Reading

February 18th, 1930

2nd Reading

2nd Reading

Mr. MCBRIEN

No. 77

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

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No. 77.

1930.

BILL

An Act to amend The Public Health Act.

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

Short title. **1.** This Act may be cited as *The Public Health Act, 1930*.

Rev. Stat.,
c. 262, s. 12,
amended. **2.** Section 12 of *The Public Health Act* is amended by adding thereto the following subsection:

Appoint-
ment of
member of
city council
to local
board.

(5) One or more members of the council may be appointed to be members of the local board.

Rev. Stat.,
c. 262,
amended.

3. *The Public Health Act* is amended by adding thereto the following section:

REGULATION AND LICENSING OF BARBER SHOPS AND HAIRDRESSING ESTABLISHMENTS.

Regulation
of barber
shops, etc.

87a.—(1) The council of any city, town or township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Exception
from
by-laws.

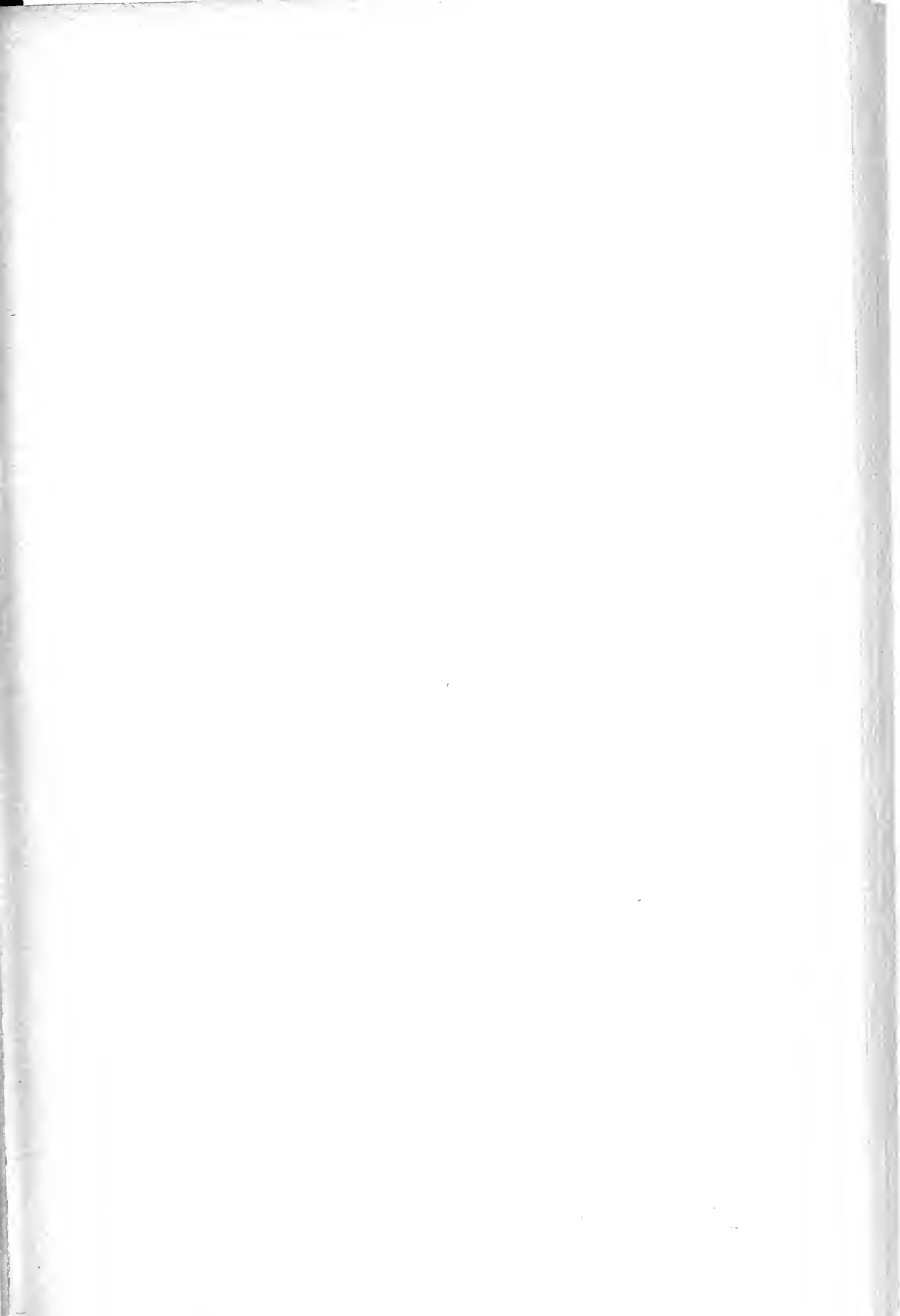
(2) This Act shall not apply to any hairdressing establishment where less than three persons are employed.

Approval of
by-law by
Department.

(3) The said by-law shall not take effect until approved in writing by the Department, and when so approved shall be in force notwithstanding any provision of this Act or other regulation imposed under authority of this Act to the contrary.

Commence-
ment of Act.

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



BILL.

An Act to amend The Public Health Act.

1st Reading

February 18th, 1930

2nd Reading

February 21st, 1930

3rd Reading

March 27th, 1930

MR. MCBRIEN

No. 78

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

BILL

An Act to amend The Municipal Act.

MR. MORRISON

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

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233,
s. 20, subs. 3
amended.

1. Subsection 3 of section 20 of *The Municipal Act* is amended by adding at the end thereof the following words:

“And where it appears to the Board that it is expedient to amend the terms and conditions of any order of the Board annexing any adjacent territory to a city or town, the Board may, with the consent of the council to which the district was annexed, amend or vary such order.”

Rev. Stat.,
c. 233, s. 75,
amended.

2. Section 75 of *The Municipal Act* is amended by striking out the words “last Monday in November” in the sixth and seventh lines and inserting in lieu thereof the words “twenty-first day of November excepting when that day is a Saturday or a Sunday, and in that case on the preceding Friday.”

Rev. Stat.,
c. 233,
amended.

3. *The Municipal Act* is amended by adding thereto the following section:

Polling
places.

83a. Where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by councils of cities for providing a polling place for such polling subdivision in an adjoining polling subdivision.

Rev. Stat.,
c. 233, s. 271,
amended.

4. Section 271 of *The Municipal Act* is amended by adding thereto the following subsection:

(9) Where more money by-laws than one are submitted at the same time, all, or any number of such by-laws may be included in one notice of submission required by subsections 6 and 7.

EXPLANATORY NOTE.

Section 1. The Municipal Board has power under subsection 3 of section 20 of *The Municipal Act* to amend any order of annexation before it takes effect, and also has power when it does not correctly set forth the terms as to the adjustment of assets and liabilities, taxation, assessment, etc., agreed upon, to amend it to conform with the agreement.

The Bill proposes to give the Board further power to amend the terms and conditions of its annexation order with the consent of the council of the city or town to which the lands are annexed, if the Board deems it expedient to do so.

Section 2. Under section 75 of *The Municipal Act* councils have power by by-law to fix the last Monday in November as the day of nomination, the polling to take place on the first Monday in December.

The Bill proposes to substitute the 21st day of November so that there may be a longer time between nomination and polling.

Section 3. Explains itself. Under section 83 of *The Municipal Act* councils have power to pass by-laws providing for holding the polling places for one or more polling subdivisions in public schools or public buildings although they are not situate in the polling subdivisions for which they are used.

Section 4. Under section 271 in the case of by-laws submitted to obtain the assent of the electors a copy of the proposed by-law is required to be published once a week for three weeks together with a notice by the clerk stating that the copy is a true copy of the by-law and that if the assent of the electors is obtained it will be taken into consideration by the council at the expiration of one month, and in the case of a money by-law that a tenant who desires to vote must deliver to the clerk the required declaration. The notice must also state the day and places appointed for taking the vote and the time and place for the appointment of persons to attend at the polling places, etc.

The Bill proposes that in order to save expense one notice may include a number of by-laws which are to be submitted.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 18th, 1930

2nd Reading

3rd Reading

Mr. MORRISON

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

BILL

An Act to amend The Municipal Act.

MR. CASE.

No. 79.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 238,
subs. 5,
amended.

1. Subsection 5 of section 238 of *The Municipal Act* is amended by adding at the end thereof the words “but this shall not prevent a deputy treasurer from being appointed collector.”

EXPLANATORY NOTE

The Municipal Act prohibits the clerk or treasurer being appointed assessor or collector. The Bill would allow a deputy treasurer to be appointed collector.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 20th, 1930.

2nd Reading

3rd Reading

MR. CASE.

No. 80

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

BILL

**An Act to incorporate the Northern Mines Railway
and Development Company.**

MR. NESBITT

(PRIVATE BILL)

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

No. 80.

1930.

BILL

An Act to incorporate the Northern Mines Railway and Development Company.

Preamble.

WHEREAS Edward James Lennox, of the city of Toronto, in the county of York, architect; John Firstbrook, of the same place, manufacturer; John Adams, of the same place, manufacturer; Colonel Robert Percy Rogers, of the same place, mining engineer; William Stone, of the same place, capitalist; Colonel J. H. Ackerman, of the city of Peterborough, in the county of Peterborough, capitalist, and James Russell Lovett Starr, of the said city of Toronto, barrister-at-law, have by their petition prayed for an Act of incorporation under the name of Northern Mines Railway and Development Company for the purposes and with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

1. This Act may be cited as the *Northern Mines Railway Act, 1930.*

Incorporation.

2. Edward James Lennox, John Firstbrook, John Adams, Colonel Robert Percy Rogers, William Stone, Colonel J. H. Ackerman and James Russell Lovett Starr, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "Northern Mines Railway and Development Company," hereinafter called the company.

Provisional directors.

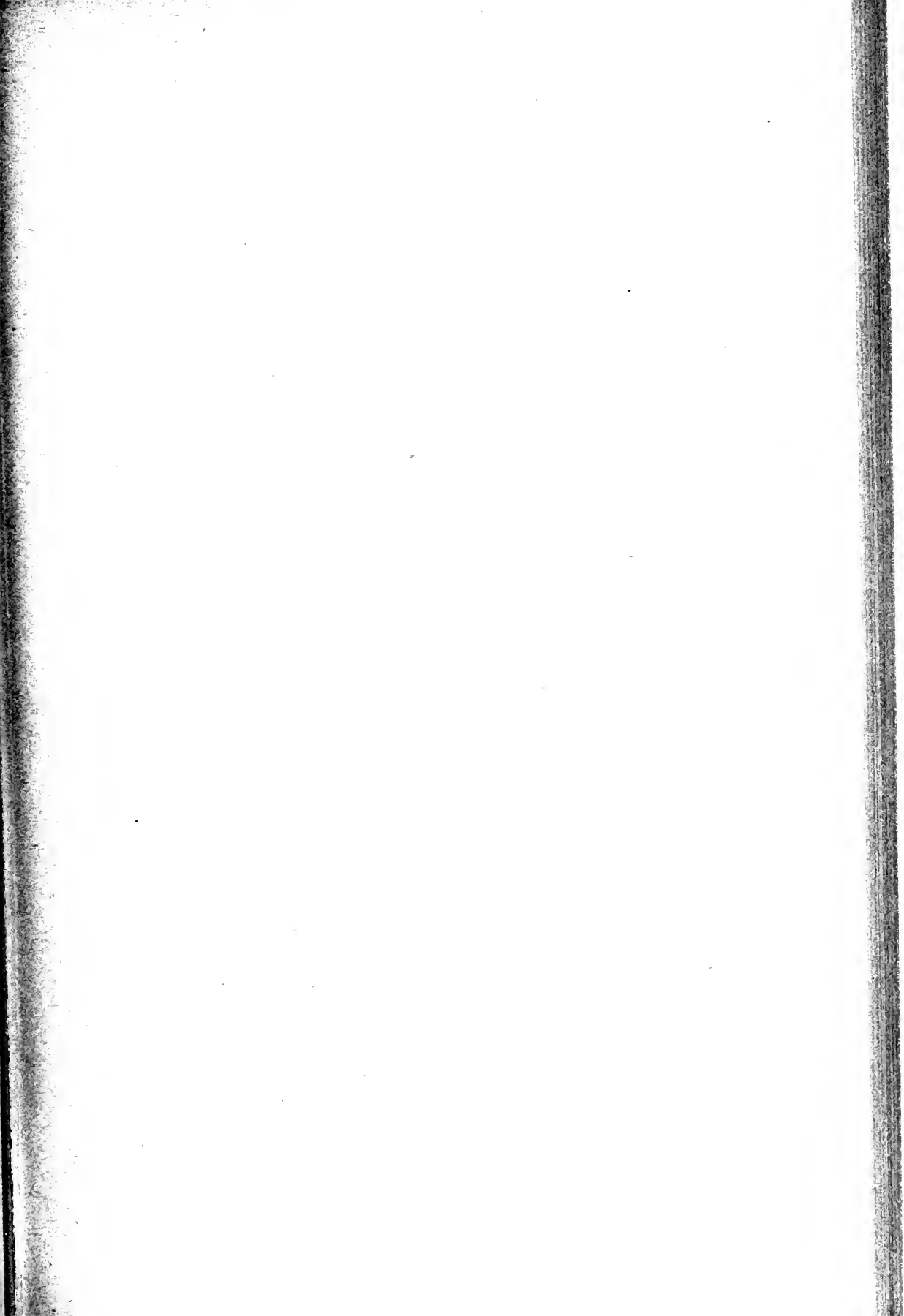
3. The seven persons mentioned in the next preceding section shall be the provisional directors of the company.

Capital stock.

4. The capital stock of the company shall be two million shares without nominal or par value.

Shares with no par value.

5. The company may issue and may sell its authorized shares without par value from time to time in the absence of



fraud in the transaction, for such consideration as from time to time may be fixed by the board of directors.

Head Office. **6.** The head office of the company shall be at the city of Toronto, in the Province of Ontario.

7. The company may,—

Acquiring
and operat-
ing mines.

(a) acquire, own, lease, prospect for, open, explore, develop, work, improve, maintain, manage and operate mines and mineral lands and deposits, including coal, oil and gas lands and deposits, and dig for, raise, crush, wash, smelt, assay, analyze, reduce, amalgamate, refine, pipe, convey and otherwise treat ores, metals and minerals, including coal, oil and gas, whether belonging to the company or not, and render the same merchantable, and may sell or otherwise dispose of the same, or any part thereof, or interest therein, and carry on the business of makers and dealers in steel, iron and alloys;

Water
powers.

(b) acquire and develop water power and other rights and privileges and such other real estate and personal property as it may require for the purpose of its business, and again dispose thereof;

Vessels.

(c) construct, acquire, navigate and employ steam or motor boats and other vessels;

Timber
lands.

(d) acquire by purchase, lease or otherwise timber lands, timber licenses or timber, and sell and dispose thereof; manufacture and sell timber and lumber of all kinds and the products thereof, and acquire any properties that may be necessary for the working thereof, and acquire and dispose of any mills or other facilities necessary for the said business;

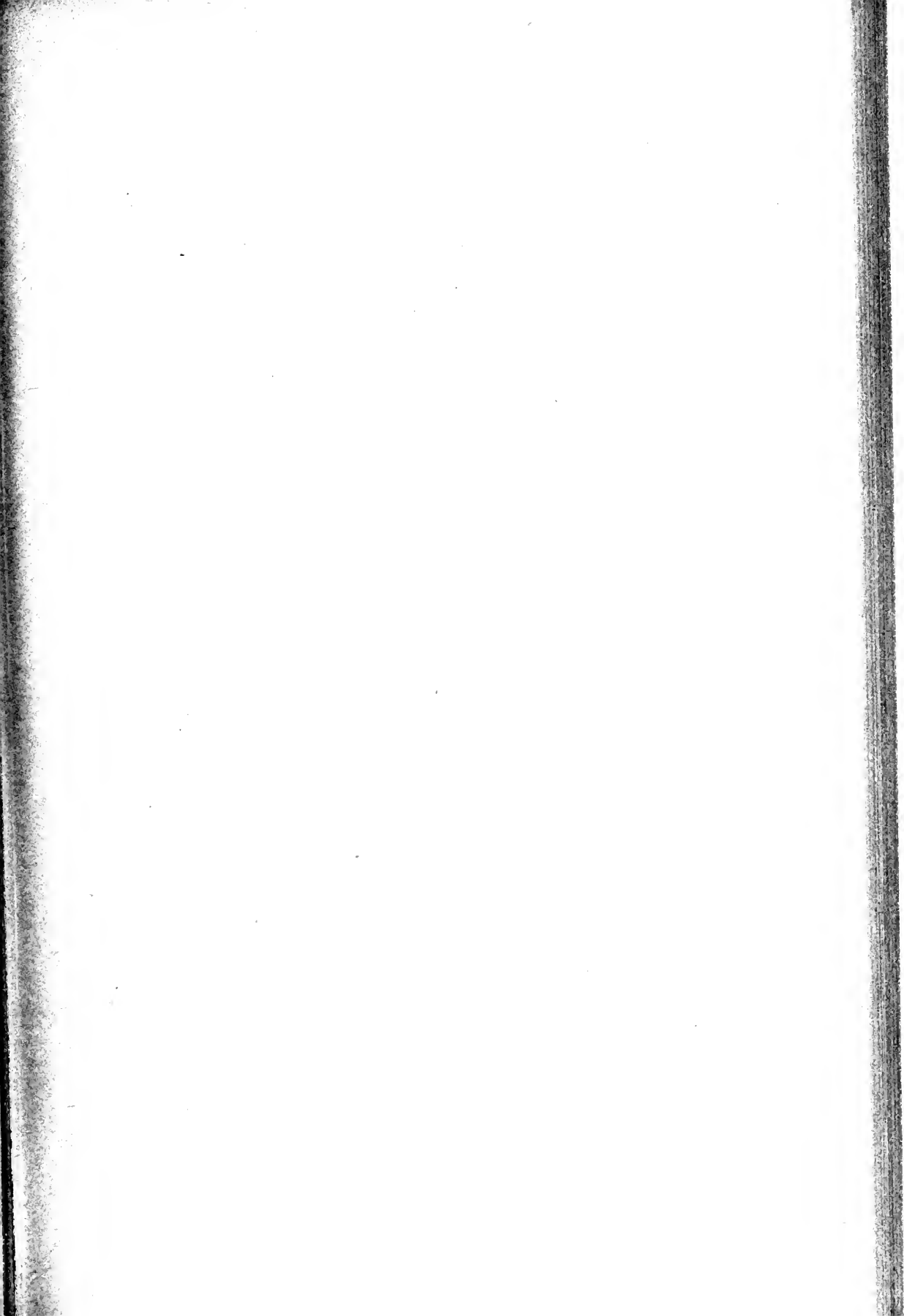
Incidental
powers.

(e) exercise and shall possess all the incidental and ancillary powers to the foregoing set out in subsection 1 of section 23 and in section 24 of *The Companies Act*.

Rev. stat.
c. 218.

Location of
line.

8. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a light narrow gauge railway or a standard gauge railway as the directors may determine with power to alter the gauge at any time, which said railway may be operated by steam, electricity, gasoline, or other motive power or partly the one and partly the other from a point at or near Gold Pines in the district of Patricia, and from thence north-



erly, easterly and westerly to a point in the township of Dent, a distance of about forty miles.

Branch lines.

9. The company shall have power to construct, equip, operate and maintain branch lines to any point and extensions at points along the said route to connect with other railways or with navigable waters and points in proximity thereto.

Telegraph and telephone lines.

10. The company is hereby authorized and empowered to construct, equip, maintain and operate telephone and telegraph lines upon and along the right-of-way of any railway constructed by it.

Disposal of surplus power.

11. The company may enter into contracts for the purpose of disposing of surplus electricity for light and power purposes to municipalities, corporations and persons along the said railway subject to the provisions of *The Power Commission Act*.

Rev. Stat. c. 57.

Express business.

12. The company may acquire the plant and property for and carry on business as an express company.

Gasoline stations.

13. The company may acquire and operate gasoline stations

Townsites.

14. The company may acquire land for townsites and sell and dispose of the same.

Stores.

15. The company may establish and operate stores for the purchase and sale of goods, wares and merchandise.

Bonding powers.

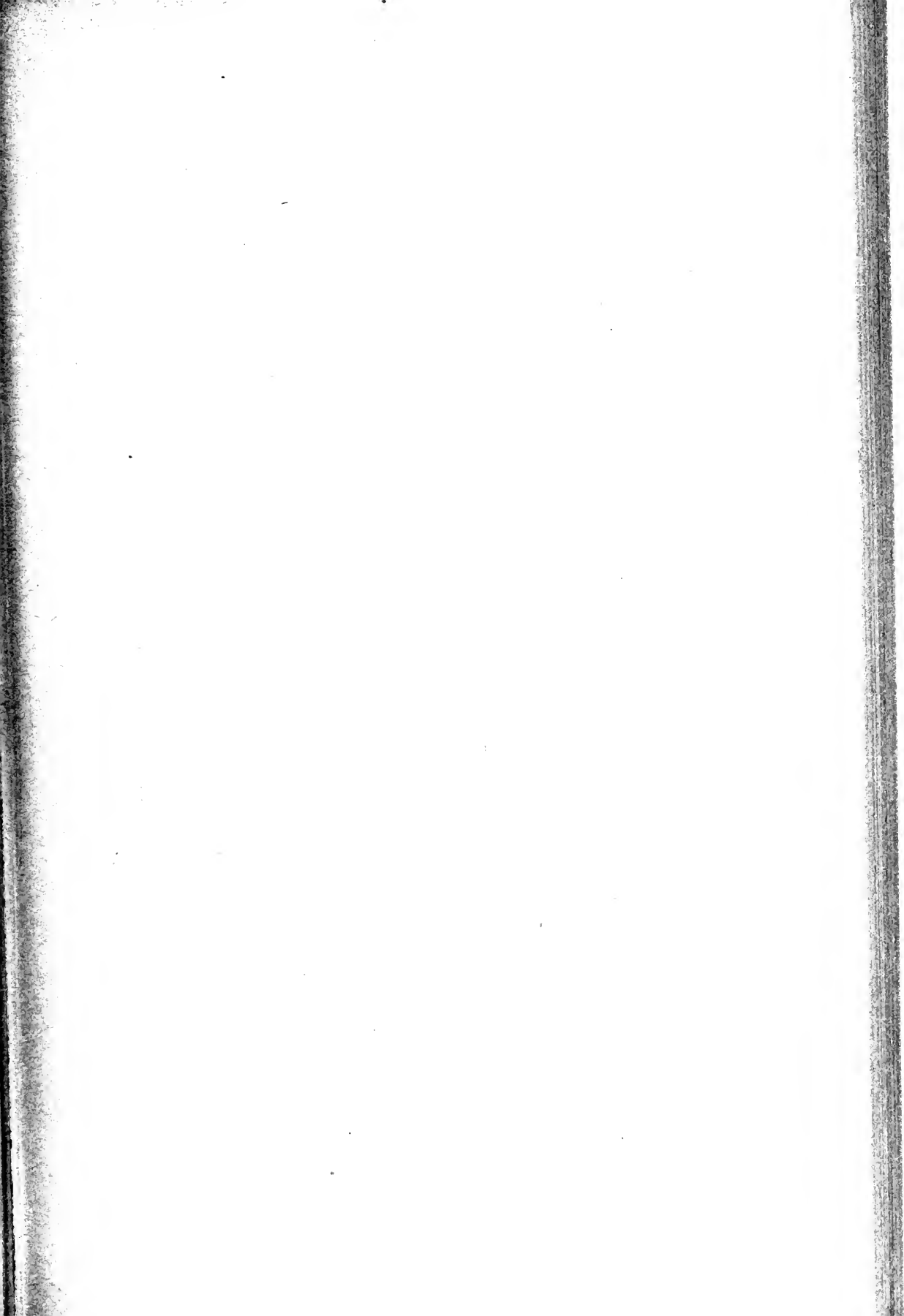
16. The company may issue bonds, debentures, mortgages and other securities to the extent of \$30,000 per mile of railway constructed or under contract to be constructed, and may also issue bonds, debentures, mortgages and other securities in connection with any power plant and the development of power, or its steam boats or motor boats and on other property and assets of the company. The bond issue may be made as one bond issue on all its properties and ventures, or partly on one and partly on the other.

Application of Rev. Stat. c. 224.

17. The company shall have and possess all the powers contained in *The Railway Act*, for the construction and operation of any railway authorized by this Act and all the provisions of *The Railway Act*, where not inconsistent with this Act, shall apply to the company and the railway to be constructed by it.

Commencement of Act.

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



BILL.

An Act to incorporate the Northern
Mines Railway and Development Company.

1st Reading,

2nd Reading,

3rd Reading,

MR. NESBITT.

(PRIVATE BILL)

No. 81

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

BILL

An Act to amend The Municipal Act.

MR. FINLAYSON.

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

No. 81.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 354,
amended.

1. Section 354 of *The Municipal Act* is amended by inserting after the word "county" in the fourth line the words "or district."

EXPLANATORY NOTE.

The object of this Bill is to make the heads of councils in districts *ex-officio* justices of the peace for the whole district.

At present the head of every council, the reeve of every town and every deputy reeve are *ex-officio* justices of the peace for the whole county.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 21st, 1930

2nd Reading

3rd Reading

MR. FINLAYSON.

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

BILL

An Act to amend The Municipal Act.

MR. KENNEDY (Peel).

No. 82.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 51,
subs. 1,
repealed.

1. Subsection 1 of section 51 of *The Municipal Act* is repealed and the following substituted therefor:

- (1) A town, not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,500 and not more than 3,000 municipal electors to a first deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve and a second deputy reeve.

EXPLANATORY NOTE.

Under the law as it stands a municipality is entitled where it has more than 1,000 and not more than 2,000 municipal electors to a first deputy reeve or where it has more than 2,000 and not more than 3,000 municipal electors to a first deputy reeve and a second deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve, a second deputy reeve and a third deputy reeve.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 21st, 1930

2nd Reading

3rd Reading

MR. KENNEDY (Peel).

No. 82

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

BILL

An Act to amend The Municipal Act.

MR. KENNEDY (Peel).

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

No. 82.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 51,
subs. 1,
repealed.

1. Subsection 1 of section 51 of *The Municipal Act* is repealed and the following substituted therefor:

(1) A town not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,000 and not more than 2,000 municipal electors to a deputy reeve, and where it has more than 2,000 and not more than 3,000 municipal electors the reeve shall have an additional vote, and where it has more than 3,000 municipal electors the reeve and the deputy reeve shall each have an additional vote.

Commence-
ment of Act.

2. This Act shall come into force on January 1st, 1932.

EXPLANATORY NOTE.

Under the law as it stands a municipality is entitled where it has more than 1,000 and not more than 2,000 municipal electors to a first deputy reeve or where it has more than 2,000 and not more than 3,000 municipal electors to a first deputy reeve and a second deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve, a second deputy reeve and a third deputy reeve.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 21st, 1930

2nd Reading

February 24th, 1930

3rd Reading

MR. KENNEDY (Peel).

*(Reprinted with suggested amendments
for consideration by the Municipal Com-
mittee.)*

No. 83

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

BILL

An Act to amend The Public Service Works on Highways Act.

MR. ELLIOTT (Bruce, North).

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

No. 83.

1930.

BILL

An Act to amend The Public Service Works on Highways Act.

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

Short title.

1. This Act may be cited as *The Public Service Works on Highways Act, 1930*.

Rev. Stat.,
c. 56, s. 2,
amended.

2. Section 2 of *The Public Service Works on Highways Act* is amended by striking out all the words after the word "agreement" in the eighth line and inserting in lieu thereof the words "the same shall be done at the expense of the operating corporation," so that the section will now read as follows:

Cost
of moving
poles, etc.

2. Subject to the provisions of section 3 where in the course of constructing, re-constructing, changing, altering or improving any highway it becomes necessary to take up, remove or change the location of appliances or works placed on or under the highway by an operating corporation, the road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such work and in default of agreement the same shall be done at the expense of the operating corporation.

Rev. Stat.,
c. 56, s. 3,
amended.

3. Section 3 of *The Public Service Works on Highways Act* is amended by striking out the words "apportioned and paid" in the eighth line, and inserting in lieu thereof the word "borne," so that the section will now read as follows:

Settling how
cost to be
borne.

3. Notwithstanding anything in section 2 where it is made to appear to the Ontario Railway and Municipal Board upon application made to it, that the circumstances and conditions under which any of the appliances or works mentioned in the said section 2 have been placed on or under a highway,

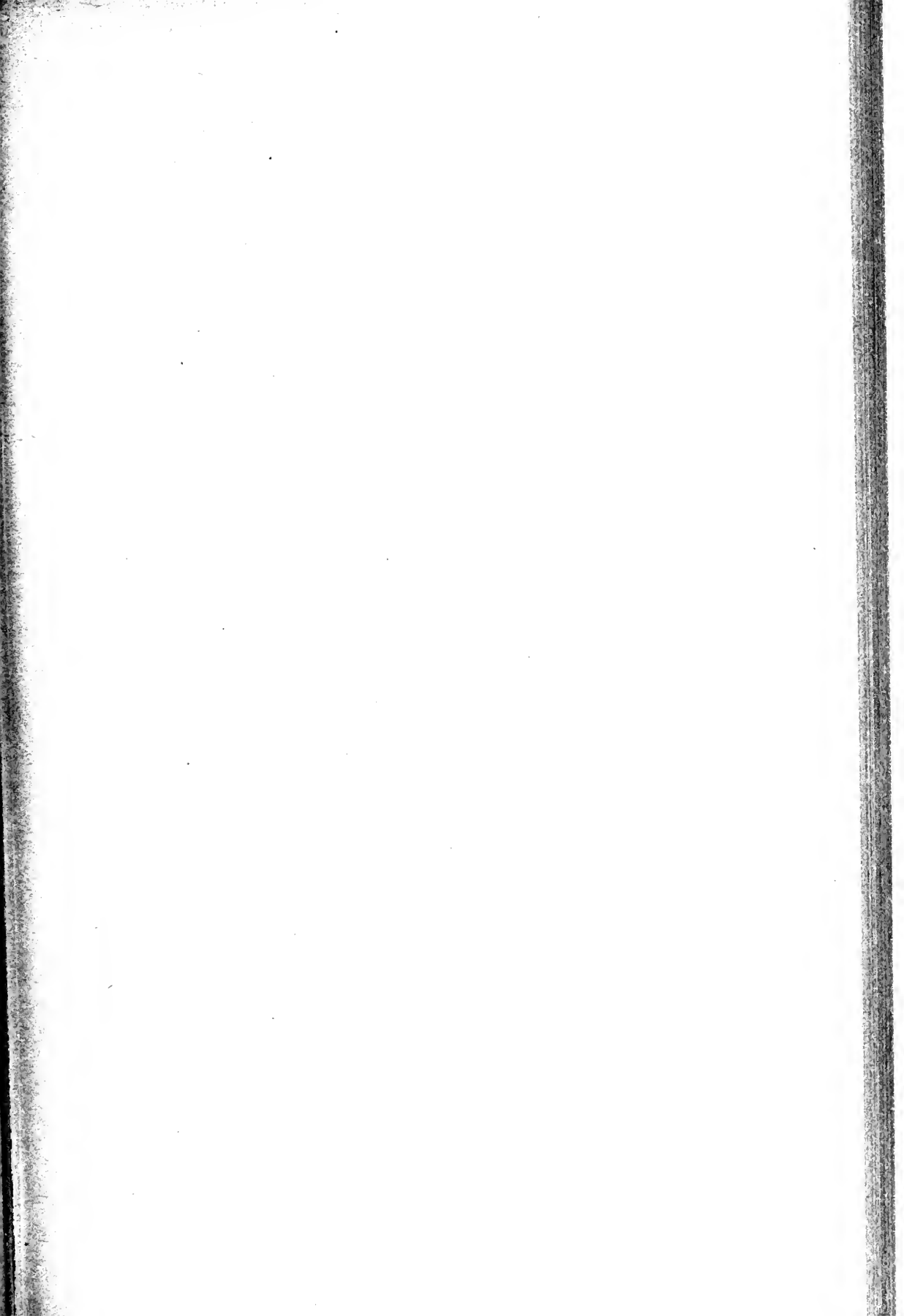
EXPLANATORY NOTE.

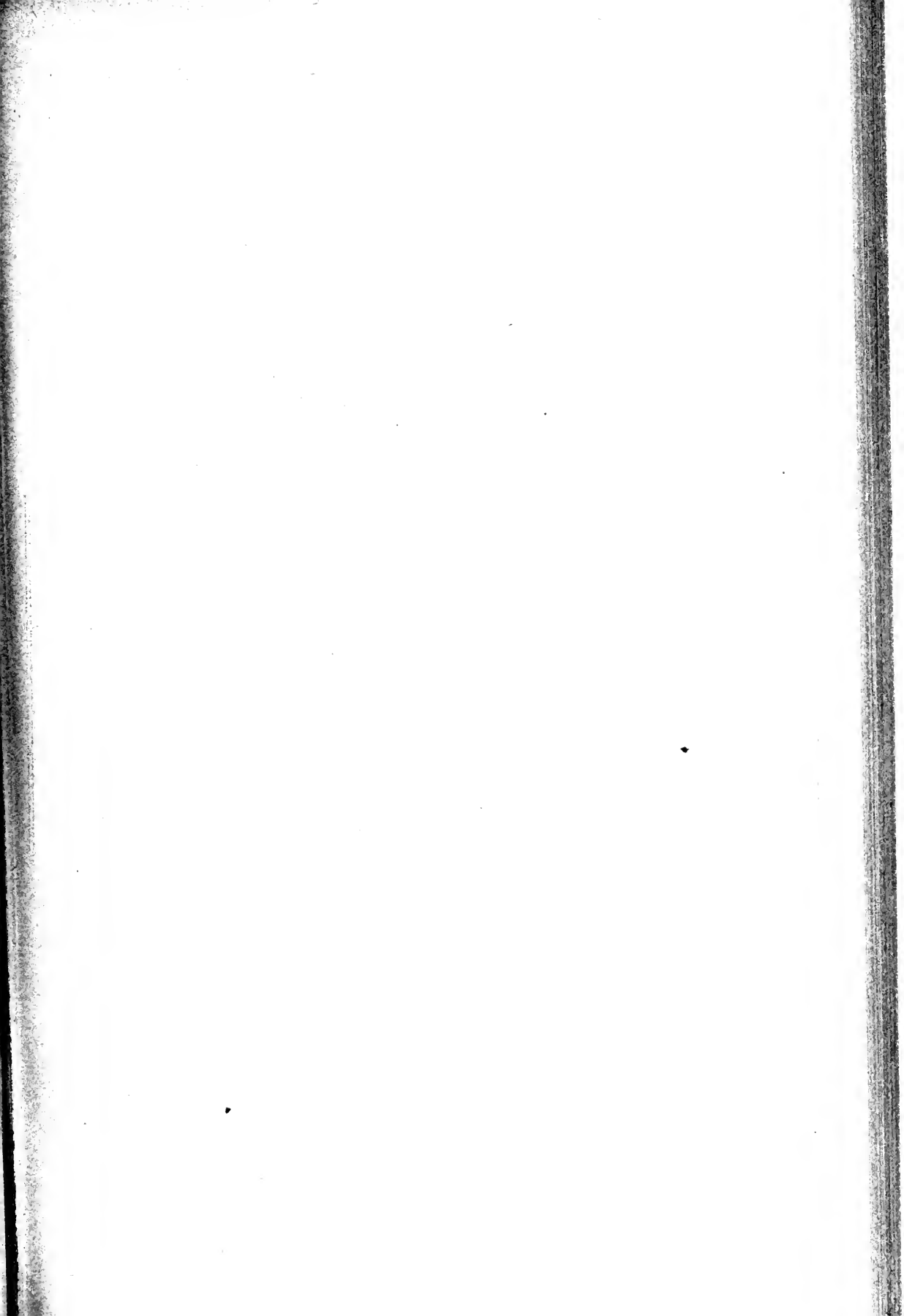
This Bill will have the effect of making a corporation which has works on the highway bear the whole cost of moving the same when changes are being made in the highway. At present the cost is borne in equal proportions by the highway authority and the operating corporation, but the cost does not include the replacement or removal of appliances or works nor the cost of any materials or supplies, nor any other expense or loss occasioned to the operating corporation.

or that other special conditions render it unfair or unjust that the cost of taking up, removing or changing the location of such works should be borne as provided in section 2, the Board, upon the application of the road authority or operating corporation may apportion the cost of the taking up, removing or changing the works in such manner as may appear to it to be equitable, and the decision of the Board shall be final and shall not be subject to appeal.

Commence-
ment of
Act.

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





BILL.
An Act to amend The Public Service Works
on Highways Act.

1st Reading

February 21st, 1930

2nd Reading

3rd Reading

MR. ELLIOTT (Bruce, North).

No. 84

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

BILL

An Act for the Better Prevention of Vexatious Legal Proceedings.

MR. PRICE.

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

BILL

An Act for the Better Prevention of Vexatious Legal Proceedings.

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

Short title.

1. This Act may be cited as *The Vexatious Proceedings Act, 1930*.

Procedure to prevent bringing of vexatious proceedings.

2.—(1) Where upon an application made by way of originating notice according to the practice of the court and with the consent in writing of the Attorney-General a judge of the Supreme Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings in the Supreme Court or in any other court against the same person or against different persons, the judge may order that no legal proceedings shall, without leave of the Supreme Court or a judge thereof, be instituted in any court by the person taking such vexatious legal proceedings, and such leave shall not be given unless the court or judge is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

Attorney-General may be heard.

(2) The Attorney-General shall have the right to appear and be heard in person or by counsel upon any application under subsection 1.

Publication of order.

(3) A copy of an order made under this section shall be published in the *Ontario Gazette*.

Commencement of Act.

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

EXPLANATORY NOTE.

The Vexatious Actions Act was passed in England in 1896 and is now section 51 of the English Judicature Act, 1925. That section differs from this Bill in that it provides for the application being made by the Attorney-General. This Bill allows the application to be made by anyone affected but with the consent in writing of the Attorney-General who is also given the right to appear in person or by counsel.

The English provision as to assignment of counsel where the person complained against is indigent is omitted as it is not the practice in Ontario to assign counsel in civil cases.

BILL.

An Act for the Better Prevention of
Vexatious Legal Proceedings.

1st Reading

February 21st, 1930

2nd Reading

3rd Reading

MR. PRICE.

No. 84

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

BILL

An Act for the Better Prevention of Vexatious Legal Proceedings.

MR. PRICE.

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

No. 84.

1930.

BILL

An Act for the Better Prevention of Vexatious Legal Proceedings.

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

Short title.

1. This Act may be cited as *The Vexatious Proceedings Act, 1930.*

Procedure
to prevent
bringing of
vexatious
proceedings.

2.—(1) Where upon an application made by way of originating notice according to the practice of the court and with the consent in writing of the Attorney-General a judge of the Supreme Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings in the Supreme Court or in any other court against the same person or against different persons, the judge may order that no legal proceedings shall, without leave of the Supreme Court or a judge thereof, be instituted in any court by the person taking such vexatious legal proceedings, and such leave shall not be given unless the court or judge is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

Attorney-
General may
be heard.

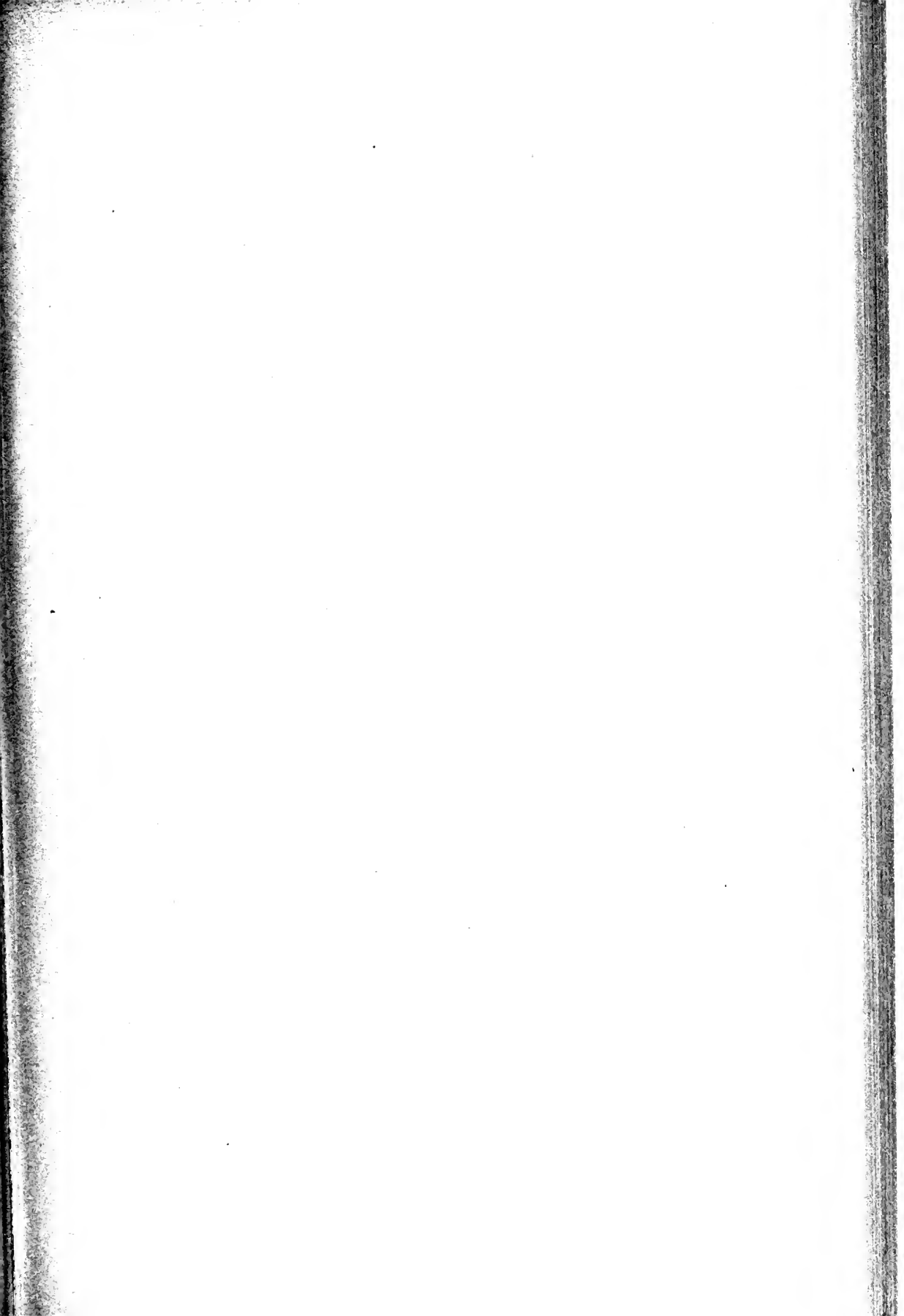
(2) The Attorney-General shall have the right to appear and be heard in person or by counsel upon any application under subsection 1.

Publication
of order.

(3) A copy of an order made under this section shall be published in the *Ontario Gazette*.

Commence-
ment of
Act.

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



BILL.

An Act for the Better Prevention of
Vexatious Legal Proceedings.

1st Reading

February 21st, 1930

2nd Reading

February 28th, 1930

3rd Reading

March 12th, 1930

MR. PRICE.

No. 85

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

BILL

An Act to amend The Hospitals for the Insane Act.

MR. PRICE.

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

BILL

An Act to amend The Hospitals for the Insane Act.

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

Short title.

1. This Act may be cited as *The Hospitals for the Insane Act, 1930*.

Rev. Stat.,
c. 353, ss. 40,
41, 42, and
43, repealed.

2. Sections 40, 41, 42 and 43 of *The Hospitals for the Insane Act* are repealed and the following substituted therefor:

Powers
and duties
of Public
Trustee.

40. The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would have if of full age and of sound and disposing mind.

Rev. Stat.,
c. 353, s. 52,
repealed.

3. Section 52 of *The Hospitals for the Insane Act* is repealed and the following substituted therefor:

Maintenance
of patient
and dependen-
dants,

52. The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the hospital in which he is confined, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependants may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient.

Rev. Stat.,
c. 353, s. 53,
repealed.

4. Section 53 of *The Hospitals for the Insane Act* is repealed.

Rev. Stat.,
c. 353, s. 54,
repealed.

5. Section 54 of *The Hospitals for the Insane Act* is repealed and the following substituted therefor:

EXPLANATORY NOTE.

Section 2: For convenience sake the repealed sections are set out here as follows:

Section 40. The Public Trustee as statutory committee of any such patient shall have all the powers and obligations of a committee appointed by the court toward the estate of the patient.

Section 41. In addition to the powers possessed by a committee appointed by the court, the Public Trustee as statutory committee may lease, mortgage, sell and convey any and all of the property of such patient and may apply the proceeds thereof on and toward the maintenance of the patient and the payment of his debts and liabilities and the maintenance of his family.

Section 42. No such lease, sale, mortgage or conveyance shall be made without the written consent of the Attorney-General.

Section 43. Any conveyance by the Public Trustee under the authority of this Act shall operate to convey the estate of the patient as fully and effectually as if executed by the patient himself when of full age and of sound and disposing mind.

It will be seen that the new section is much wider than the repealed sections. Section 40 now gives the Public Trustee only the powers and obligations of a committee appointed under *The Lunacy Act*. Section 41 seems to limit the right to lease, mortgage, sell or convey to cases where disposition of property is necessary for maintenance. Section 42 requires the consent of the Attorney-General to any disposition of real property and section 43 makes effectual a conveyance by the Public Trustee to the same extent as a conveyance by a lunatic if he were of sound mind.

Section 3: The new section 52 dispenses with the authority of the Lieutenant-Governor in Council which is provided for in the present section.

Section 4: This repeals section 53 which provides that the Public Trustee may cause greater comfort and attention to be supplied than that provided for in the regulations. This of course is unnecessary if the new section 40 is enacted.

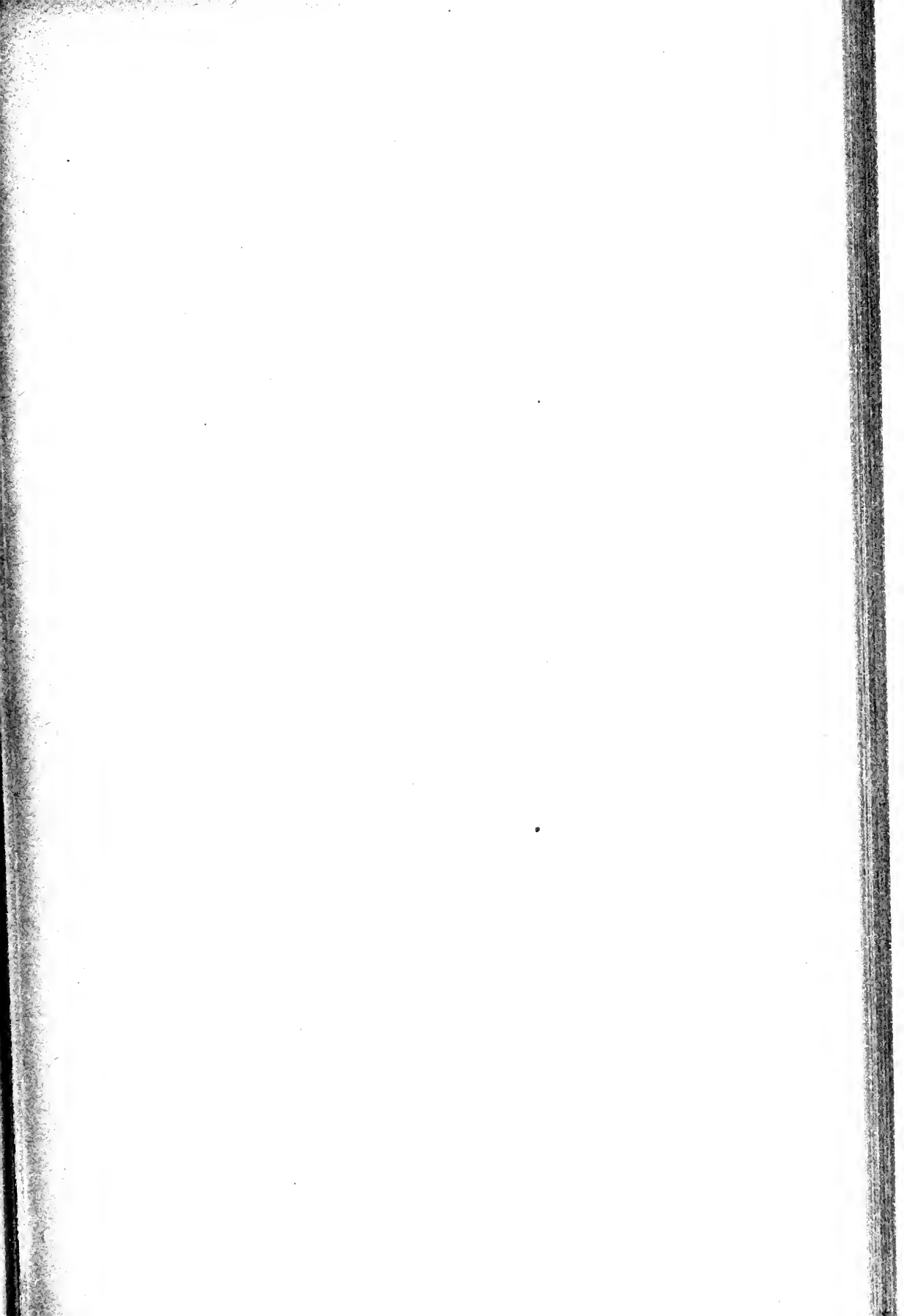
Section 5: This repeals the present section 54 which provides that money in court may be paid out on the application of the Public Trustee, for the maintenance of a patient. The new section 54 leaves the payment out of court absolutely in the discretion of the Public Trustee.

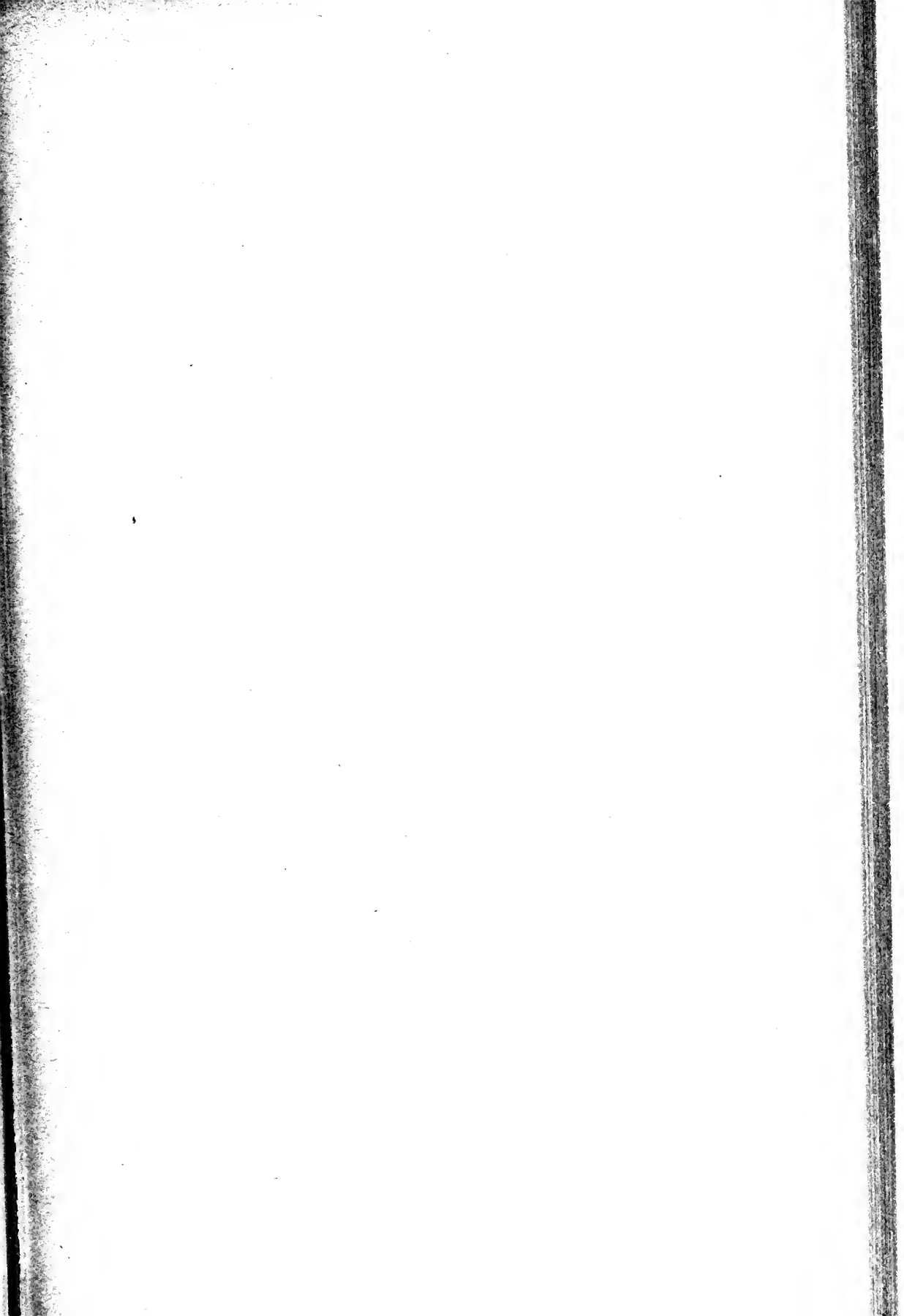
Payment of
money out
of court.

54. If there is any money in court to the credit of a patient the same may be paid out to the Public Trustee upon his application.

Commence-
ment of
Act.

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





BILL.

An Act to amend The Hospitals for
the Insane Act.

1st Reading

February 21st, 1930

2nd Reading

3rd Reading

MR. PRICE.

No. 85

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

BILL

An Act to amend The Hospitals for the Insane Act.

MR. PRICE.

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

BILL

An Act to amend The Hospitals for the Insane Act.

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

Short title. **1.** This Act may be cited as *The Hospitals for the Insane Act, 1930.*

Rev. Stat.,
c. 353, ss. 40,
41, 42, and
43, repealed. **2.** Sections 40, 41, 42 and 43 of *The Hospitals for the Insane Act* are repealed and the following substituted therefor:

Powers
and duties
of Public
Trustee. **40.** The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would have if of full age and of sound and disposing mind.

Rev. Stat.,
c. 353, s. 52,
repealed. **3.** Section 52 of *The Hospitals for the Insane Act* is repealed and the following substituted therefor:

Maintenance
of patient
and depend-
ants, **52.** The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the hospital in which he is confined, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependants may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient.

Rev. Stat.,
c. 353, s. 53,
repealed. **4.** Section 53 of *The Hospitals for the Insane Act* is repealed.

Rev. Stat.,
c. 353, s. 54,
repealed. **5.** Section 54 of *The Hospitals for the Insane Act* is repealed and the following substituted therefor:

54. If there is any money in court to the credit of a patient the same may be paid out to the Public Trustee upon his application. ^{Payment of money out of court.}
5. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

BILL.

An Act to amend The Hospitals for
the Insane Act.

1st Reading

February 21st, 1930

2nd Reading

February 27th, 1930

3rd Reading

March 12th, 1930

MR. PRICE.

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

BILL

An Act to amend The Juvenile Courts Act.

MR. PRICE.

No. 86.

1930.

BILL

An Act to amend The Juvenile Courts Act.

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

Short title.

1. This Act may be cited as *The Juvenile Courts Act, 1930*.

Rev. Stat.,
c. 281, s. 2,
subs. 2
(1929, c. 74,
s. 2),
repealed.

2. Subsection 2 of section 2 of *The Juvenile Courts Act* as re-enacted by section 2 of *The Juvenile Courts Act, 1929*, is repealed and the following substituted therefor:

Deputy
judge,—
appoint-
ment of.

(2) The Lieutenant-Governor in Council may appoint a deputy judge of the juvenile court who shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General.

In case of
absence of
judge or
deputy,—
who may
act.

(2a) In case of the absence or illness of the judge or of the deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court.

Commence-
ment of
Act.

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

EXPLANATORY NOTE.

Under *The Juvenile Courts Act* as it stands at present the Lieutenant-Governor in Council may appoint a deputy judge of the juvenile court and if the judge and deputy judge are for any reason unable to act any other person may be appointed by the Attorney-General to act as judge.

The amount of business before the juvenile court in Toronto necessitates the division of the work between the judge and deputy judge who are both continuously employed, and this Bill is to enable a temporary appointment to be made where either the judge or the deputy judge is absent or ill.

BILL.

An Act to amend The Juvenile Courts Act.

1st Reading

February 21st, 1930.

2nd Reading

3rd Reading

Mr. PRICE.

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

BILL

An Act to amend The Juvenile Courts Act.

MR. PRICE.

BILL

An Act to amend The Juvenile Courts Act.

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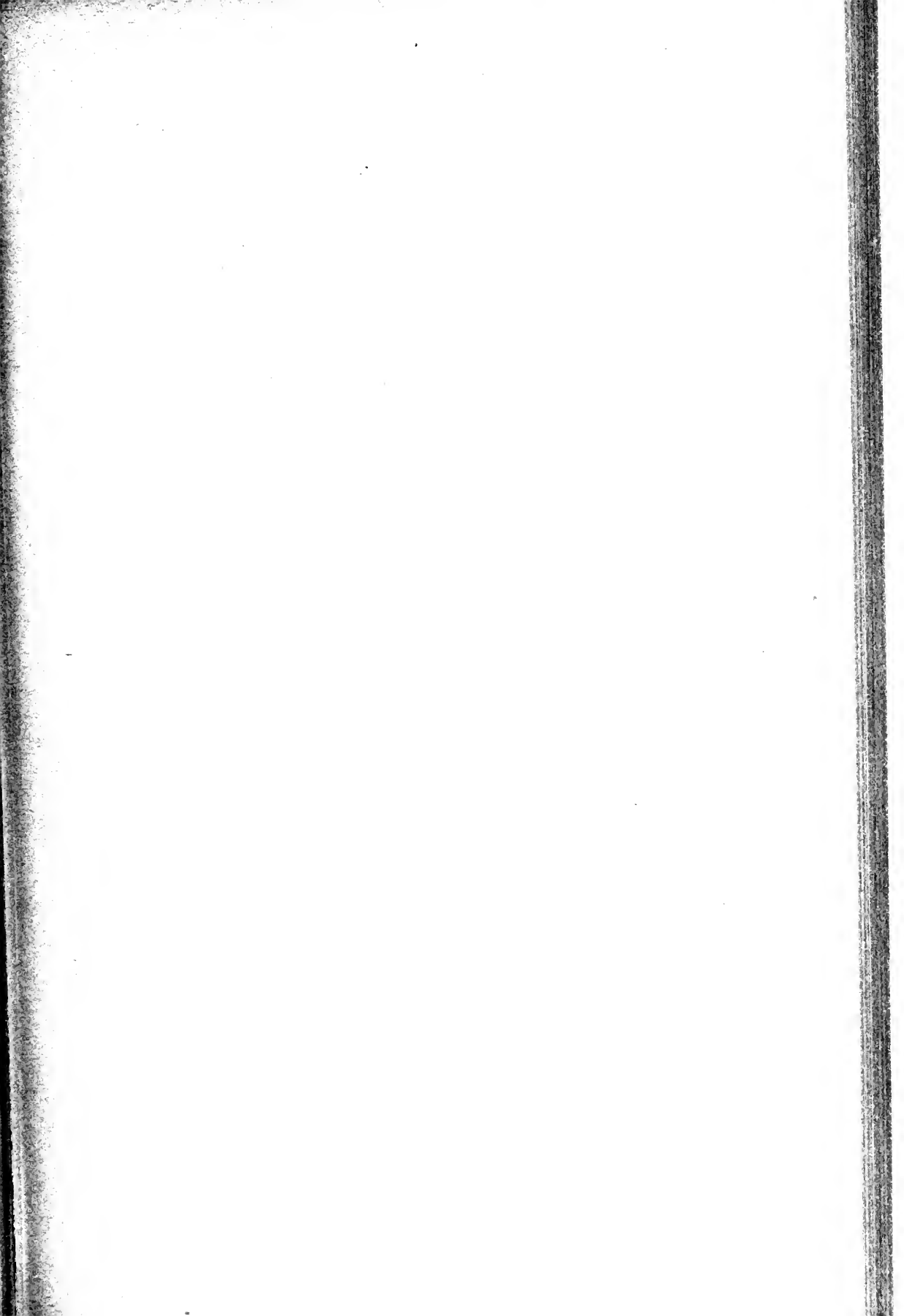
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(2a) In case of the absence or illness of the judge or of the deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court.

Commence-
ment of
Act.

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



BILL.

An Act to amend The Juvenile Courts Act.

1st Reading

February 21st, 1930.

2nd Reading

February 27th, 1930

3rd Reading

March 12th, 1930

MR. PRICE.

No. 87

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

BILL

An Act respecting the City of Ottawa.

MR. ELLIS

(PRIVATE BILL)

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

No. 87.

1930.

BILL

An Act respecting the City of Ottawa.

Preamble.

WHEREAS, the corporation of the city of Ottawa has by its petition prayed that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

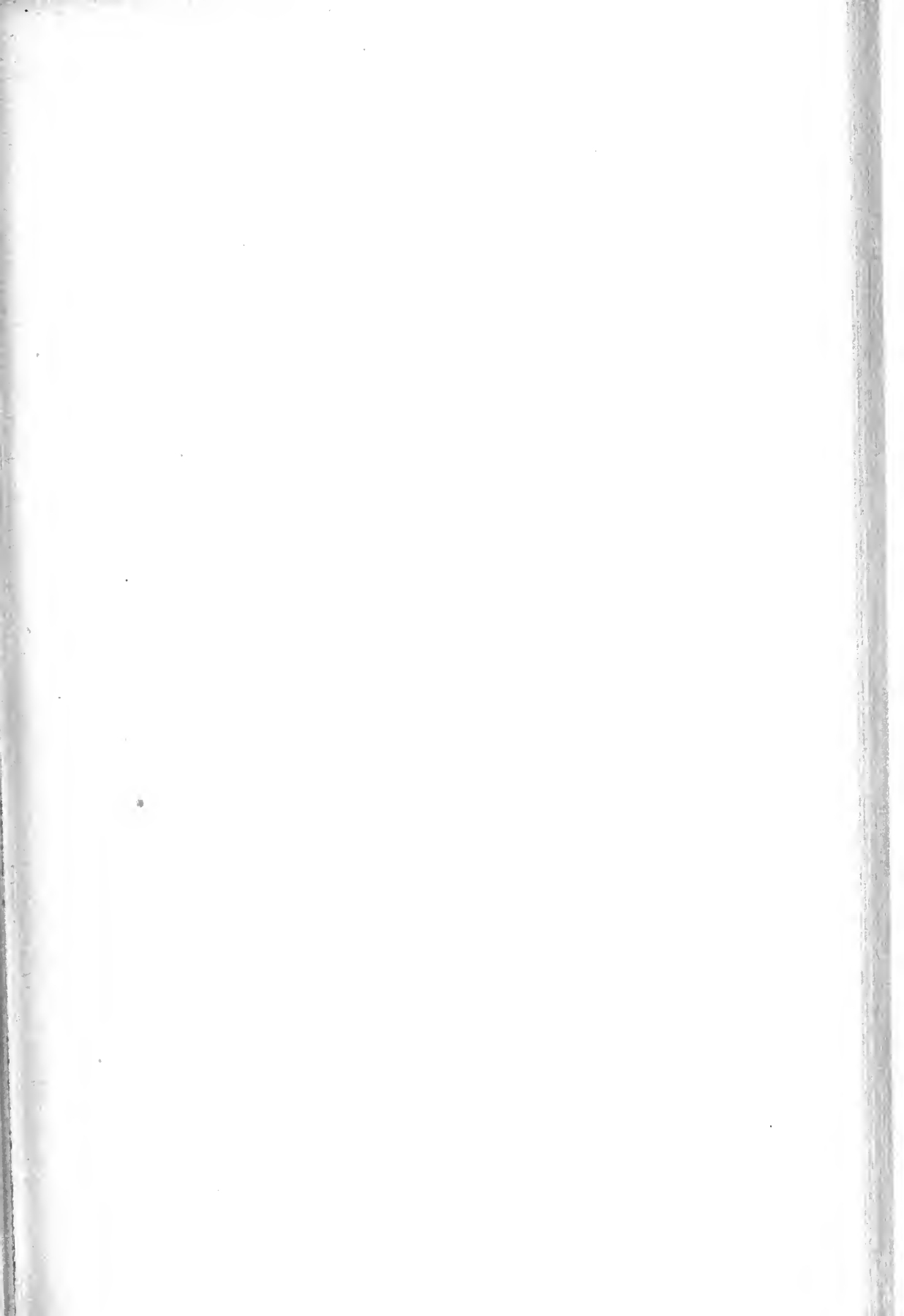
1. This Act may be cited as *The City of Ottawa Act, 1930.*

Issue of 30
year debentures for
construction,
etc., of
watermains,
etc.

2. The council of the corporation of the city of Ottawa may provide by by-law for an issue of debentures not exceeding \$50,000 payable within thirty years from their date, for the purpose of defraying the cost of constructing and extending watermain and water services.

Debt to be
discharged
out of water
rates.

3. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 2 of this Act, there shall be raised annually by the corporation during their currency, with the authority conferred in, and by, an Act passed in the thirty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 80, and intituled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest, when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore contracted for the purposes of the said waterworks, but if at any time, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected, by the said corporation, by a special rate upon the assessable property of the said corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.



Issue of 20
year debentures for
certain purposes.

4. The council of the said corporation may provide by by-law for an issue or issues of debentures payable within twenty years from their date and not exceeding the following amounts for the purposes specified,—

- (a) \$400,000 to provide for the construction of certain storm sewers and for the drainage of Lansdowne Park.
- (b) \$33,000 for the purchase of land in St. George's Ward for use as a city playground.
- (c) \$51,000 to provide for the discount on the sale of debentures issued under the authority of by-laws numbers 6383, 6444, 6445, 6446, 6447, 6448, 6450, 6561, 6630, 6631, 6633, 6634, 6635 and 6639.

Issue of 10
year debentures for
certain purposes.

5. The council of the said corporation may provide by by-law for an issue or issues of debentures payable within ten years from their date and not exceeding the following amounts for the purposes specified,—

- (a) \$20,000 to discharge claims for damages arising out of the sewer explosion in May, 1929.
- (b) \$15,000 to provide for the purchase and installation of traffic control signals and equipment.

Assent of
electors not
required.

6.—(1) It shall not be necessary for the said corporation to obtain the assent of the electors of the said city qualified to vote on money by-laws, to the passing of any of the money by-laws authorized by sections 2, 4 and 5 of this Act, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

Rev. stat.
c. 233.

Rate of
interest

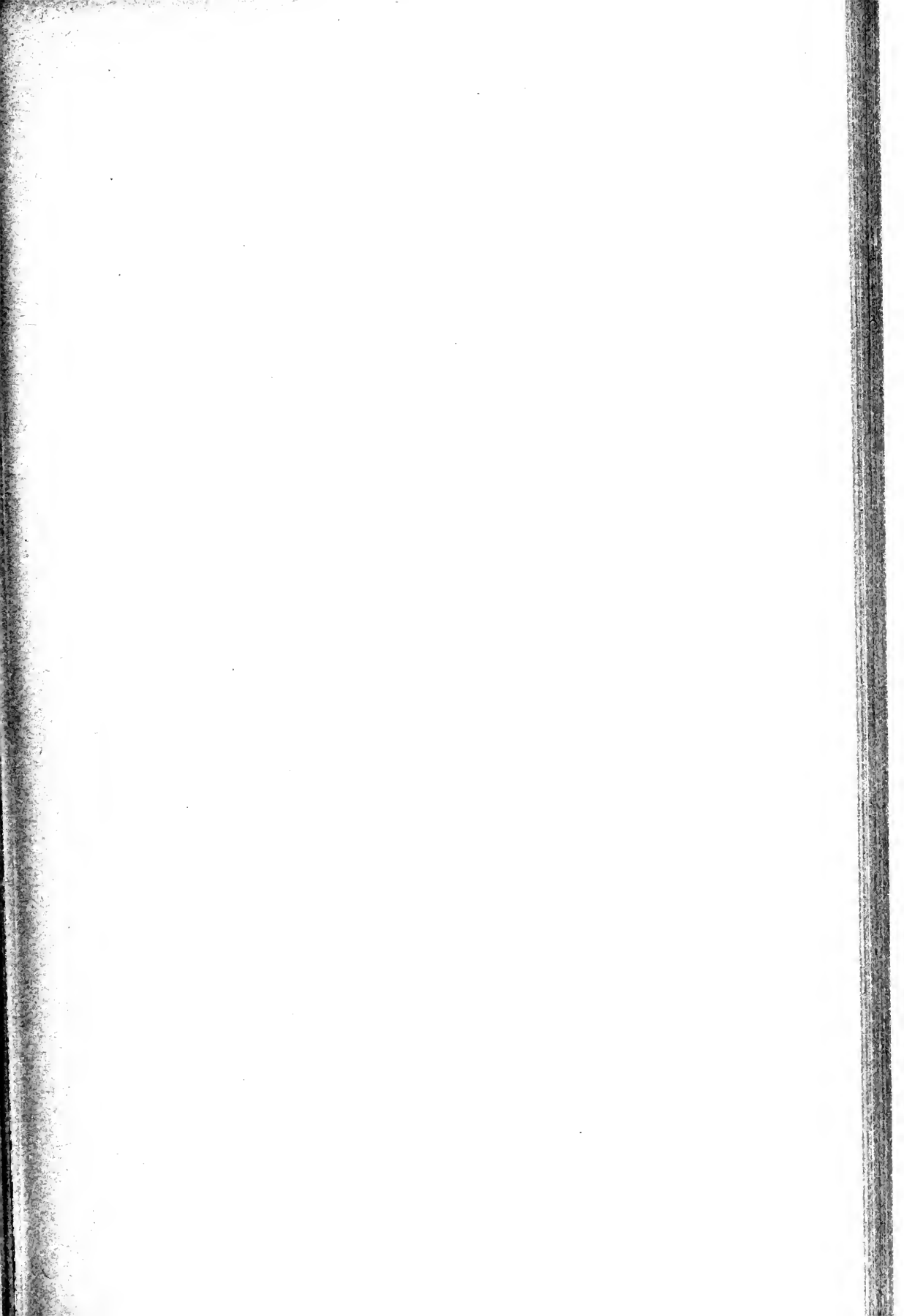
(2) Debentures issued under the provisions of any of the said by-laws shall bear interest at such rate as the council of the said corporation shall, in such by-law, determine and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act*.

Irregularity
in form not
to invalidate.

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of Ottawa for the recovery of the amount thereof, or any part thereof, or the interest thereon.

Consolidation of debenture issues.

7. The council of the said corporation instead of borrowing, by separate money by-laws, the sums authorized by sections



4 and 5 of this Act, may consolidate any two or more of such borrowings of like maturity and issue one series of debentures therefor; provided that each such consolidating by-law shall show by recitals or otherwise, the separate sums which make up the total borrowing, and the purposes for which such sums are to be expended.

Tax sales
and deeds
confirmed.

8. All sales of land within the municipality of the city of Ottawa made by the treasurer thereof in the year 1928, purporting to be made for arrears of taxes due in respect of the lands so sold are validated and confirmed and all conveyances of such lands so sold heretofore or hereafter executed by the mayor, treasurer and clerk of the said city, purporting to convey the said lands to the purchaser thereof, or to his assigns, or to the corporation of the said city, as the case may be, shall have the effect of vesting the lands so sold in the purchaser thereof, his heirs, and assigns, or in the corporation of the said city, its successors and assigns, as the case may be, in fee simple, and clear of, and free from, all right, title, interest and claim whatsoever of the former owners thereof and their assigns, and of and from all mortgages, charges, liens and encumbrances thereon except taxes accruing after those for the non-payment of which the said lands were sold.

By-law No.
6637
confirmed.

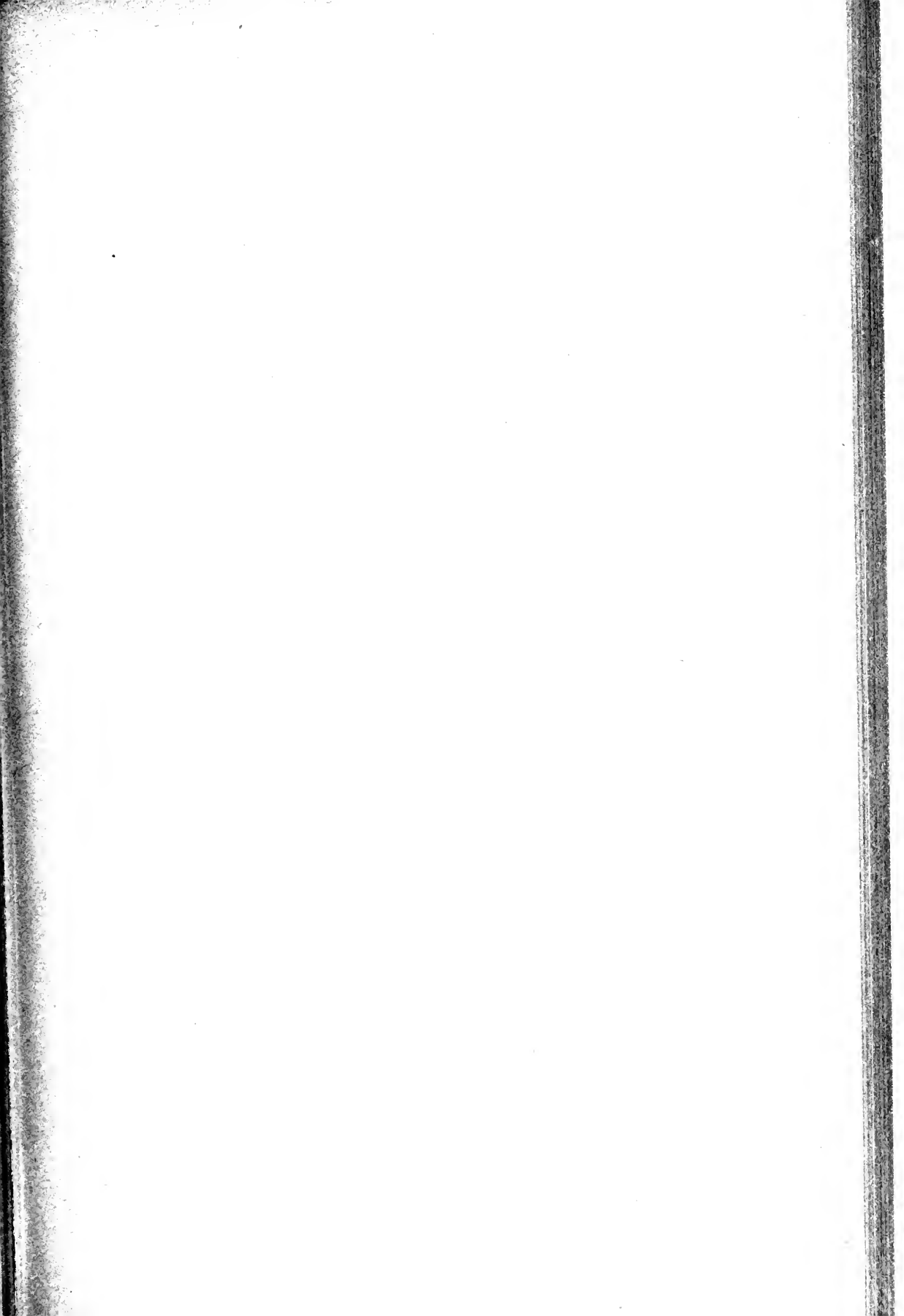
9.—(1) By-law number 6637 of the said corporation, a true copy whereof is set out in Schedule "A" to this Act, and all debentures issued or to be issued under the provisions thereof, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation.

Construc-
tion of
pavement on
Bank Street
Rev. Stat.
c. 235.

10.—(1) The council of the said corporation may provide by by-law to be passed under the provisions of *The Local Improvement Act*, and with the like authority as if such work had been undertaken under such Act, for undertaking and completing and for assessing and levying the cost of a local improvement asphalt and stone block pavement on Bank Street between Arlington and Gladstone Avenues, notwithstanding that the debentures heretofore issued to provide for the cost of the existing local improvement pavement upon the said part of the said street have not been wholly redeemed.

Payment of
special rates
out of general
funds.

(2) Should the council construct the pavement authorized by subsection 1, it shall raise and pay annually, out of its general funds, all such sums as shall remain to be raised, and levied upon lands assessed for the cost of existing pavement as are also assessed for the cost of the pavement authorized by this section in and after the year in which the first assessment shall be made for the owners' share of the cost of constructing such new pavement.



Power of charge fees for storage of goods in buildings at Lansdowne Park.

11. The corporation is authorized to carry on the business of a warehouseman and of storing goods, wares and chattels in the buildings of the corporation at Lansdowne Park and to charge such fees therefor as may be established by by-law of the corporation, and the provisions of chapter 169 of the Revised Statutes of Ontario and of all Acts now or hereafter amending the same, or which may be substituted in whole or in part therefor, shall apply to, and may be availed of by the corporation in connection therewith.

Grants to widows and dependents of civic employees.

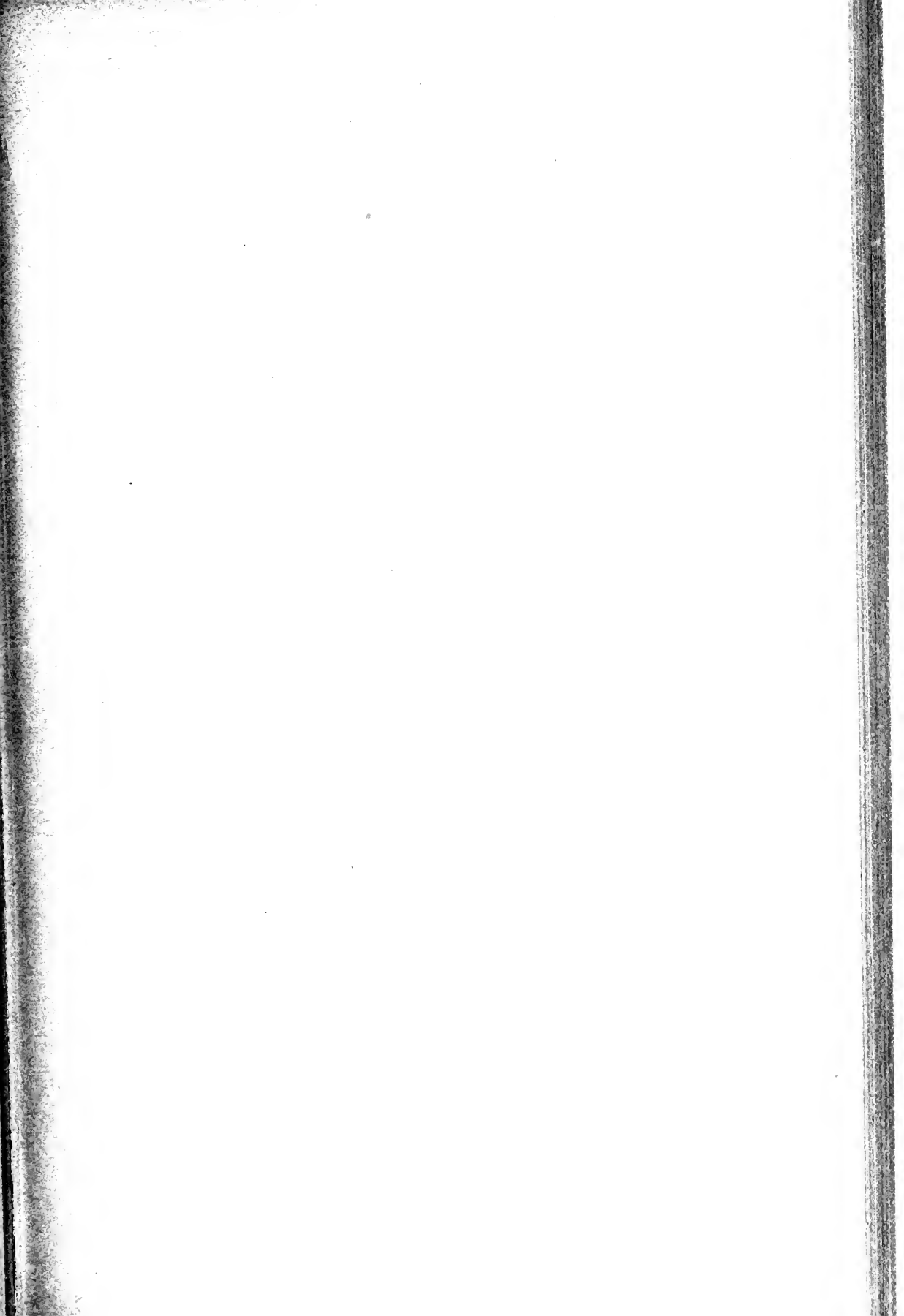
12. The council of the said corporation may expend out of its current revenues, a sum not exceeding \$25,000 in granting relief to the widows and dependents of former officials and employees of the corporation.

Assumption by corporation of part of cost of removing snow and ice.

13. Notwithstanding anything contained in section 55 of *The Local Improvement Act*, the council of the said corporation may provide by by-law passed by a vote of three-fourths of all the members, that the corporation shall thereafter assume and pay any part or proportion of the annual cost of removing snow and ice from all streets and parts thereof from which it is proposed to remove the same, not in excess of one-half of the total cost thereof, and that the remainder of the cost thereof shall be specially assessed as provided in the said section.

Commencement of Act.

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



SCHEDULE "A"

BY-LAW NUMBER 6637

A by-law of the Corporation of the City of Ottawa to provide for borrowing \$30,265.96 upon debentures to pay for the construction of certain local improvement works.

Whereas pursuant to construction by-law number 6473, passed on the 16th July, 1928, the resurfacing of certain asphalt pavements on the streets and between the points as shewn in columns numbered 4, 5 and 6, respectively, of schedule "A" hereto, as local improvement, under the provisions of "The Local Improvement Act," has been undertaken;

And whereas the total cost of each of such works, the property-owners' portion thereof and the Corporation's portion thereof, are shewn in columns numbered 7, 8 and 9, respectively, of the said schedule;

And whereas the estimated lifetime of the said works is over 15 years, as shewn in column numbered 10 of the said schedule;

And whereas it is necessary to borrow on the credit of the Corporation \$30,265.96, which is the total cost of all the said works, as shewn in column numbered 7 of the said schedule, and to issue debentures therefor, payable within 15 years from the issue thereof, as shewn in column numbered 11 of the said schedule, and bearing interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum, which is the amount of the debt intended to be created by this by-law;

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

And whereas it will be necessary to raise annually the sum of \$2,818.18, as shewn in column numbered 14 of the said schedule, during the said period of 15 years for the payment of the said yearly sums of principal and interest as they shall become due, of which amount the sum of \$1,484.78, shall be raised annually for the payment of the property-owners portion of the said debt and interest thereon, as shewn in column numbered 12 of the said schedule, and the sum of \$1,333.40 shall be raised annually for the payment of the Corporation's portion of the said debt and interest thereon, as shewn in column numbered 13 of the said schedule;

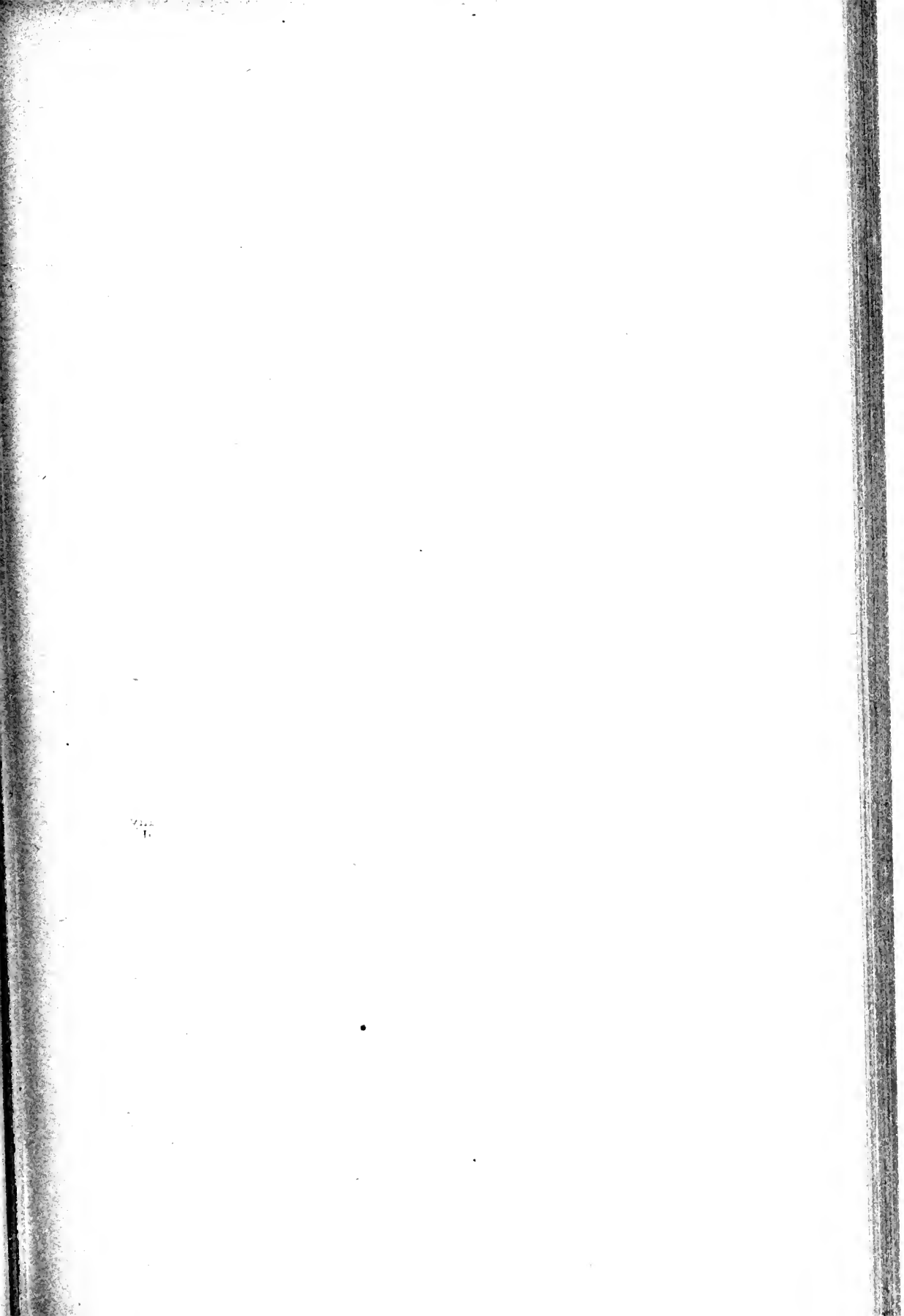
And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$149,323,059.00.

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts, secured by special rates or assessments, is \$17,372,951.77, and no part of the principal or interest thereof is in arrear;

Therefore, the Municipal Council of the Corporation of the City of Ottawa, enacts as follows:—

1. For the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of \$30,265.96, and debentures shall be issued therefor in sums of not less than \$50.00 Canadian Currency each, and all such debentures may be made payable, both as to principal and interest, at such chartered banks or banking houses in Canada or in the United States of America, as may be designated on the said debentures, in gold coin of, or equivalent to, the standard of weight and fineness fixed for gold coin at this date by the laws of the United States of America.

2. The said debentures shall all bear interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum and have coupons attached thereto



for the payment of the interest semi-annually, upon the First day of the months of January and July in each year, which coupons shall be signed by the Treasurer of the Corporation, whose signature may be written, stamped, lithographed or engraved thereon.

3. The debentures shall bear the same date and shall be issued within two years after the date upon which this by-law is passed, and may bear any date within such two years, and shall be payable within 15 years from the date of the said debentures with interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum, as shewn by the following schedule, and the respective amounts of principal and interest payable in each year of such years shall be as follows:—

SCHEDULE

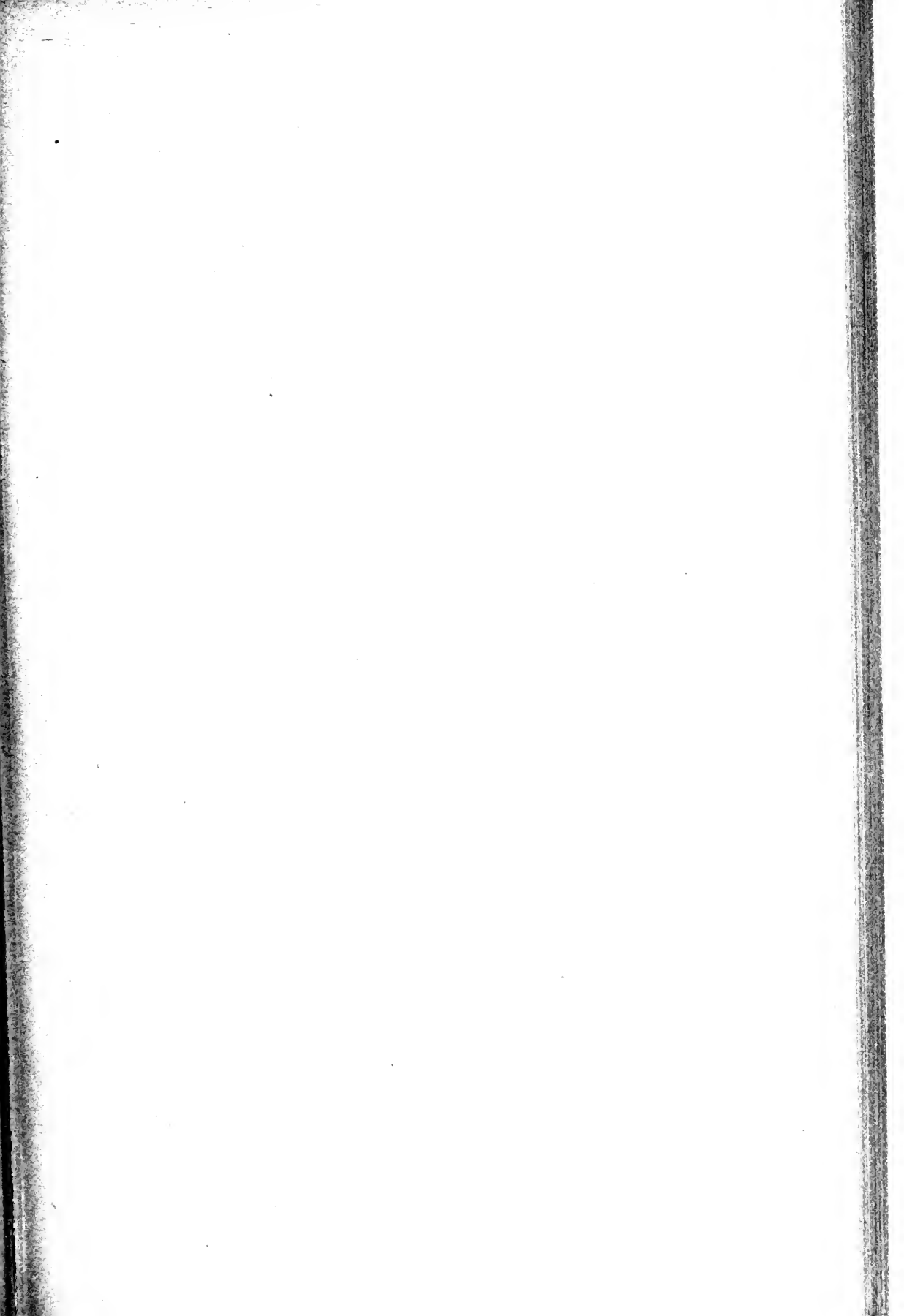
Years	Amount of Interest Payable	Amount of Principal Payable	Annual Payment
1.....	\$1,361.97	\$1,456.21	\$2,818.18
2.....	1,296.44	1,521.74	2,818.18
3.....	1,227.96	1,590.22	2,818.18
4.....	1,156.40	1,661.78	2,818.18
5.....	1,081.62	1,736.56	2,818.18
6.....	1,003.48	1,814.70	2,818.18
7.....	921.82	1,896.36	2,818.18
8.....	836.48	1,981.70	2,818.18
9.....	747.30	2,070.88	2,818.18
10.....	654.11	2,164.07	2,818.18
11.....	556.73	2,261.45	2,818.18
12.....	454.96	2,363.22	2,818.18
13.....	348.62	2,469.56	2,818.18
14.....	237.49	2,580.69	2,818.18
15.....	121.36	2,696.82	2,818.18
	<u>\$12,006.74</u>	<u>\$30,265.96</u>	<u>\$42,272.70</u>

4. Each of the said debentures shall be signed by the Mayor of the Corporation or by some other person authorized by By-law to sign the same, and also by the Treasurer thereof, and shall be sealed with the Seal of the Corporation.

5. During 15 years, the currency of the debentures, there shall be raised annually for the payment of the property-owners' portion of the said debt and interest thereon, the sum of \$1,484.78, as shewn in column numbered 12 of the said Schedule, and for the payment of the Corporation's portion of the cost and the interest thereon there shall be raised annually the sum of \$1,333.40, as shewn in column numbered 13 of the said Schedule, making in all \$2,818.18, as shown in column numbered 14 of the said Schedule, to be raised annually for the payment of the said debt and interest.

6. For the payment of the property-owners' portion of the cost of the works and the interest thereon, the special assessment set forth in the assessment rolls prepared for the said works, is hereby imposed upon the lands liable therefor, as therein set forth, which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in equal annual instalments during the currency of the debentures, and for that purpose the respective special annual rates per foot frontage, as shewn in column numbered 16 of the said schedule, are hereby imposed upon each lot entered in the said special assessment roll for the said works, according to the assessed frontage thereof, over and above all other rates and taxes, which special rate shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates during the currency of the said debentures.

7. For the payment of the Corporation's portion of the cost of each of the said works and the interest thereon, there shall be levied and raised annually a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.



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

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

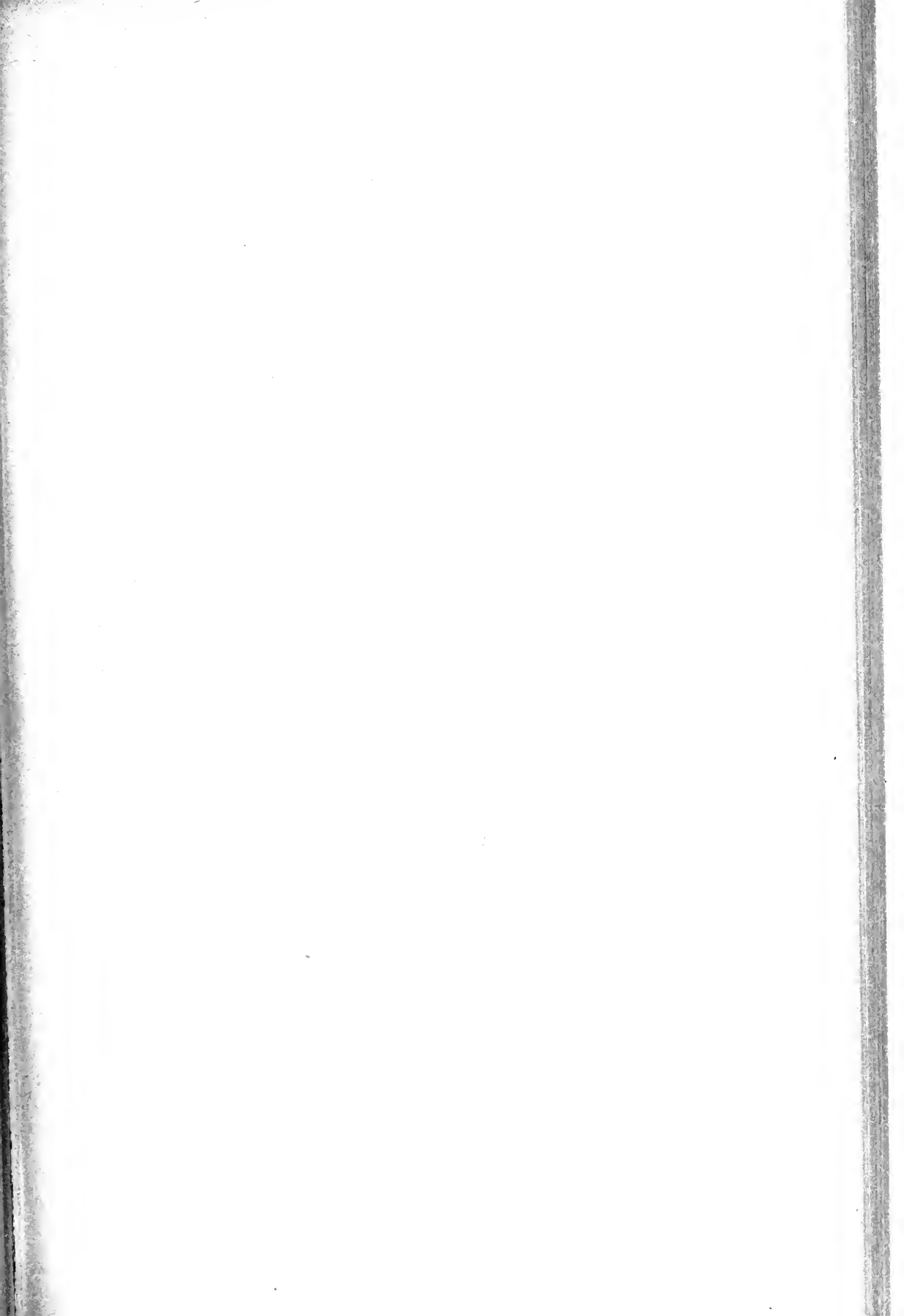
10. Pending the sale of the debentures, or in lieu of selling the same, the Council may by resolution authorize the Mayor of the said Corporation and the Treasurer thereof, to raise money by way of loan on the security of such debentures or upon security of some part of them, and to hypothecate any or all of the said debentures as security for the repayment of the said loan.

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

Given under the Corporate Seal of the City of Ottawa, this 6th day of May, A.D. 1929.

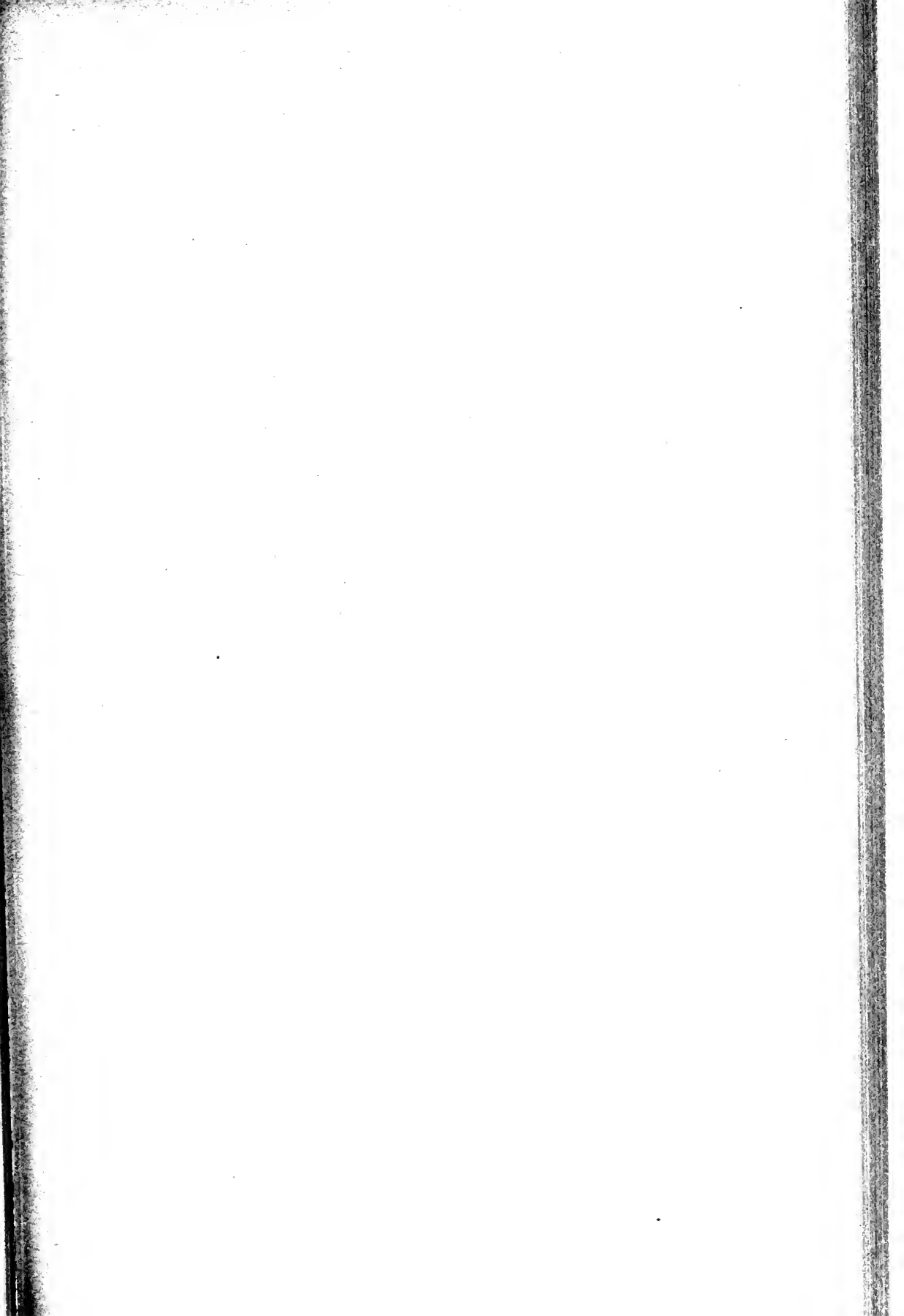
(Sgd.) NORMAN H. H. LETT,
City Clerk.

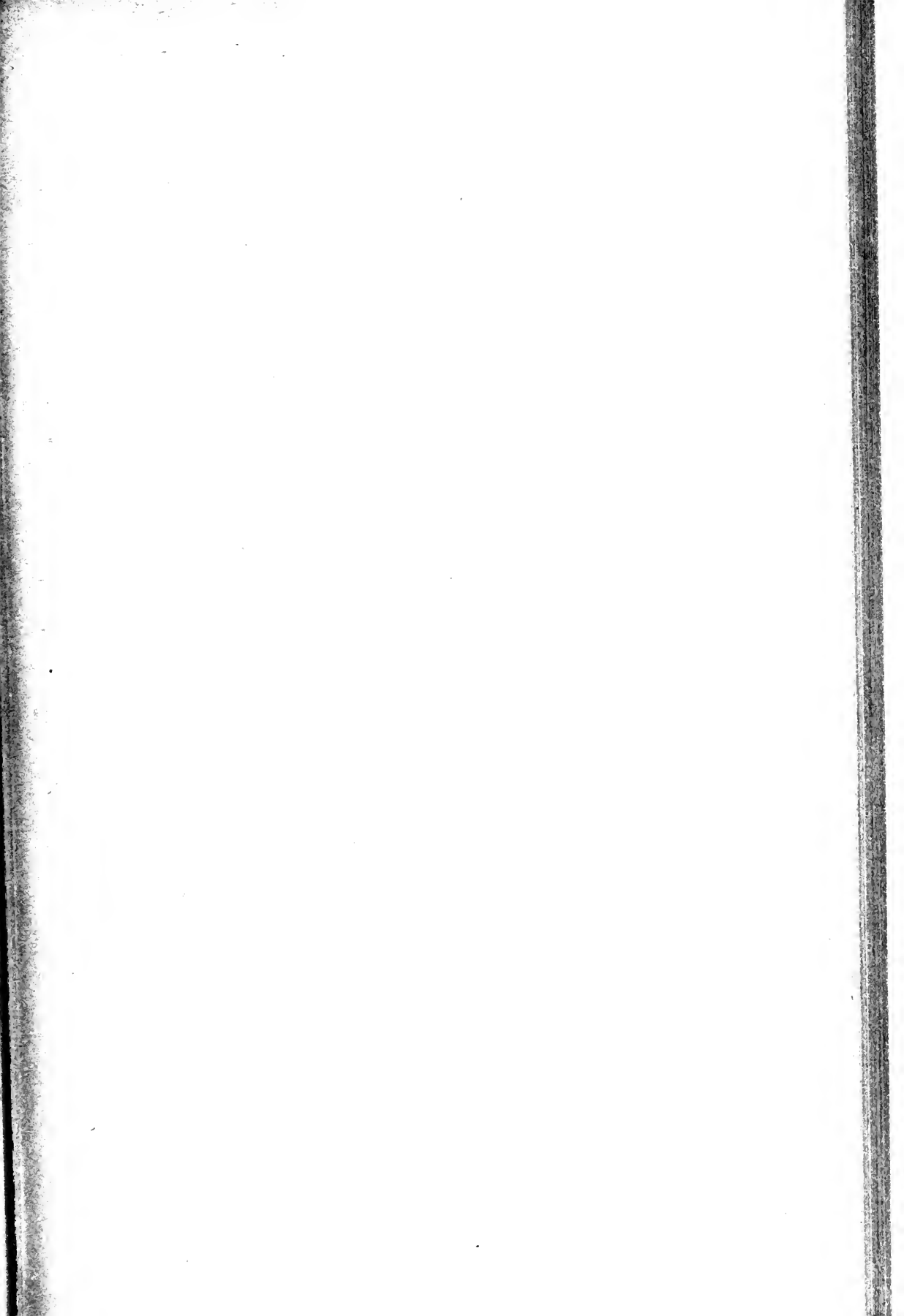
(Sgd.) ARTHUR ELLIS,
Mayor.



SCHEDULE "A" TO BY-LAW No. 6637

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
No. of Report	How work undertaken	No. of construction By-law	STREET	FROM	TO	Total Cost	Property Owners' portion of total cost	Corporation's portion of total cost	Estimated lifetime of work in years	Currency of debentures in years	Total amount to be raised annually for payment of owners' portion	Total amount to be raised annually for payment of Corporation's portion	Total amount to be raised annually for payment of debt	Frontage of assessed properties Ft. In.	Annual Rate per foot frontage
340-C 341-C	Petition Petition	6473 6473	O'Connor St. O'Connor St.	Pretoria Ave.... Strathecona Ave.	Strathecona Ave. Fifth Ave.	\$ 2,522.15 27,743.81 30,265.96	\$ 1,694.97 14,250.89 15,945.86	\$ 827.18 13,492.92 14,320.10	Over 15 Over 15	15 15	\$ 157.83 1,326.95 1,484.78	\$ 77.02 1,256.38 1,333.40	\$ 234.85 2,583.33 2,818.18	208-05 2248-03 1/2	C. 52.89 59.021





BILL.

An Act respecting the City of Ottawa.

1st Reading,

2nd Reading,

3rd Reading,

Mr. ELLIS.

(PRIVATE BILL.)

No. 87

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

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MR. ELLIS

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1930.

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Preamble.

WHEREAS, the corporation of the city of Ottawa has by its petition prayed that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

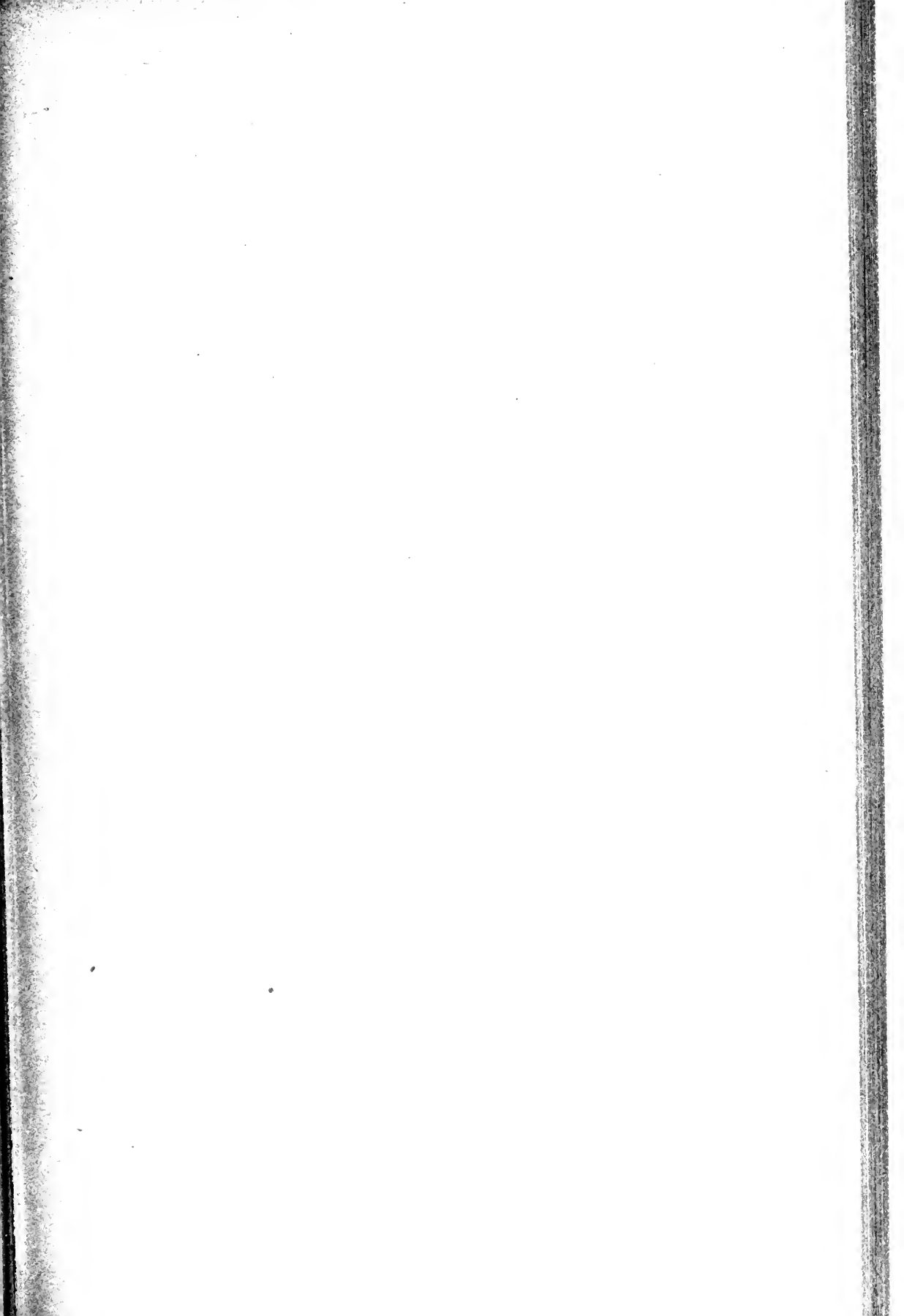
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2. The council of the corporation of the city of Ottawa may provide by by-law for an issue of debentures not exceeding \$50,000 payable within thirty years from their date, for the purpose of defraying the cost of constructing and extending watermain and water services.

Debt to be
discharged
out of water
rates.

3. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 2 of this Act, there shall be raised annually by the corporation during their currency, with the authority conferred in, and by, an Act passed in the thirty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 80, and intituled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest, when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore contracted for the purposes of the said waterworks, but if at any time, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected, by the said corporation, by a special rate upon the assessable property of the said corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.



Issue of 20
year debentures for
certain pur-
poses.

4. The council of the said corporation may provide by by-law for an issue or issues of debentures payable within twenty years from their date and not exceeding the following amounts for the purposes specified,—

(a) \$400,000 to provide for the construction of certain storm sewers and for the drainage of Lansdowne Park.

(b) \$33,000 for the purchase of land in St. George's Ward for use as a city playground.

(c) \$51,000 to provide for the discount on the sale of debentures issued under the authority of by-laws numbers 6383, 6444, 6445, 6446, 6447, 6448, 6450, 6561, 6630, 6631, 6633, 6634, 6635 and 6639.

(d) \$175,000 to provide for the purchase of real property for housing and storing the plant, equipment, horses, wagons and other property of the corporation and for constructing, extending, altering and repairing buildings for such purposes.

Issue of 10
year debentures for
certain pur-
poses.

5. The council of the said corporation may provide by by-law for an issue or issues of debentures payable within ten years from their date and not exceeding \$15,000 to provide for the purchase and installation of traffic control signals and equipment.

Assent of
electors not
required.

6.—(1) It shall not be necessary for the said corporation to obtain the assent of the electors of the said city qualified to vote on money by-laws, to the passing of any of the money by-laws authorized by sections 2, 4 and 5 of this Act, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

Rev. stat.
c. 233.

Rate of
interest

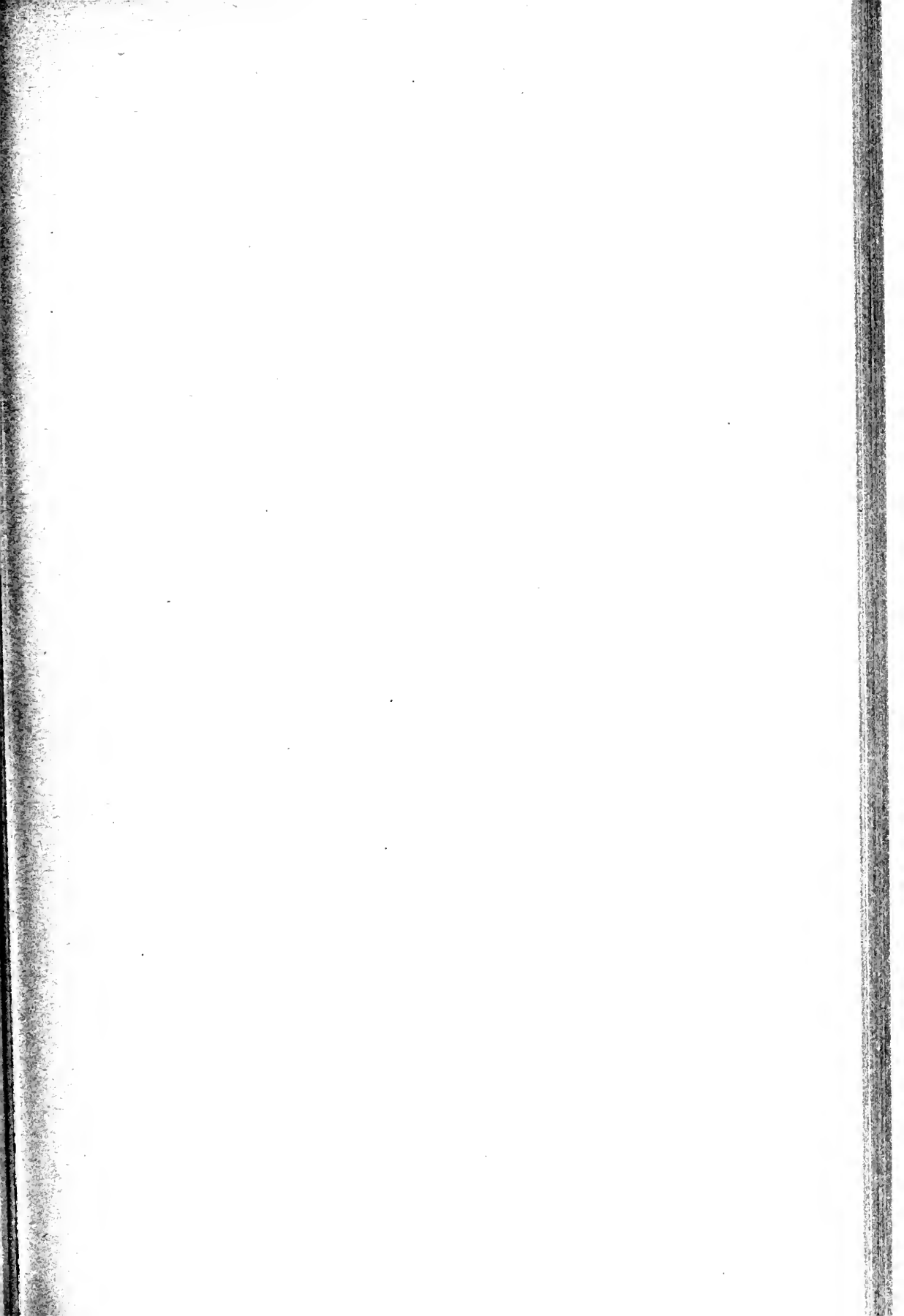
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Irregularity
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to invali-
date.

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of Ottawa for the recovery of the amount thereof, or any part thereof, or the interest thereon.

Consolida-
tion of debenture
issues.

7. The council of the said corporation instead of borrowing, by separate money by-laws, the sums authorized by sections



4 and 5 of this Act, may consolidate any two or more of such borrowings of like maturity and issue one series of debentures therefor; provided that each such consolidating by-law shall show by recitals or otherwise, the separate sums which make up the total borrowing, and the purposes for which such sums are to be expended.

Tax sales
and deeds
confirmed.

8.—(1) All sales of land within the municipality of the city of Ottawa made by the treasurer thereof in the year 1928, purporting to be made for arrears of taxes due in respect of the lands so sold are validated and confirmed and all conveyances of such lands so sold heretofore or hereafter executed by the mayor, treasurer and clerk of the said city, purporting to convey the said lands to the purchaser thereof, or to his assigns, or to the corporation of the said city, as the case may be, shall have the effect of vesting the lands so sold in the purchaser thereof, his heirs, and assigns, as in the corporation of the said city, its successors and assigns, as the case may be, in fee simple, and clear of, and free from, all right, title, interest and claim whatsoever of the former owners thereof and their assigns, and of and from all mortgages, charges, liens and encumbrances thereon except taxes accruing after those for the non-payment of which the said lands were sold.

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

By-law No.
6637
confirmed.

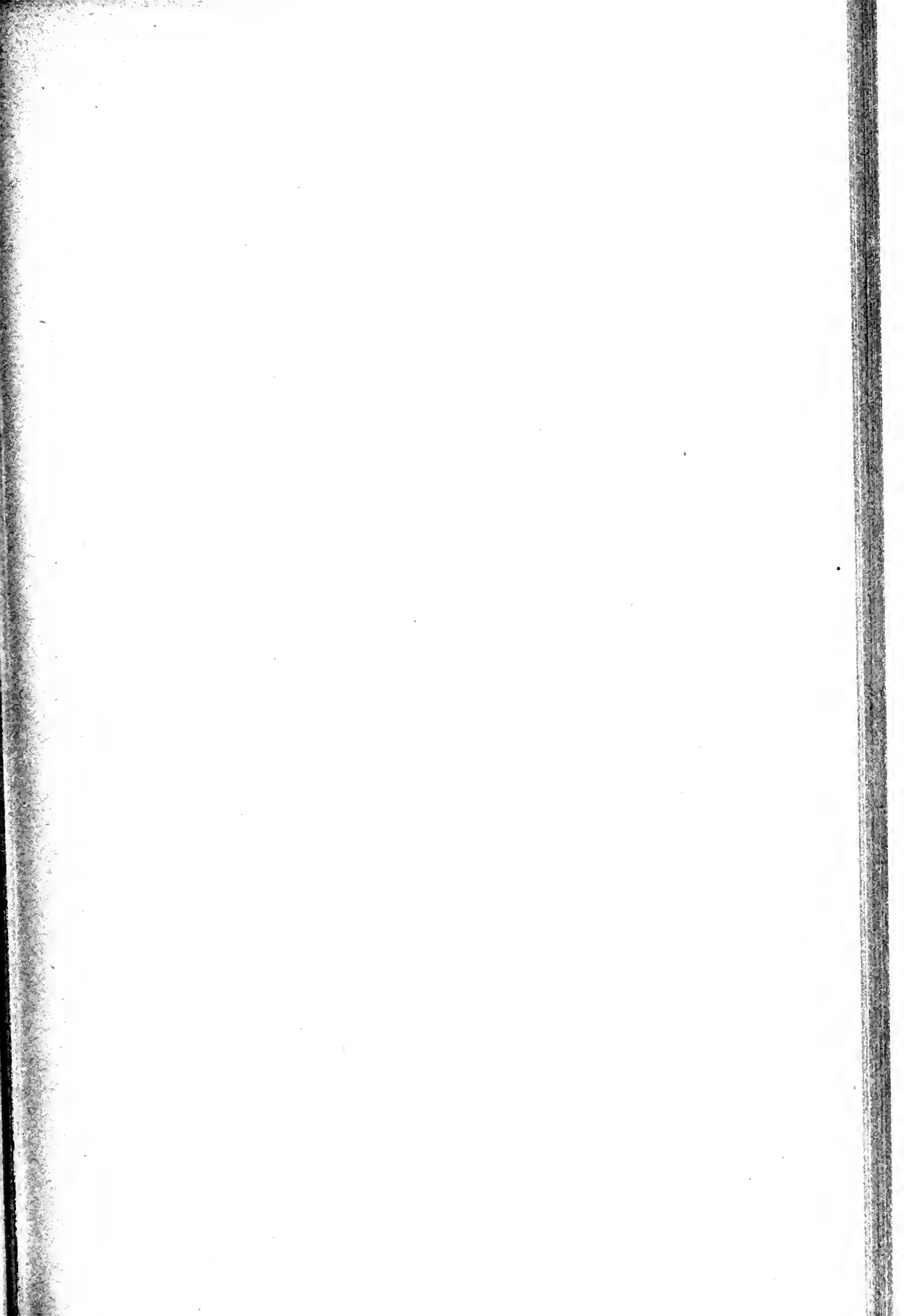
9.—(1) By-law number 6637 of the said corporation, a true copy whereof is set out in Schedule "A" to this Act, and all debentures issued or to be issued under the provisions thereof, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation.

Construc-
tion of
pavement on
Bank Street
Rev. Stat.
c. 235.

10.—(1) The council of the said corporation may provide by by-law to be passed under the provisions of *The Local Improvement Act*, and with the like authority as if such work had been undertaken under such Act, for undertaking and completing and for assessing and levying the cost of a local improvement asphalt and stone block pavement on Bank Street between Arlington and Gladstone Avenues, notwithstanding that the debentures heretofore issued to provide for the cost of the existing local improvement pavement upon the said part of the said street have not been wholly redeemed.

Payment of
special rates
out of general
funds.

(2) Should the council construct the pavement authorized by subsection 1, it shall raise and pay annually, out of its general funds, all such sums as shall remain to be raised, and



levied upon lands assessed for the cost of existing pavement as are also assessed for the cost of the pavement authorized by this section in and after the year in which the first assessment shall be made for the owners' share of the cost of constructing such new pavement.


Power of charge fees for storage of goods in buildings at Lansdowne Park.


Rev. Stat. c. 169.

11. The corporation is authorized to carry on the business of a warehouseman and of storing goods, wares and chattels in the buildings of the corporation at Lansdowne Park and to charge such fees therefor as may be established by by-law of the corporation, and the provisions of *The Warehousemen's Lien Act*, and of all Acts now or hereafter amending the same, or which may be substituted in whole or in part therefor, shall apply to, and may be availed of by the corporation in connection therewith.

Assumption by corporation of part of cost of removing snow and ice.

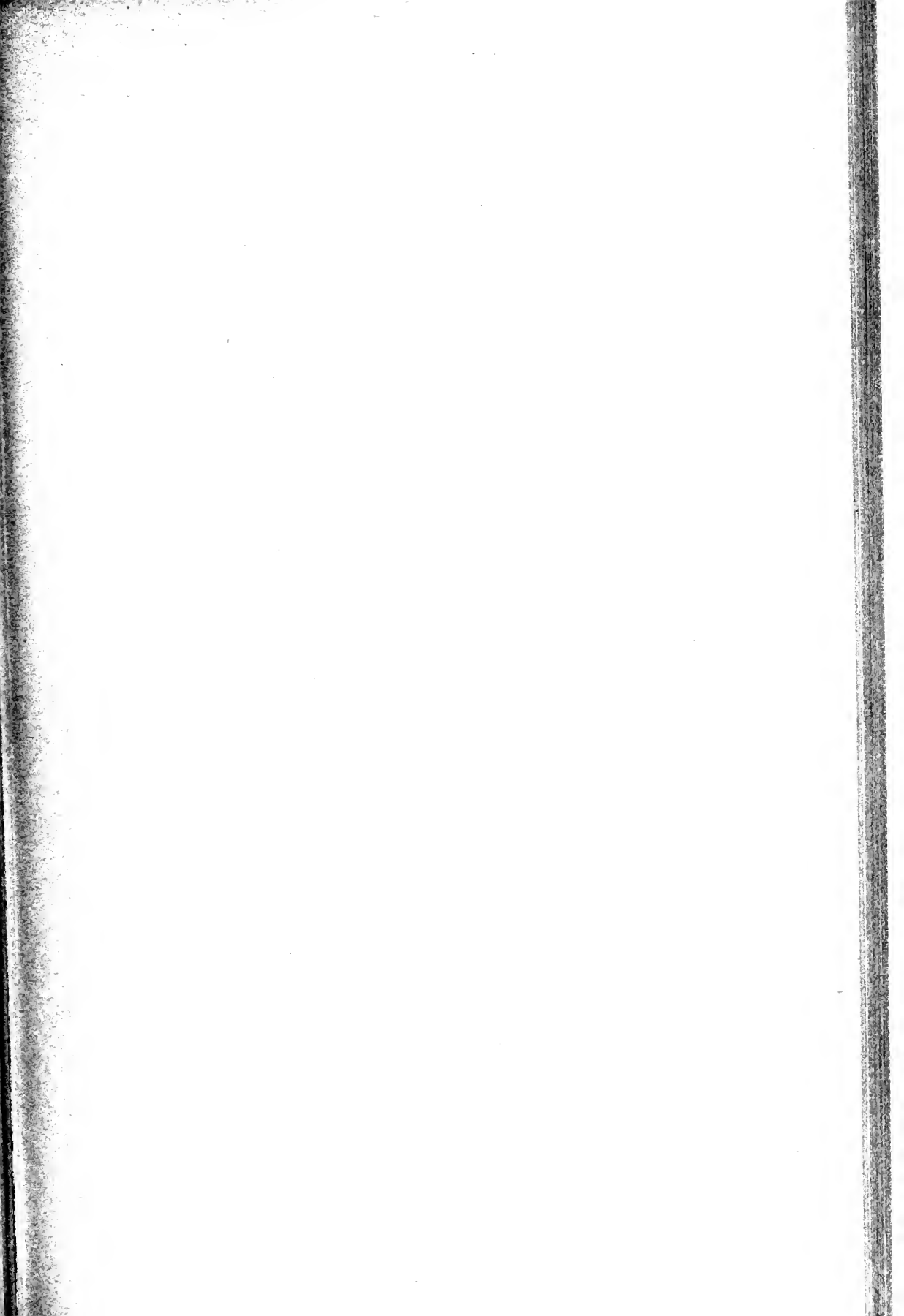
12. Notwithstanding anything contained in section 55 of *The Local Improvement Act*, the council of the said corporation may provide by by-law passed by a vote of three-fourths of all the members, that the corporation shall thereafter assume and pay any part of proportion of the annual cost of removing snow and ice from all streets and parts thereof from which it is proposed to remove the same, not in excess of one-half of the total cost thereof, and that the remainder of the cost thereof shall be specially assessed as provided in the said section.

 **13.**—(1) Subject to the provisions of this section the council of the said corporation may undertake as a local improvement under the provisions of *The Local Improvement Act* the widening, paving or improving of that part of Beechwood Avenue forming the boundary line between the city of Ottawa and the town of Eastview.

(2) The work shall not be undertaken until the Railway and Municipal Board has approved of it and if such approval is given the Board shall determine what proportions of the whole cost of the work shall be borne and paid by the corporations of the city of Ottawa and the town of Eastview respectively and what part or proportion of any of the whole cost shall be specially assessed against the lands abutting on the said work as the owners' portion, and the provisions of subsections 2 to 9 of section 56 of *The Local Improvement Act* shall apply to the work, substituting the words "order of the Railway and Municipal Board" for the word "agreement" wherever it occurs in the said subsections. 

Commencement of Act.

14. This Act *except section 8* shall come into force on the day upon which it receives the Royal Assent, *and section 8 shall come into force on the 1st day of July, 1929.*



SCHEDULE "A"

BY-LAW NUMBER 6637

A by-law of the Corporation of the City of Ottawa to provide for borrowing \$30,265.96 upon debentures to pay for the construction of certain local improvement works.

Whereas pursuant to construction by-law number 6473, passed on the 16th July, 1928, the resurfacing of certain asphalt pavements on the streets and between the points as shewn in columns numbered 4, 5 and 6, respectively, of schedule "A" hereto, as local improvement, under the provisions of "The Local Improvement Act," has been undertaken;

And whereas the total cost of each of such works, the property-owners' portion thereof and the Corporation's portion thereof, are shewn in columns numbered 7, 8 and 9, respectively, of the said schedule;

And whereas the estimated lifetime of the said works is over 15 years, as shewn in column numbered 10 of the said schedule;

And whereas it is necessary to borrow on the credit of the Corporation \$30,265.96, which is the total cost of all the said works, as shewn in column numbered 7 of the said schedule, and to issue debentures therefor, payable within 15 years from the issue thereof, as shewn in column numbered 11 of the said schedule, and bearing interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum, which is the amount of the debt intended to be created by this by-law;

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

And whereas it will be necessary to raise annually the sum of \$2,818.18, as shewn in column numbered 14 of the said schedule, during the said period of 15 years for the payment of the said yearly sums of principal and interest as they shall become due, of which amount the sum of \$1,484.78, shall be raised annually for the payment of the property-owners portion of the said debt and interest thereon, as shewn in column numbered 12 of the said schedule, and the sum of \$1,333.40 shall be raised annually for the payment of the Corporation's portion of the said debt and interest thereon, as shewn in column numbered 13 of the said schedule;

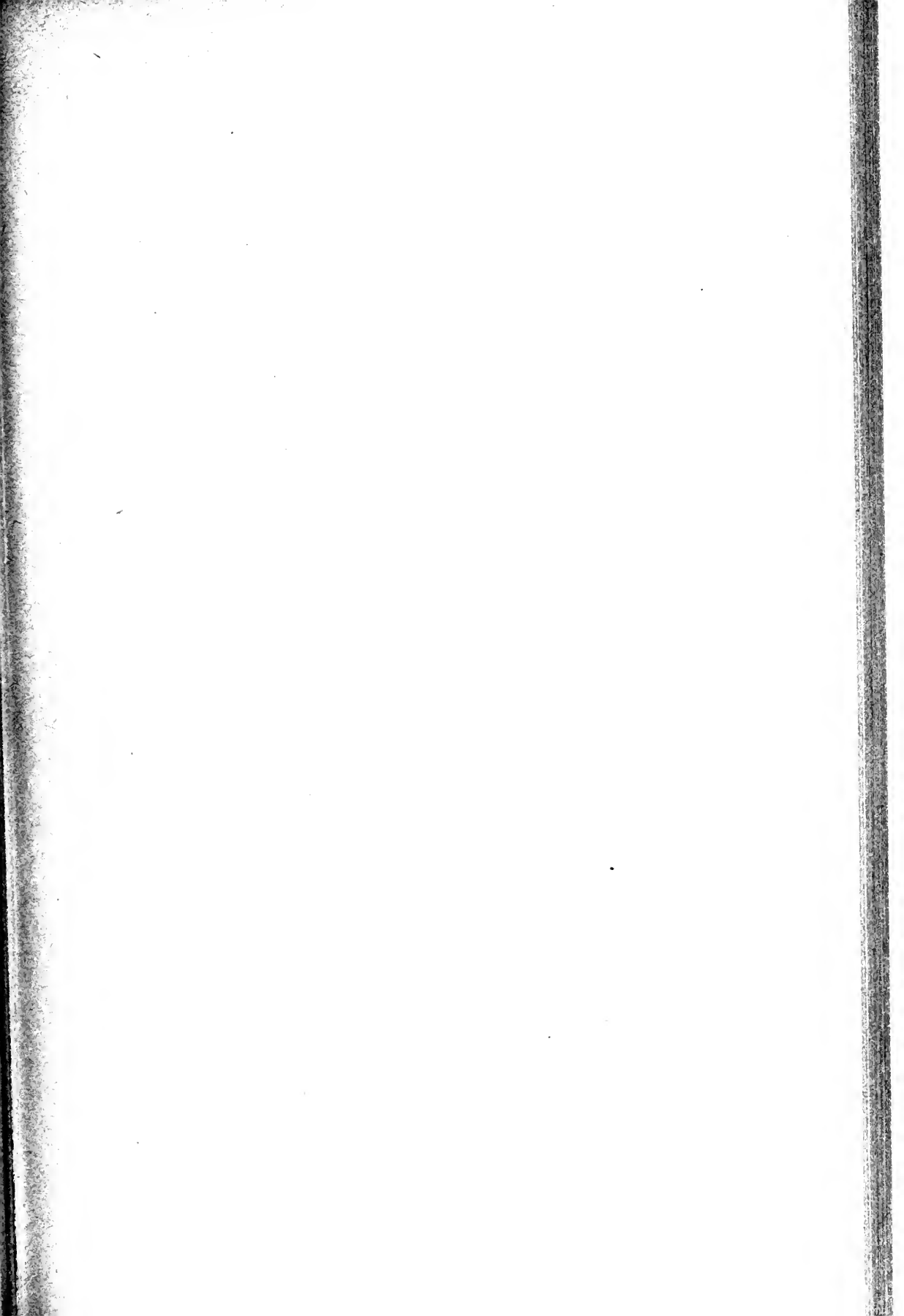
And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$149,323,059.00.

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts, secured by special rates or assessments, is \$17,372,951.77, and no part of the principal or interest thereof is in arrear;

Therefore, the Municipal Council of the Corporation of the City of Ottawa, enacts as follows:—

1. For the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of \$30,265.96, and debentures shall be issued therefor in sums of not less than \$50.00 Canadian Currency each, and all such debentures may be made payable, both as to principal and interest, at such chartered banks or banking houses in Canada or in the United States of America, as may be designated on the said debentures, in gold coin of, or equivalent to, the standard of weight and fineness fixed for gold coin at this date by the laws of the United States of America.

2. The said debentures shall all bear interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum and have coupons attached thereto



for the payment of the interest semi-annually, upon the First day of the months of January and July in each year, which coupons shall be signed by the Treasurer of the Corporation, whose signature may be written, stamped, lithographed or engraved thereon.

3. The debentures shall bear the same date and shall be issued within two years after the date upon which this by-law is passed, and may bear any date within such two years, and shall be payable within 15 years from the date of the said debentures with interest at the rate of four and one-half (4½) per centum per annum, as shewn by the following schedule, and the respective amounts of principal and interest payable in each year of such years shall be as follows:—

SCHEDULE

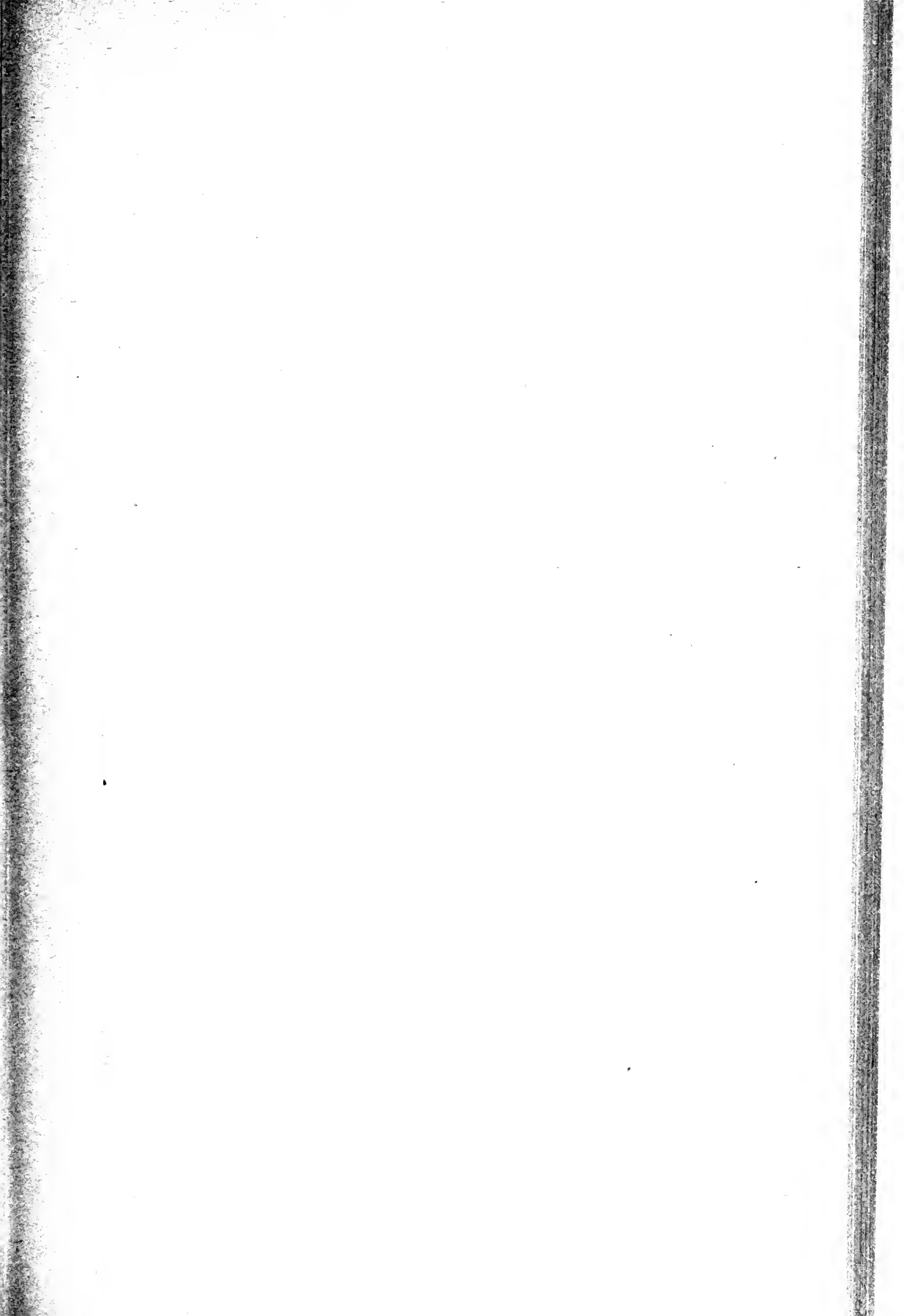
Years	Amount of Interest Payable	Amount of Principal Payable	Annual Payment
1.....	\$1,361.97	\$1,456.21	\$2,818.18
2.....	1,296.44	1,521.74	2,818.18
3.....	1,227.96	1,590.22	2,818.18
4.....	1,156.40	1,661.78	2,818.18
5.....	1,081.62	1,736.56	2,818.18
6.....	1,003.48	1,814.70	2,818.18
7.....	921.82	1,896.36	2,818.18
8.....	836.48	1,981.70	2,818.18
9.....	747.30	2,070.88	2,818.18
10.....	654.11	2,164.07	2,818.18
11.....	556.73	2,261.45	2,818.18
12.....	454.96	2,363.22	2,818.18
13.....	348.62	2,469.56	2,818.18
14.....	237.49	2,580.69	2,818.18
15.....	121.36	2,696.82	2,818.18
	<u>\$12,006.74</u>	<u>\$30,265.96</u>	<u>\$42,272.70</u>

4. Each of the said debentures shall be signed by the Mayor of the Corporation or by some other person authorized by By-law to sign the same, and also by the Treasurer thereof, and shall be sealed with the Seal of the Corporation.

5. During 15 years, the currency of the debentures, there shall be raised annually for the payment of the property-owners' portion of the said debt and interest thereon, the sum of \$1,484.78, as shewn in column numbered 12 of the said Schedule, and for the payment of the Corporation's portion of the cost and the interest thereon there shall be raised annually the sum of \$1,333.40, as shewn in column numbered 13 of the said Schedule, making in all \$2,818.18, as shown in column numbered 14 of the said Schedule, to be raised annually for the payment of the said debt and interest.

6. For the payment of the property-owners' portion of the cost of the works and the interest thereon, the special assessment set forth in the assessment rolls prepared for the said works, is hereby imposed upon the lands liable therefor, as therein set forth, which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in equal annual instalments during the currency of the debentures, and for that purpose the respective special annual rates per foot frontage, as shewn in column numbered 16 of the said schedule, are hereby imposed upon each lot entered in the said special assessment roll for the said works, according to the assessed frontage thereof, over and above all other rates and taxes, which special rate shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates during the currency of the said debentures.

7. For the payment of the Corporation's portion of the cost of each of the said works and the interest thereon, there shall be levied and raised annually a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.



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

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

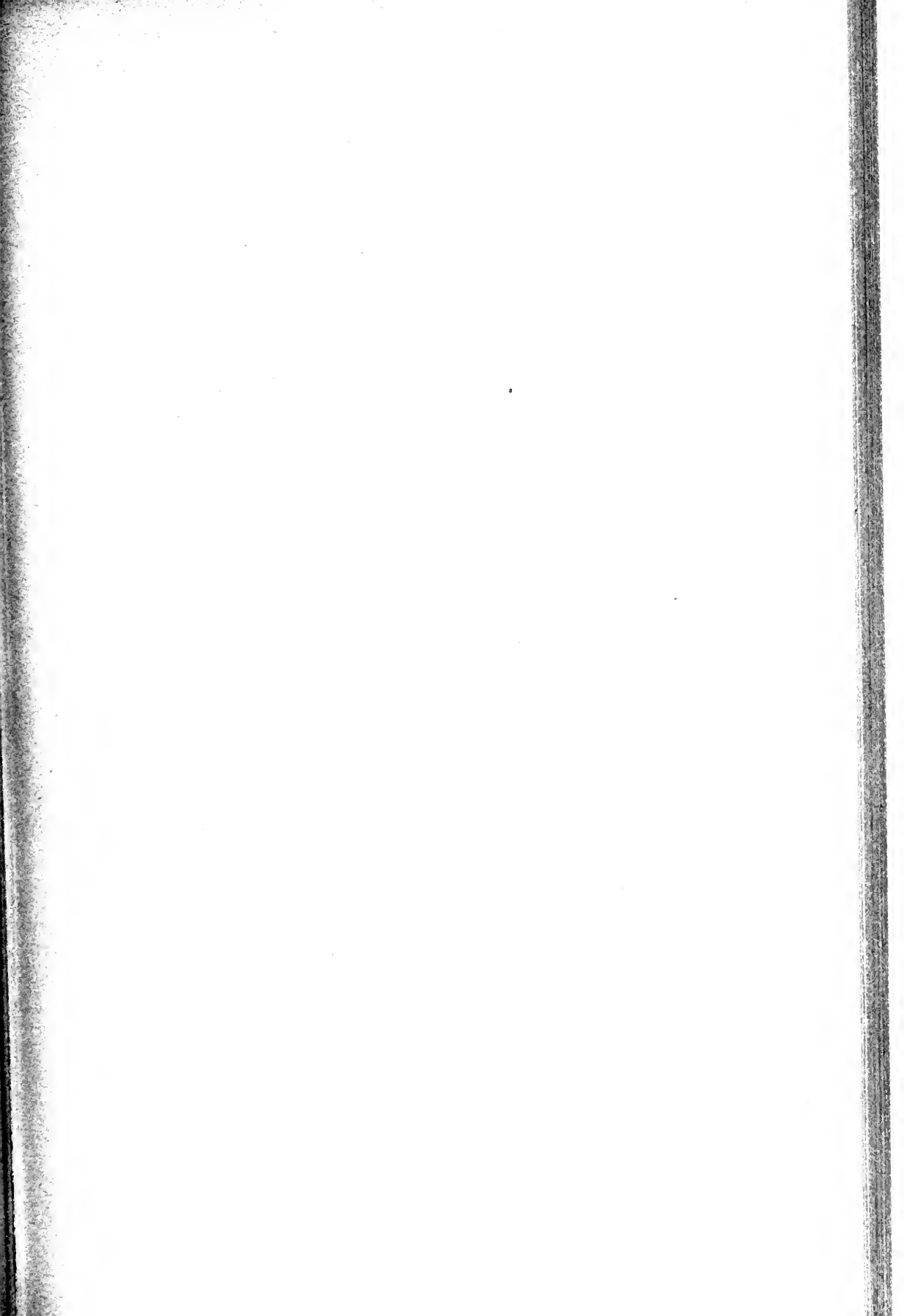
10. Pending the sale of the debentures, or in lieu of selling the same, the Council may by resolution authorize the Mayor of the said Corporation and the Treasurer thereof, to raise money by way of loan on the security of such debentures or upon security of some part of them, and to hypothecate any or all of the said debentures as security for the repayment of the said loan.

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

Given under the Corporate Seal of the City of Ottawa, this 6th day of May, A.D. 1929.

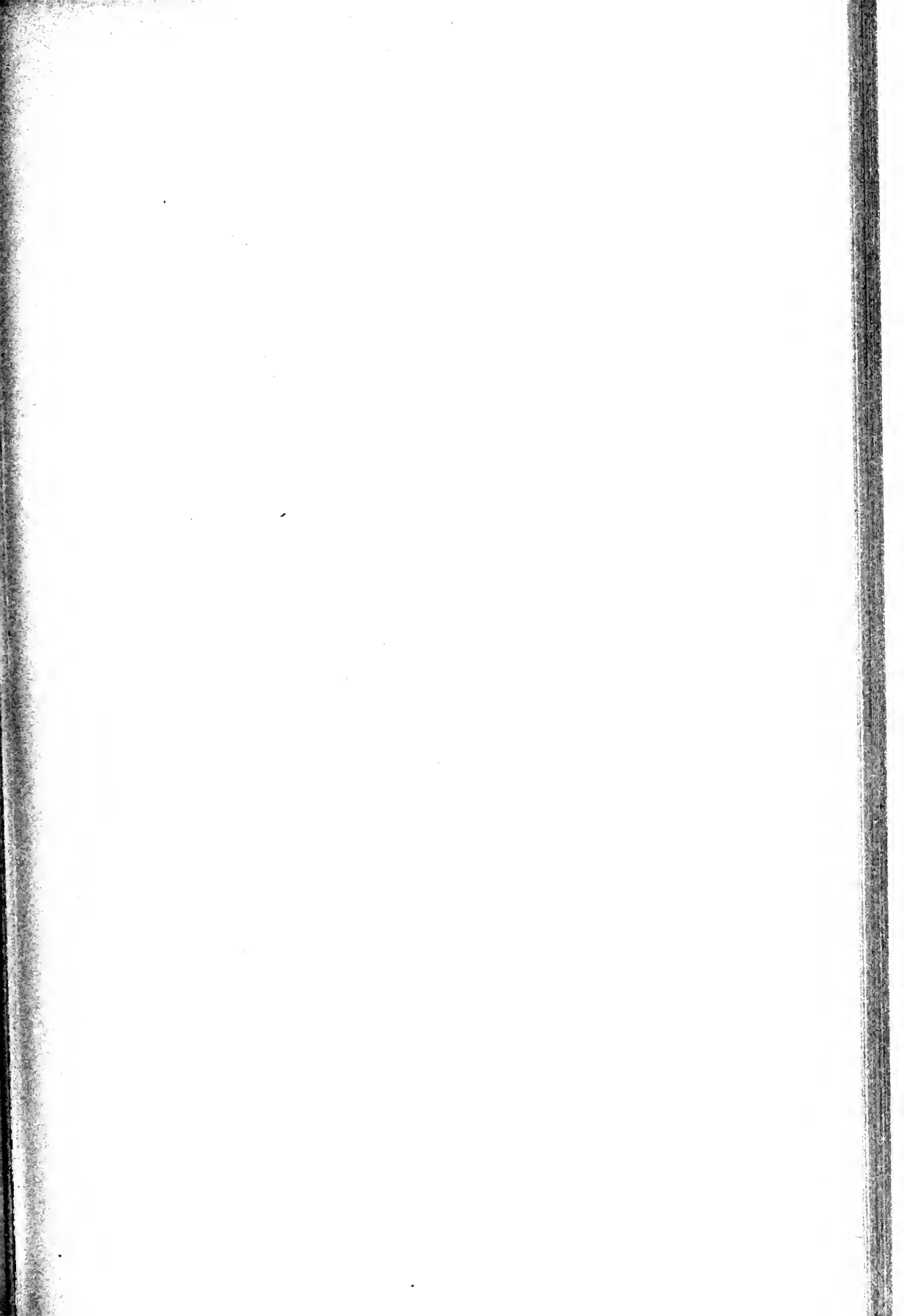
(Sgd.) NORMAN H. H. LETT,
City Clerk.

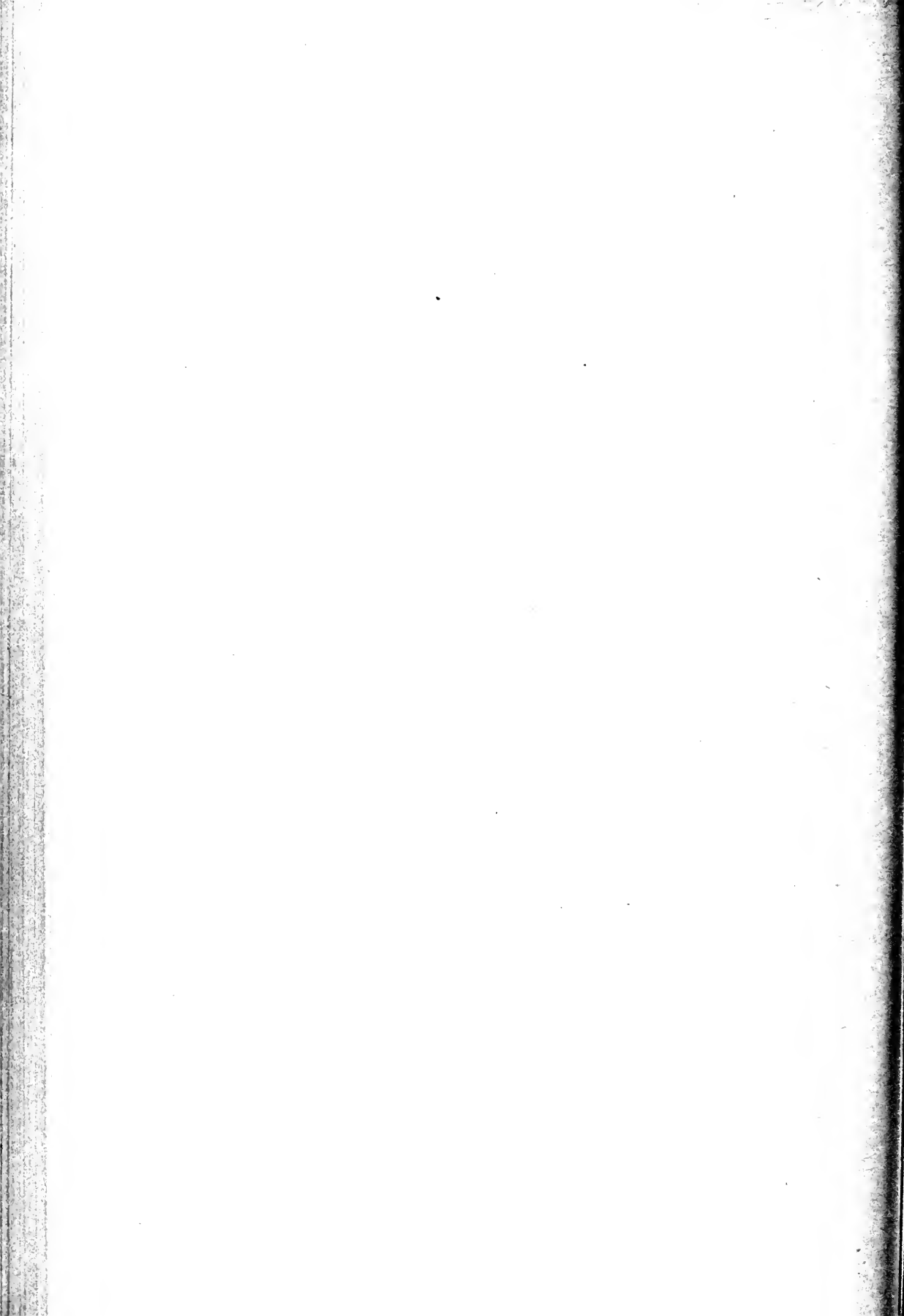
(Sgd.) ARTHUR ELLIS,
Mayor.

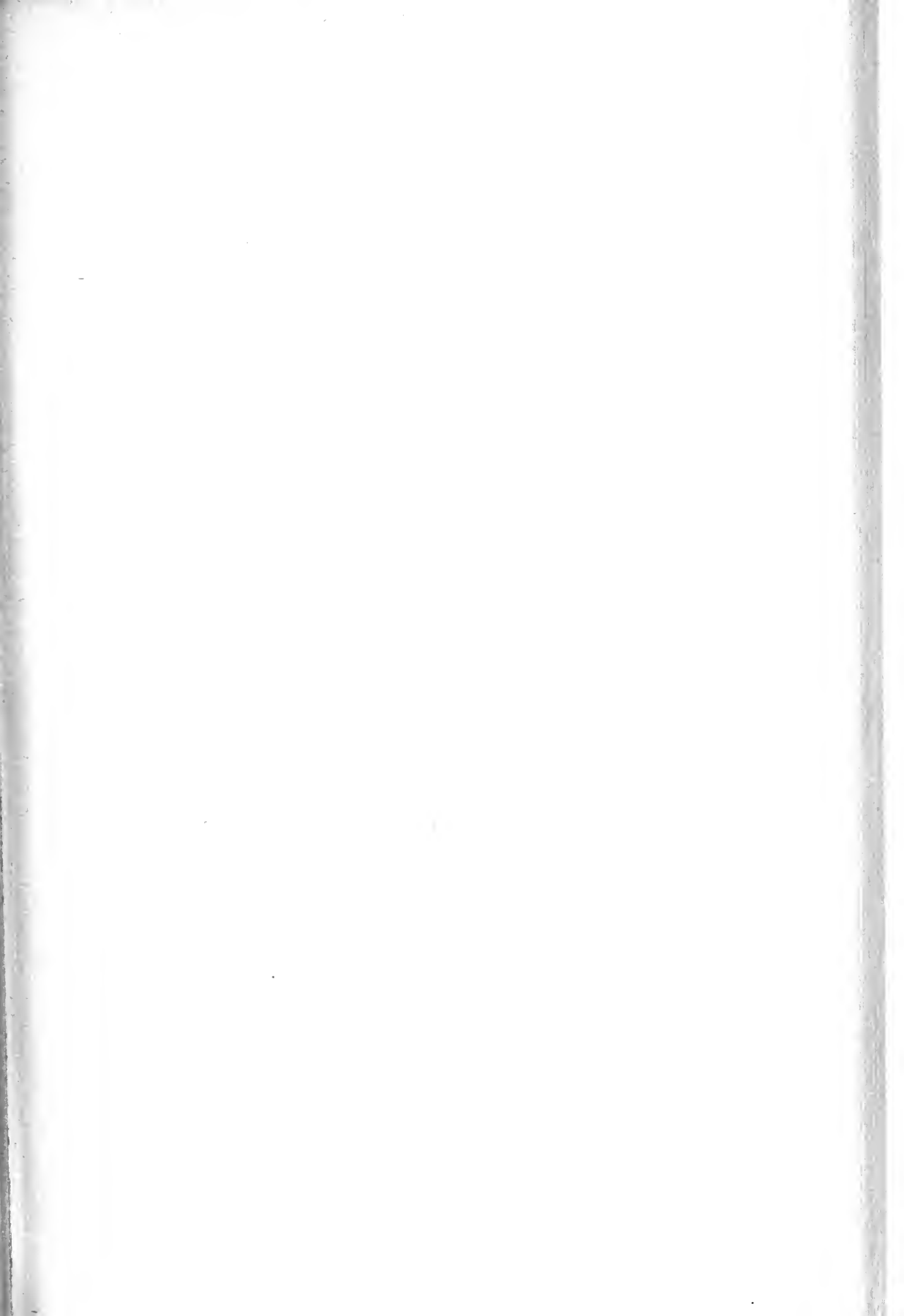


SCHEDULE "A" TO BY-LAW No. 6637

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
No. of Report	How work undertaken	No. of construction By-law	STREET	FROM	TO	Total Cost	Property Owners' portion of total cost	Corporation's portion of total cost	Estimated lifetime of work in years	Currency of debentures in years	Total amount to be raised annually for payment of owners' portion	Total amount to be raised annually for payment of Corporation's portion	Total amount to be raised annually for payment of debt	Frontage of assessed properties Ft. In.	Annual rate per foot frontage
340-C 341-C	Petition Petition	6473 6473	O'Connor St. O'Connor St.	Pretoria Ave.... Strathcona Ave.	Strathcona Ave.... Fifth Ave.	\$ 2,522.15 27,743.81 30,265.96	\$ 1,694.97 14,250.89 15,945.86	\$ 827.18 13,492.92 14,320.10	Over 15 Over 15	15 15	\$ 157.83 1,326.95 1,484.78	\$ 77.02 1,256.38 1,333.40	\$ 234.85 2,583.33 2,818.18	208-05 2248-03½	c. 52.89 59.021







BILL.

An Act respecting the City of Ottawa.

1st Reading,

March 4th, 1930

2nd Reading,

3rd Reading,

MR. ELLIS.

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

No. 87

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

BILL

An Act respecting the City of Ottawa.

MR. ELLIS

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

BILL

An Act respecting the City of Ottawa.

Preamble.

WHEREAS, the corporation of the city of Ottawa has by its petition prayed that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

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

Issue of 30
year debentures for
construction,
etc., of
watermains,
etc.

2. The council of the corporation of the city of Ottawa may provide by by-law for an issue of debentures not exceeding \$50,000 payable within thirty years from their date, for the purpose of defraying the cost of constructing and extending watermain and water services.

Debt to be
discharged
out of water
rates.

3. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 2 of this Act, there shall be raised annually by the corporation during their currency, with the authority conferred in, and by, an Act passed in the thirty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 80, and intituled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest, when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore contracted for the purposes of the said waterworks, but if at any time, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected, by the said corporation, by a special rate upon the assessable property of the said corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.

4. The council of the said corporation may provide by by-law for an issue or issues of debentures payable within twenty years from their date and not exceeding the following amounts for the purposes specified,—

- (a) \$400,000 to provide for the construction of certain storm sewers and for the drainage of Lansdowne Park.
- (b) \$33,000 for the purchase of land in St. George's Ward for use as a city playground.
- (c) \$51,000 to provide for the discount on the sale of debentures issued under the authority of by-laws numbers 6383, 6444, 6445, 6446, 6447, 6448, 6450, 6561, 6630, 6631, 6633, 6634, 6635 and 6639
- (d) \$175,000 to provide for the purchase of real property for housing and storing the plant, equipment, horses, wagons and other property of the corporation and for constructing, extending, altering and repairing buildings for such purposes.

5. The council of the said corporation may provide by by-law for an issue or issues of debentures payable within ten years from their date and not exceeding \$15,000 to provide for the purchase and installation of traffic control signals and equipment.

6.—(1) It shall not be necessary for the said corporation to obtain the assent of the electors of the said city qualified to vote on money by-laws, to the passing of any of the money by-laws authorized by sections 2, 4 and 5 of this Act, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

(2) Debentures issued under the provisions of any of the said by-laws shall bear interest at such rate as the council of the said corporation shall, in such by-law, determine and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act*.

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of Ottawa for the recovery of the amount thereof, or any part thereof, or the interest thereon.

7. The council of the said corporation instead of borrowing by separate money by-laws, the sums authorized by sections

4 and 5 of this Act, may consolidate any two or more of such borrowings of like maturity and issue one series of debentures therefor; provided that each such consolidating by-law shall show by recitals or otherwise, the separate sums which make up the total borrowing, and the purposes for which such sums are to be expended.

Tax sales
and deeds
confirmed.

8.—(1) All sales of land within the municipality of the city of Ottawa made by the treasurer thereof in the year 1928, purporting to be made for arrears of taxes due in respect of the lands so sold are validated and confirmed and all conveyances of such lands so sold heretofore or hereafter executed by the mayor, treasurer and clerk of the said city, purporting to convey the said lands to the purchaser thereof, or to his assigns, or to the corporation of the said city, as the case may be, shall have the effect of vesting the lands so sold in the purchaser thereof, his heirs, and assigns, or in the corporation of the said city, its successors and assigns, as the case may be, in fee simple, and clear of, and free from, all right, title, interest and claim whatsoever of the former owners thereof and their assigns, and of and from all mortgages, charges, liens and encumbrances thereon except taxes accruing after those for the non-payment of which the said lands were sold.

Pending
litigation not
affected.

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

By-law No.
6637
confirmed.

9.—(1) By-law number 6637 of the said corporation, a true copy whereof is set out in Schedule "A" to this Act, and all debentures issued or to be issued under the provisions thereof, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation.

Construc-
tion of
pavement on
Bank Street
Rev. Stat.
c. 235.

10.—(1) The council of the said corporation may provide by by-law to be passed under the provisions of *The Local Improvement Act*, and with the like authority as if such work had been undertaken under such Act, for undertaking and completing and for assessing and levying the cost of a local improvement asphalt and stone block pavement on Bank Street between Arlington and Gladstone Avenues, notwithstanding that the debentures heretofore issued to provide for the cost of the existing local improvement pavement upon the said part of the said street have not been wholly redeemed.

Payment of
special rates
out of general
funds.

(2) Should the council construct the pavement authorized by subsection 1, it shall raise and pay annually, out of its general funds, all such sums as shall remain to be raised, and

levied upon lands assessed for the cost of existing pavement as are also assessed for the cost of the pavement authorized by this section in and after the year in which the first assessment shall be made for the owners' share of the cost of constructing such new pavement.

11. The corporation is authorized to carry on the business of a warehouseman and of storing goods, wares and chattels in the buildings of the corporation at Lansdowne Park and to charge such fees therefor as may be established by by-law of the corporation, and the provisions of *The Warehousemen's Lien Act*, and of all Acts now or hereafter amending the same, or which may be substituted in whole or in part therefor, shall apply to, and may be availed of by the corporation in connection therewith.

Power of charge fees for storage of goods in buildings at Lansdowne Park.

Rev. Stat. c. 169.

12. Notwithstanding anything contained in section 55 of *The Local Improvement Act*, the council of the said corporation may provide by by-law passed by a vote of three-fourths of all the members, that the corporation shall thereafter assume and pay any part of proportion of the annual cost of removing snow and ice from all streets and parts thereof from which it is proposed to remove the same, not in excess of one-half of the total cost thereof, and that the remainder of the cost thereof shall be specially assessed as provided in the said section.

Assumption by corporation of part of cost of removing snow and ice.

13.—(1) Subject to the provisions of this section the council of the said corporation may undertake as a local improvement under the provisions of *The Local Improvement Act* the widening, paving or improving of that part of Beechwood Avenue forming the boundary line between the city of Ottawa and the town of Eastview.

Widening etc. of Beechwood Ave.

(2) The work shall not be undertaken until the Railway and Municipal Board has approved of it and if such approval is given the Board shall determine what proportions of the whole cost of the work shall be borne and paid by the corporations of the city of Ottawa and the town of Eastview respectively and what part or proportion, if any, of the whole cost shall be specially assessed against the lands abutting on the said work as the owners' portion, and the provisions of subsections 2 to 9 of section 56 of *The Local Improvement Act* shall apply to the work, substituting the words "order of the Railway and Municipal Board" for the word "agreement" wherever it occurs in the said subsections.

Approval of Railway & Municipal Board.

14. This Act except section 8 shall come into force on the day upon which it receives the Royal Assent, and section 8 shall come into force on the 1st day of July, 1930.

Commencement of Act.

SCHEDULE "A"

BY-LAW NUMBER 6637

A by-law of the Corporation of the City of Ottawa to provide for borrowing \$30,265.96 upon debentures to pay for the construction of certain local improvement works.

Whereas pursuant to construction by-law number 6473, passed on the 16th July, 1928, the resurfacing of certain asphalt pavements on the streets and between the points as shewn in columns numbered 4, 5 and 6, respectively, of schedule "A" hereto, as local improvement, under the provisions of "The Local Improvement Act," has been undertaken;

And whereas the total cost of each of such works, the property-owners' portion thereof and the Corporation's portion thereof, are shewn in columns numbered 7, 8 and 9, respectively, of the said schedule;

And whereas the estimated lifetime of the said works is over 15 years, as shewn in column numbered 10 of the said schedule;

And whereas it is necessary to borrow on the credit of the Corporation \$30,265.96, which is the total cost of all the said works, as shewn in column numbered 7 of the said schedule, and to issue debentures therefor, payable within 15 years from the issue thereof, as shewn in column numbered 11 of the said schedule, and bearing interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum, which is the amount of the debt intended to be created by this by-law;

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

And whereas it will be necessary to raise annually the sum of \$2,818.18, as shewn in column numbered 14 of the said schedule, during the said period of 15 years for the payment of the said yearly sums of principal and interest as they shall become due, of which amount the sum of \$1,484.78, shall be raised annually for the payment of the property-owners portion of the said debt and interest thereon, as shewn in column numbered 12 of the said schedule, and the sum of \$1,333.40 shall be raised annually for the payment of the Corporation's portion of the said debt and interest thereon, as shewn in column numbered 13 of the said schedule;

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$149,323,059.00.

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts, secured by special rates or assessments, is \$17,372,951.77, and no part of the principal or interest thereof is in arrear;

Therefore, the Municipal Council of the Corporation of the City of Ottawa, enacts as follows:—

1. For the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of \$30,265.96, and debentures shall be issued therefor in sums of not less than \$50.00 Canadian Currency each, and all such debentures may be made payable, both as to principal and interest, at such chartered banks or banking houses in Canada or in the United States of America, as may be designated on the said debentures, in gold coin of, or equivalent to, the standard of weight and fineness fixed for gold coin at this date by the laws of the United States of America.

2. The said debentures shall all bear interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum and have coupons attached thereto

for the payment of the interest semi-annually, upon the First day of the months of January and July in each year, which coupons shall be signed by the Treasurer of the Corporation, whose signature may be written, stamped, lithographed or engraved thereon.

3. The debentures shall bear the same date and shall be issued within two years after the date upon which this by-law is passed, and may bear any date within such two years, and shall be payable within 15 years from the date of the said debentures with interest at the rate of four and one-half ($4\frac{1}{2}$) per centum per annum, as shewn by the following schedule, and the respective amounts of principal and interest payable in each year of such years shall be as follows:—

SCHEDULE

Years	Amount of Interest Payable	Amount of Principal Payable	Annual Payment
1.....	\$1,361.97	\$1,456.21	\$2,818.18
2.....	1,296.44	1,521.74	2,818.18
3.....	1,227.96	1,590.22	2,818.18
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9.....	747.30	2,070.88	2,818.18
10.....	654.11	2,164.07	2,818.18
11.....	556.73	2,261.45	2,818.18
12.....	454.96	2,363.22	2,818.18
13.....	348.62	2,469.56	2,818.18
14.....	237.49	2,580.69	2,818.18
15.....	121.36	2,696.82	2,818.18
	<u>\$12,006.74</u>	<u>\$30,265.96</u>	<u>\$42,272.70</u>

4. Each of the said debentures shall be signed by the Mayor of the Corporation or by some other person authorized by By-law to sign the same, and also by the Treasurer thereof, and shall be sealed with the Seal of the Corporation.

5. During 15 years, the currency of the debentures, there shall be raised annually for the payment of the property-owners' portion of the said debt and interest thereon, the sum of \$1,484.78, as shewn in column numbered 12 of the said Schedule, and for the payment of the Corporation's portion of the cost and the interest thereon there shall be raised annually the sum of \$1,333.40, as shewn in column numbered 13 of the said Schedule, making in all \$2,818.18, as shown in column numbered 14 of the said Schedule, to be raised annually for the payment of the said debt and interest.

6. For the payment of the property-owners' portion of the cost of the works and the interest thereon, the special assessment set forth in the assessment rolls prepared for the said works, is hereby imposed upon the lands liable therefor, as therein set forth, which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in equal annual instalments during the currency of the debentures, and for that purpose the respective special annual rates per foot frontage, as shewn in column numbered 16 of the said schedule, are hereby imposed upon each lot entered in the said special assessment roll for the said works, according to the assessed frontage thereof, over and above all other rates and taxes, which special rate shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates during the currency of the said debentures.

7. For the payment of the Corporation's portion of the cost of each of the said works and the interest thereon, there shall be levied and raised annually a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.

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

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

10. Pending the sale of the debentures, or in lieu of selling the same, the Council may by resolution authorize the Mayor of the said Corporation and the Treasurer thereof, to raise money by way of loan on the security of such debentures or upon security of some part of them, and to hypothecate any or all of the said debentures as security for the repayment of the said loan.

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

Given under the Corporate Seal of the City of Ottawa, this 6th day of May, A.D. 1929.

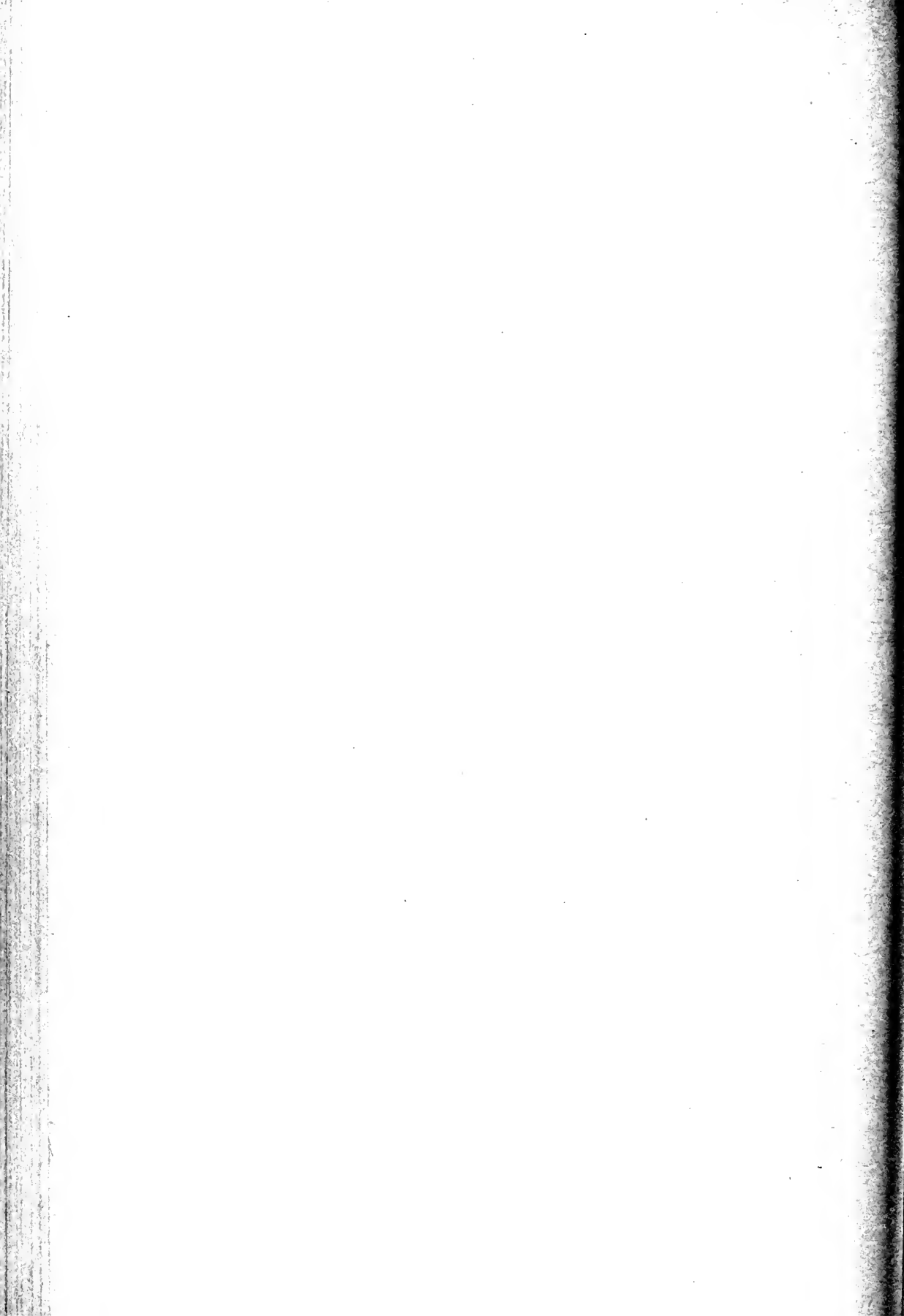
(Sgd.) NORMAN H. H. LETT,
City Clerk.

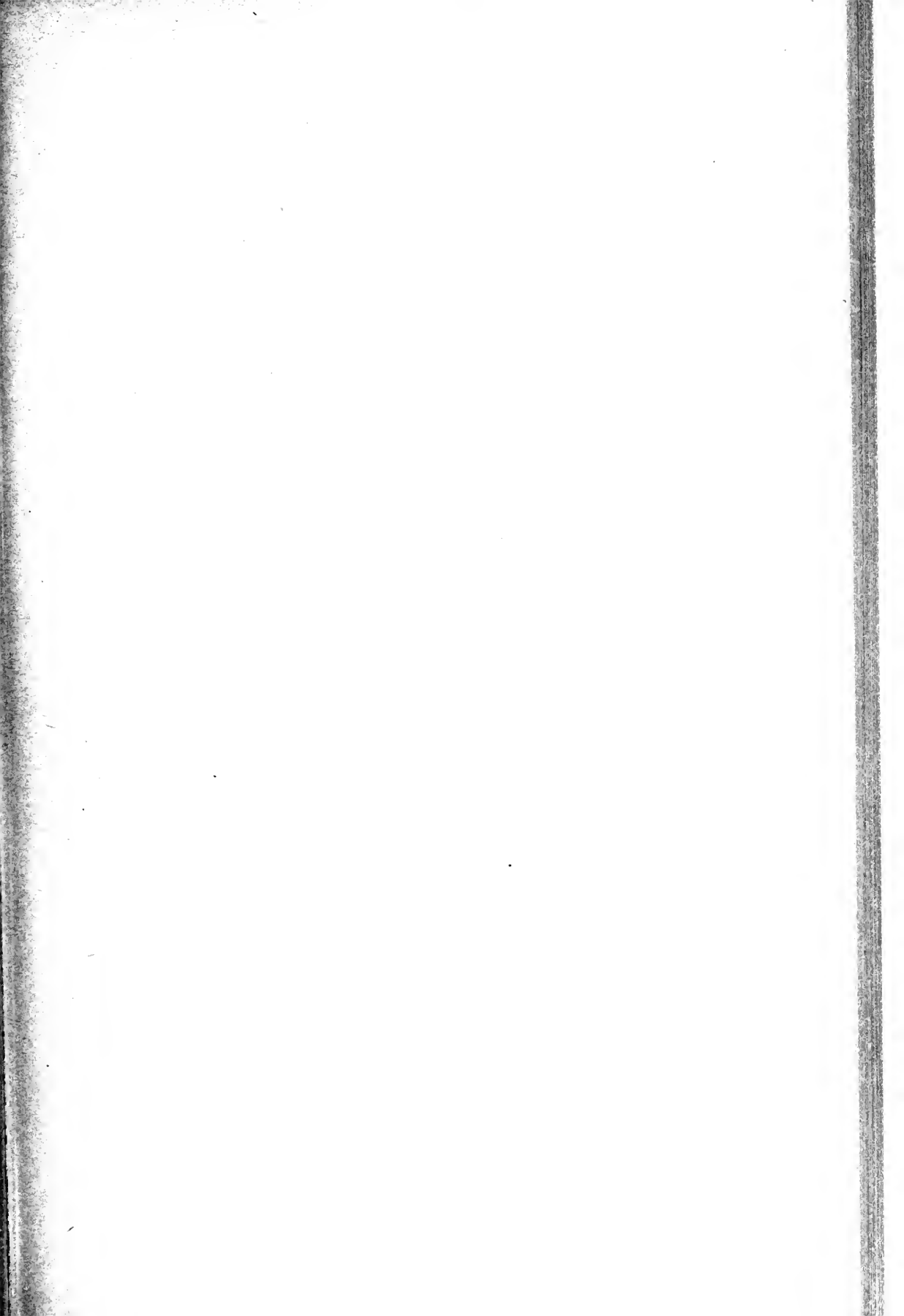
(Sgd.) ARTHUR ELLIS,
Mayor.

SCHEDULE "A" TO BY-LAW No. 6637

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
No. of Report	How work undertaken	No. of construction By-law	STREET	FROM	TO	Total Cost	Property Owners' portion of total cost	Corporation's portion of total cost	Estimated lifetime if work in years	Currency of debentures in years	Total amount to be raised annually for payment of owners' portion	Total amount to be raised annually for payment of Corporation's portion	Total amount to be raised annually for payment of debt	Frontage of assessed properties Ft. In.	Annual Rate per foot frontage
340-C 341-C	Petition Petition	6473 6473	O'Connor St. O'Connor St.	Pretoria Ave. Strathcona Ave.	Strathcona Ave. Fifth Ave.	\$ 2,522.15 27,743.81 30,265.96	\$ 1,694.97 14,250.89 15,945.86	\$ 827.18 13,492.92 14,320.10	Over 15 Over 15	15 15	\$ 157.83 1,326.95 1,484.78	\$ 77.02 1,256.38 1,333.40	\$ 234.85 2,583.33 2,818.18	298—05 2248—03 1/2	52.89 59.021

8





BILL.

An Act respecting the City of Ottawa.

1st Reading,

March 4th, 1930

2nd Reading,

March 26th, 1930

3rd Reading,

March 28th, 1930

MR. ELLIS.

No. 88

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

BILL

An Act respecting Service Charges in Rural Power Districts.

MR. COOKE.

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

BILL

An Act respecting Service Charges in Rural Power Districts.

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

Short title. **1.** This Act may be cited as *The Rural Power District Service Charge Act, 1930.*

Fixing maximum service charge. **2.** Notwithstanding anything contained in any statute or municipal by-law or contract the Lieutenant-Governor in Council, upon the recommendation of The Hydro-Electric Power Commission of Ontario, may from time to time fix a maximum service charge for any class of service rendered by the said Commission in a rural power district.

Where deficit arises under maximum service charge. **3.**—(1) Where such maximum service charge in the case of any rural power district is not sufficient to meet the necessary cost of the service as specified by the Commission, the deficit shall be chargeable to and payable out of the Consolidated Revenue Fund.

Recouping Province out of subsequent surplus. (2) The payments made out of the Consolidated Revenue Fund under subsection 1 shall be charged to a suspense account to be known as the "Rural Power Service Suspense Account" in the books of the Treasurer of Ontario and any surplus thereafter arising from any maximum service charge shall be paid over to the Treasurer of Ontario and placed to the credit of such suspense account.

Commencement of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1930.

EXPLANATORY NOTE

The object of this Bill is to extend the benefits of the power development and distribution system of the Province to rural power consumers.

It is expected that where owing to the fixing of the rates a deficit is occasioned the resulting increase in business in any rural power district will ultimately enable the Commission to recoup the Province for any loss sustained.

BILL.

An Act respecting Service Charges in
Rural Power Districts.

1st Reading

February 24th, 1930

2nd Reading

3rd Reading

MR. COOKE.

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

BILL

An Act respecting Service Charges in Rural Power Districts.

MR. COOKE.

BILL

An Act respecting Service Charges in Rural Power Districts.

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

Short title. **1.** This Act may be cited as *The Rural Power District Service Charge Act, 1930.*

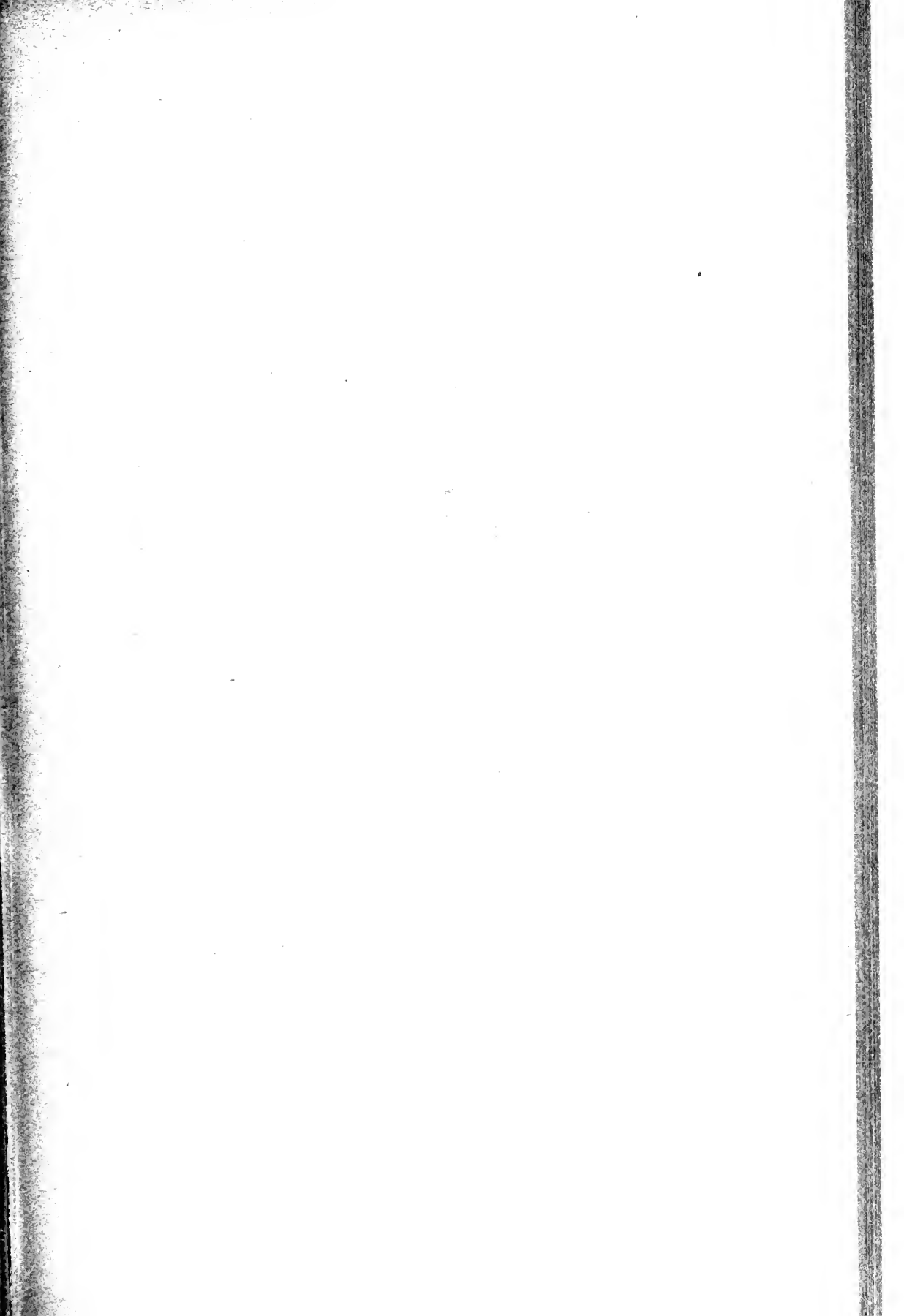
Fixing maximum service charge. **2.** Notwithstanding anything contained in any statute or municipal by-law or contract the Lieutenant-Governor in Council, upon the recommendation of The Hydro-Electric Power Commission of Ontario, may from time to time fix a maximum service charge for any class of service rendered by the said Commission in a rural power district.

Where deficit arises under maximum service charge. **3.—(1)** Where such maximum service charge in the case of any rural power district is not sufficient to meet the necessary cost of the service as specified by the Commission, the deficit shall be chargeable to and payable out of the Consolidated Revenue Fund.

Recouping Province out of subsequent surplus. **(2)** Payments made out of the Consolidated Revenue Fund under subsection 1 on account of any rural power district shall be charged to that rural power district in a special account to be known as the "Rural Power Service Suspense Account" in the books of the Treasurer of Ontario and any surplus thereafter arising from any maximum service charge in that rural power district shall be paid over to the Treasurer of Ontario and placed to the credit of the rural power district in such suspense account until the deficit is extinguished.

Maximum service charge to remain in force until deficit paid. **(3)** Where a deficit arises in any rural power district owing to the application of the maximum service charge under this section, the maximum service charge as fixed from time to time by the Lieutenant-Governor in Council shall remain in force and be charged in that rural power district until the deficit is extinguished.

Commencement of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1930.



BILL.

An Act respecting Service Charges in Rural Power Districts.

1st Reading

February 24th, 1930

2nd Reading

February 26th, 1930

3rd Reading

March 12th, 1930

MR. COOKE.

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

BILL

An Act to amend The Municipal Act.

MR. WRIGHT.

No. 89.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 435,
amended,

1. Section 435 of *The Municipal Act* is amended by striking out the words "with the assent of the municipal electors" in the second and third lines thereof.

EXPLANATORY NOTE.

Under section 435 as it stands the council in a city having a population over 200,000 may with the assent of the municipal electors pay an annual allowance of \$1,200 to aldermen and an additional allowance of \$100 to each chairman of a standing committee, and to the chairman of the court of revision and the local board of health.

The object of the Bill is to dispense with the assent of the municipal electors.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 24th, 1930

2nd Reading

3rd Reading

MR. WRIGHT.

No. 90

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

BILL

An Act to amend The Assessment Act.

MR. MCBRIEN

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

No. 90.

1930.

BILL

An Act to amend The Assessment Act.

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

Rev. Stat.,
c. 238, s. 4,
par. 22,
repealed.

1. The paragraph numbered 22 in section 4 of *The Assessment Act* is repealed and the following substituted therefor:

Exemption
on income.

22. The annual income derived from any source by any person assessable directly in respect to income under this Act, to the amount of \$3,000 if such person is a householder in the municipality and assessed as such, or being the head of a family occupies with his family any portion of a dwelling house although not assessed therefor, or if the person is a widow or over sixty years of age, and to the amount of \$1,500 in the case of all other persons; provided that where a husband and wife living together have each a separate income in excess of \$1,500 each shall receive an exemption of \$1,500 in lieu of the exemption hereinbefore set forth.

Rev. Stat.,
c. 238, s. 4,
par. 23,
amended.

2. The paragraph numbered 23 in section 4 of *The Assessment Act* is amended by striking out the words "derived from personal earnings" in the first line thereof.

EXPLANATORY NOTE.

This Bill proposes to grant a flat exemption of \$3,000 on income derived from any source in the case of a householder or the head of a family, and \$1,500 in all other cases.

At present personal earnings are exempt up to \$3,000 in the case of a householder or the head of a family, and to the extent of \$1,500 in other cases, but on income from investments the exemption is \$1,000 where the income from all sources does not exceed \$2,000, and in the case of a widow or a person over 60 years of age it is \$2,000 where the income from all sources does not exceed \$3,000.

BILL.

An Act to amend The Assessment Act.

1st Reading

February 24th, 1930

2nd Reading

3rd Reading

MR. MCBRIEN.

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

BILL

**An Act to provide for Granting Aid towards the Installation of
Electrical Works in Rural Power Districts.**

MR. COOKE.

No. 91.

1930.

BILL

An Act to provide for Granting Aid towards the Installation of Electrical Works in Rural Power Districts.

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

Short title. **1.** This Act may be cited as *The Rural Power District Loans Act, 1930.*

Interpreta- **2.** In this Act,—
tion.

“Commis- (a) “Commission” shall mean The Hydro-Electric Power
sion.” Commission of Ontario.

“Regula- (b) “Regulations” shall mean regulations made under the
tions.” authority of this Act.

Fund of **3.**—(1) The Lieutenant-Governor in Council may set
\$2,000,000 apart out of the Consolidated Revenue Fund a sum not
set apart to exceeding \$2,000,000 for the purpose of providing advances
aid installa- towards the installation of electrical services in rural power
tion in rural districts.
power districts.

Payments (2) The Lieutenant-Governor in Council may from time to
out of fund time direct that such payments be made to the Commission
to Commis- out of the moneys so set apart as the Commission may report
sion. to be necessary in order to enable advances to be made under
this Act.

What instal- (3) Subject to the regulations the installation in respect of
lation may which aid may be granted under this Act shall include,—
include.

(a) wiring from the transmission or distribution lines of the Commission into and throughout dwellings,

EXPLANATORY NOTES.

This Bill is modelled to some extent upon *The Tile Drainage Act* except that the loan is made directly by the Commission to the applicant instead of being passed upon by the municipal council.

Section 3 provides for the setting apart of a fund for the purpose of making the advances and for payments out of the fund to the Commission from time to time. The definition of "installation" is made as wide as possible in view of possible changes in conditions and exceptional circumstances which will have to be met.

barns, outhouses and any other works which may from time to time be specified in regulations made under the authority of this Act;

(b) such transformers, motors and other appliances as may be necessary or expedient for any industrial, agricultural or domestic purposes or which may be specified in the regulations.

Application for advance.

4.—(1) A person assessed as owner and being the actual owner of lands and premises in a rural power district desiring to procure an advance under this Act may make application, in the form prescribed by the regulations, to the Commission.

Proofs to accompany application.

(2) The application shall not be acted upon unless it is accompanied by the declaration of the applicant stating that he is the actual owner of the lands and premises mentioned in the application and that the same is free from encumbrance, or if the lands and premises, or any part thereof, are mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance, with his address.

Notice to encumbrancers.

(3) Where it appears that there is a mortgage or encumbrance upon the lands or premises or any part thereof the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered letter sent to him by the secretary of the Commission to his last-known address.

Limit of amount of advance.

5. An advance under this Act shall not exceed in amount the sum of \$1,000 in the case of any one owner, and every such advance shall be repayable with interest within twenty years at the furthest.

Control as to installation and specifications.

6. Every installation in respect of which an advance is made under this Act shall be made in such manner and according to such specifications as the Commission may prescribe and the work of installation shall be subject to the approval of the Commission and no advance shall be made under this Act except upon the recommendation of the Commission.

Repayment of advance.

7.—(1) Every advance made under this Act shall be a debt due from the owner of the lands and premises upon which the installation is made to the Commission and shall be repayable to the Commission at the time and in such manner as may be prescribed by the regulations, and the amounts so received by the Commission shall be transmitted to the Treasurer of Ontario.

Section 4 provides that the application may be made by the actual owner of the land upon which the installation is to take place and provides, as in the case of *The Tile Drainage Act*, that notice shall be given to encumbrancers as any arrears in repayment of the advance will be a first charge upon the land.

Section 5 limits the amount which may be advanced to any one person as in the case of *The Tile Drainage Act*.

Section 6 provides that the installation be subject to the approval of the Commission. At the present time the Commission has to approve of every electrical installation even when the work is of a minor character.

Section 7 provides for the repayment of the advance and for enforcing the collection of arrears by having them placed upon the collectors' roll of the municipality.

Collection
as taxes in
case of
default.

(2) Where default is made in the repayment of any advance under this Act, or in any instalment thereof, or in the payment of interest thereon, the Commission may give notice in writing of such default to the clerk of the municipality in which the lands and premises are situate, and the amount in default shall thereupon be inserted in the collectors' roll as a tax in the same manner and with the same effect as in the case of municipal taxes, and when collected shall be paid over by the treasurer of the municipality to the Commission.

Registration
of notice
of lien.

8.—(1) The Commission shall cause a notice of the advance, in the form prescribed by the regulations, to be registered in the proper registry or land titles office and such registration shall be notice to subsequent purchasers or mortgagees or other encumbrancers that the advance made under this Act is a lien or charge upon the lands and premises owned by the applicant.

Registration
of certificate
of repayment.

(2) Where notice has been registered under subsection 1 and the advance has been subsequently repaid, a certificate of repayment in the form prescribed by the regulations, may be delivered to the owner of the lands and premises and may be registered by him, and such registration shall have the effect of discharging the lien or charge.

Fee.

(3) The fee for registering a notice or certificate of repayment under this section shall be fifty cents.

Property in
works to be
in Commis-
sion until
advance
repaid.

9.—(1) The property in any works installed in respect of which an advance is made under this Act shall, while such advance remains unpaid, be in the Commission, and in addition to any other remedy, in case of default in repayment of the advance, or of any instalment thereof, or in the payment of interest thereon, the Commission may by its officers, servants and agents enter upon the premises and take possession of and remove transformers, motors or other appliances or fixtures forming part of such installation.

Priority over
lien note,
etc.

(2) A chattel mortgage, lien note or other instrument registered or filed, or any judgment or other legal process shall not have priority over the lien created by an advance from the Commission under this Act.

Regulations.

10. Subject to the provisions of this Act the Lieutenant-Governor in Council may make regulations prescribing the terms and conditions upon which advances may be made under this Act and generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act.

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

Section 8 provides for the registration of notice of the advance so as to protect subsequent purchasers or mortgagees and for the registration of a certificate of payment when the debt is discharged.

Section 9 provides an additional remedy by the removal of transformers, motors or other appliances the property in which is to be in the Commission until the advance is repaid. Subsection 2 protects the advance against the registration of chattel mortgages, conditional sale notes, etc.

BILL.

An Act to provide for Granting Aid towards
the Installation of Electrical Works
in Rural Power Districts.

1st Reading

February 24th, 1930

2nd Reading

3rd Reading

MR. COOKE.

No. 91

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

BILL

An Act to provide for Granting Aid towards the Installation of
Electrical Works in Rural Power Districts.

MR. COOKE.

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

No. 91.

1930.

BILL

An Act to provide for Granting Aid towards the Installation of Electrical Works in Rural Power Districts.

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

Short title. **1.** This Act may be cited as *The Rural Power District Loans Act, 1930.*

Interpreta- **2.** In this Act,—
tion.

“Commis- (a) “Commission” shall mean The Hydro-Electric Power
sion.” Commission of Ontario.

“Regula- (b) “Regulations” shall mean regulations made under the
tions.” authority of this Act.

Fund of **3.**—(1) The Lieutenant-Governor in Council may set
\$2,000,000 apart out of the Consolidated Revenue Fund a sum not
set apart to exceeding \$2,000,000 for the purpose of providing advances
aid installa- towards the installation of electrical services in rural power
tion in rural districts.
power districts.
districts.

Payments (2) The Lieutenant-Governor in Council may from time to
out of fund time direct that such payments be made to the Commission
to Commis- out of the moneys so set apart as the Commission may report
sion. to be necessary in order to enable advances to be made under
this Act.

What instal- (3) Subject to the regulations the installation in respect of
lation may which aid may be granted under this Act shall include,—
include.

(a) wiring from the transmission or distribution lines of
the Commission into and throughout dwellings,

barns, outhouses and any other works which may from time to time be specified in regulations made under the authority of this Act;

- (b) such transformers, motors and other appliances as may be necessary or expedient for any industrial, agricultural or domestic purposes or which may be specified in the regulations.

4.—(1) A person assessed as owner and being the actual owner of lands and premises in a rural power district desiring to procure an advance under this Act may make application, in the form prescribed by the regulations, to the Commission.

Application for advance.

(2) The application shall not be acted upon unless it is accompanied by the declaration of the applicant stating that he is the actual owner of the lands and premises mentioned in the application and that the same is free from encumbrance, or if the lands and premises, or any part thereof, are mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance, with his address.

Proofs to accompany application.

(3) Where it appears that there is a mortgage or encumbrance upon the lands or premises or any part thereof the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered letter sent to him by the secretary of the Commission to his last-known address.

Notice to encumbrancers.

5. An advance under this Act shall not exceed in amount the sum of \$1,000 in the case of any one owner, and every such advance shall be repayable with interest within twenty years at the furthest.

Limit of amount of advance.

6. Every installation in respect of which an advance is made under this Act shall be made in such manner and according to such specifications as the Commission may prescribe and the work of installation shall be subject to the approval of the Commission and no advance shall be made under this Act except upon the recommendation of the Commission.

Control as to installation and specifications.

7.—(1) Every advance made under this Act shall be a debt due from the owner of the lands and premises upon which the installation is made to the Commission and shall be repayable to the Commission at the time and in such manner as may be prescribed by the regulations, and the amounts so received by the Commission shall be transmitted to the Treasurer of Ontario.

Repayment of advance.

Collection as taxes in case of default.

(2) Where default is made in the repayment of any advance under this Act, or in any instalment thereof, or in the payment of interest thereon, the Commission may give notice in writing of such default to the clerk of the municipality in which the lands and premises are situate, and the amount in default shall thereupon be inserted in the collectors' roll as a tax in the same manner as in the case of municipal taxes, and when collected shall be paid over by the treasurer of the municipality to the Commission.

Registration of notice of lien.

8.—(1) The Commission shall cause a notice of the advance, in the form prescribed by the regulations, to be registered in the proper registry or land titles office and such registration shall be notice to subsequent purchasers or mortgagees or other encumbrancers that the advance made under this Act is a lien or charge upon the lands and premises owned by the applicant.

Registration of certificate of repayment.

(2) Where notice has been registered under subsection 1 and the advance has been subsequently repaid, a certificate of repayment in the form prescribed by the regulations, may be delivered to the owner of the lands and premises and may be registered by him, and such registration shall have the effect of discharging the lien or charge.

Fee.

(3) The fee for registering a notice or certificate of repayment under this section shall be fifty cents.

Property in works to be in Commission until advance repaid.

9.—(1) The property in any works installed in respect of which an advance is made under this Act shall, while such advance remains unpaid, be in the Commission, and in addition to any other remedy, in case of default in repayment of the advance, or of any instalment thereof, or in the payment of interest thereon, the Commission may by its officers, servants and agents enter upon the premises and take possession of and remove transformers, motors or other appliances or fixtures forming part of such installation.

Priority over lien note, etc.

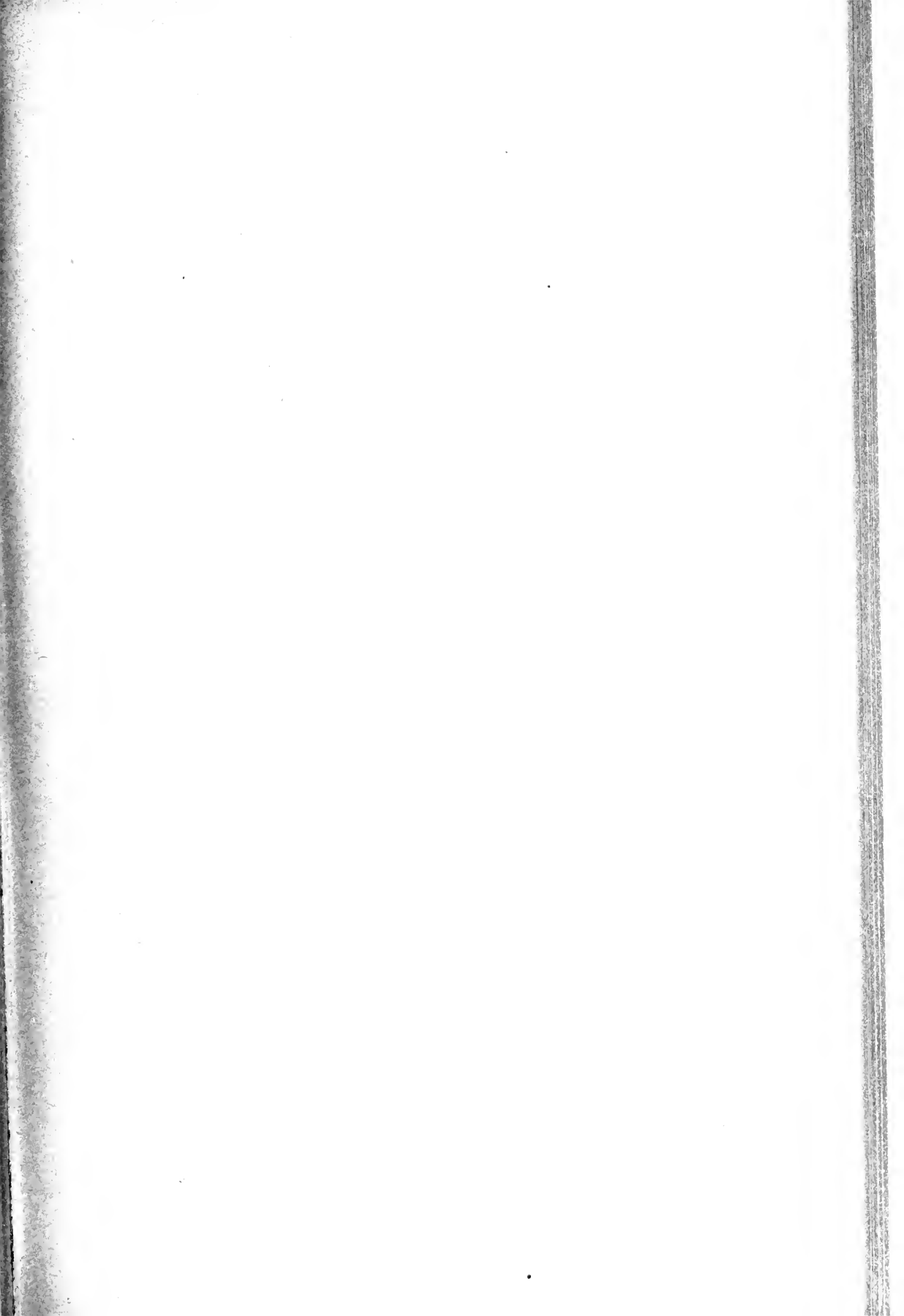
(2) A chattel mortgage, lien note or other instrument registered or filed, or any judgment or other legal process shall not have priority over the lien, created by an advance from the Commission under this Act.

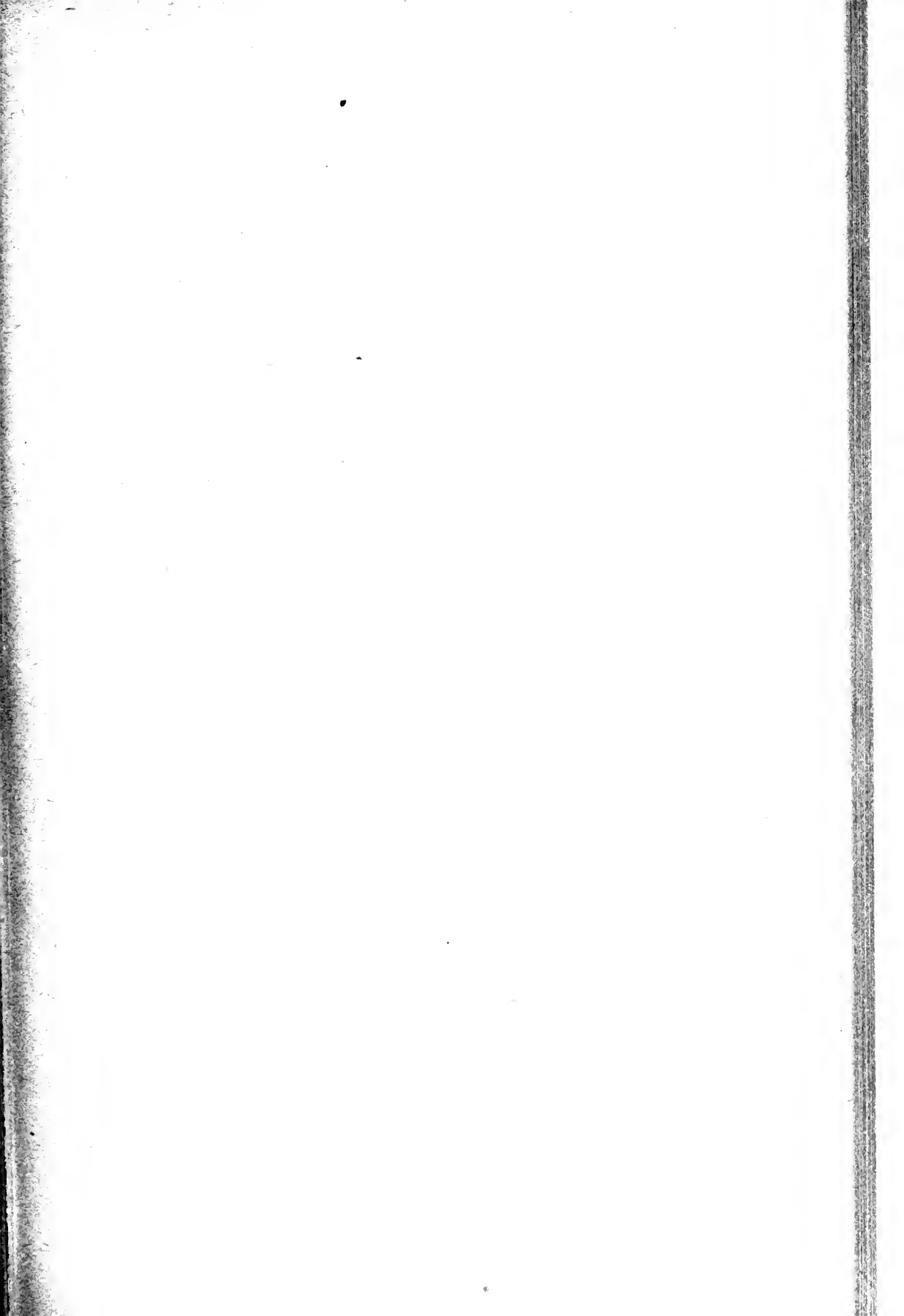
Regulations.

10. Subject to the provisions of this Act the Lieutenant-Governor in Council may make regulations prescribing the terms and conditions upon which advances may be made under this Act and generally for the better carrying out of the provisions of this Act.

Commencement of Act.

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





BILL.

An Act to provide for Granting Aid towards
the Installation of Electrical Works
in Rural Power Districts.

1st Reading

February 24th, 1930

2nd Reading

March 3rd, 1930

3rd Reading

March 25th, 1930

Mr. COOKE.

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

BILL

An Act to amend The Silicosis Act, 1929.

MR. GODFREY.

No. 92.

1930.

BILL

An Act to amend The Silicosis Act, 1929.

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

Short title,

1. This Act may be cited as *The Silicosis Act, 1930*.

1929, c. 71,
amended.

2. *The Silicosis Act, 1929*, is amended by adding thereto the following section:

Penalty
for non-
compliance
with Act,

9a. Every person who,—

(a) being the owner, manager, proprietor or superintendent of any works to which this Act applies, refuses or neglects to comply with the requirements of this Act, or with any direction lawfully given under this Act, or with any regulation made under this Act; or

(b) employs any person, or permits any person to be employed who is not the holder of a subsisting certificate given by a medical examiner under this Act that such person is medically fit to be employed in the cutting, polishing and finishing of granite, or in the treatment of any other substance to which this Act may be made applicable,

shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of not less than \$100 nor more than \$500.

Rev. Stat.
c. 121.Commence-
ment of
Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

EXPLANATORY NOTE.

The object of this Bill is to impose a penalty for offences against *The Silicosis Act, 1929*, and define the offence for which the penalty may be imposed.

BILL.

An Act to amend The Silicosis Act, 1929.

1st Reading

February 25th, 1930

2nd Reading

3rd Reading

MR. GODFREY.

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

BILL

An Act to amend The Silicosis Act, 1929.

MR. GODFREY.

No. 92.

1930.

BILL

An Act to amend The Silicosis Act, 1929.

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

Short title.

1. This Act may be cited as *The Silicosis Act, 1930*.

1929, c. 71,
amended.

2. *The Silicosis Act, 1929*, is amended by adding thereto the following section:

Penalty
for non-
compliance
with Act,

9a. Every person who,—

(a) being the owner, manager, proprietor or superintendent of any works to which this Act applies, refuses or neglects to comply with the requirements of this Act, or with any direction lawfully given under this Act, or with any regulation made under this Act; or

(b) employs any person, or permits any person to be employed who is not the holder of a subsisting certificate given by a medical examiner under this Act that such person is medically fit to be employed in the cutting, polishing and finishing of granite, or in the treatment of any other substance to which this Act may be made applicable,

shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of not less than \$100 nor more than \$500.

Rev. Stat.
c. 121.

Commence-
ment of
Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL.

An Act to amend The Silicosis Act, 1929.

1st Reading

February 25th, 1930

2nd Reading

February 27th, 1930

3rd Reading

March 12th, 1930

MR. GODFREY.

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

BILL

An Act to amend The Assessment Act.

MR. MARTIN (Brantford).

No. 94.

1930.

BILL

An Act to amend The Assessment Act.

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

Rev. Stat.,
c. 238, s. 143,
subs. 1,
(1929, c. 63,
s. 8.)
amended,

1. Subsection 1 of section 143 of *The Assessment Act* as enacted by section 8 of *The Assessment Amendment Act, 1929*, is amended by striking out the words "having a population of not less than 100,000" in the first and second lines.

EXPLANATORY NOTE.

Last Session cities over 100,000 were authorized to charge interest on arrears of taxes, including business and income, at the rate of six per cent. from the first of May in the year following that in which the taxes were levied. The Bill would extend this power to all cities.

BILL.

An Act to amend The Assessment Act.

1st Reading

February 25th, 1930

2nd Reading

2nd Reading

MR. MARTIN (Brantford).

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

BILL

An Act to amend The Municipal Act.

MR. ELLIOTT (Bruce North).

No. 95.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.
c. 233,
s. 48,
subs. 3,
amended.

1. Subsection 3 of section 48 of *The Municipal Act* is amended by adding thereto the following clause:—

Composition
of Council
in town
under 3,000.

(c) Where the town has a population of not more than three Thousand, the number of councillors may by by-law be reduced from six to four, with or without the assent of the electors.

EXPLANATORY NOTE

The Bill provides a further option for the constitution of a council in a town not less than 3,000.

At present the council of a town of less than 5,000 is composed of a mayor, a reeve, as many deputy reeves as the council is entitled to, and six councillors to be elected by general vote, and where the council so provides one councillor for each ward, and the remainder of the six to be elected by general vote.

The Bill would authorize a reduction from six to four.

BILL.

An Act to amend The Municipal Act.

1st Reading.

February 25th, 1930.

2nd Reading

3rd Reading

MR. ELLIOTT (Bruce North)

No. 96

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

BILL

An Act for the Prevention of Forest Fires.

MR. FINLAYSON

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

BILL

An Act for the Prevention of Forest Fires.

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

- Short title. **1.** This Act may be cited as *The Forest Fires Prevention Act, 1930*.
- Interpre- **2.** In this Act,—
tation,
- “Minister.” (a) “Minister” shall mean the Minister of Lands and Forests;
- “Regu- (b) “Regulations” shall mean regulations made under
lations.” the authority of this Act;
- “Depart- (c) “Department” shall mean Department of Lands and
ment.” Forests;
- “Owner.” (d) “Owner” shall include locatee, purchaser from the Crown, assignee, lessee, occupant, timber licensee, holder of mining location, and any person having the right to cut timber and wood upon any land. R.S.O. 1927, c. 291, s. 1, *amended*.
- Proclama- **3.**—(1) The Lieutenant-Governor in Council may by
tion of fire proclamation declare any part of Ontario described in the
districts. proclamation a fire district.
- Publication. (2) Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall, from and after publication, be a fire district within the meaning of this Act. R.S.O. 1927, c. 291, s. 2 (1, 2).
- Changing (3) The Lieutenant-Governor in Council may by proclama-
fire district. tion terminate, extend, reduce or otherwise change such fire district. R.S.O. 1927, c. 291, s. 2 (3), *amended*.

EXPLANATORY NOTES.

Section 2. This is the same as section 1 of the present Act except that the definition of "owner" (clause *d*) has been extended to include a lessee and the holder of a mining location, both of these having the right at present, under certain circumstances, to cut timber.

Section 3.—(1), (2). The same as subsections 1 and 2 of section 2 of the present Act.

(3) The change made here is to give greater elasticity in enabling the Lieutenant-Governor in Council to fix the boundaries of fire districts.

Provincial Forester, — appointment of.

4. The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a Provincial Forester for the purpose of carrying out the provisions of this Act and the regulations. R.S.O. 1927, c. 291, s. 3.

Duties.

5. The Provincial Forester shall have charge, under the direction of the Minister, of the administration and enforcement of this Act. R.S.O. 1927, c. 291, s. 4.

Officers for enforcement of Act.

6. The Minister may employ for the purposes of enforcing the provisions of this Act, such number of persons as he may deem necessary and who shall be subject to his instructions. R.S.O. 1927, c. 291, s. 5.

Arrangements with owner for additional fire protection.

7.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the regulations.

Appointments.

(2) Every such appointment shall be made or approved by the Minister and, subject to the regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act.

Payment of extra rangers.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1927, c. 291, s. 6 (1-3).

Close season in fire districts.

8.—(1) Subject to the regulations the period from the 1st day of April to the 15th day of October in each year shall be known as the close season in respect to the setting out of fire. R.S.O. 1927, c. 291, s. 7 (1), *amended*.

Setting out fire in close season.

(2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by the regulations. R.S.O. 1927, c. 291, s. 7 (2).

Setting out fire contrary to regulations.

9. Every person who sets out fire for the purpose of clearing land, removal of waste or debris or who uses fire for industrial purposes in a fire district during the close season, except in accordance with the regulations shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 8, *amended*.

Regulations.

10. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Sections 4, 5 and 6. These are the same as sections 3, 4 and 5 of the present Act.

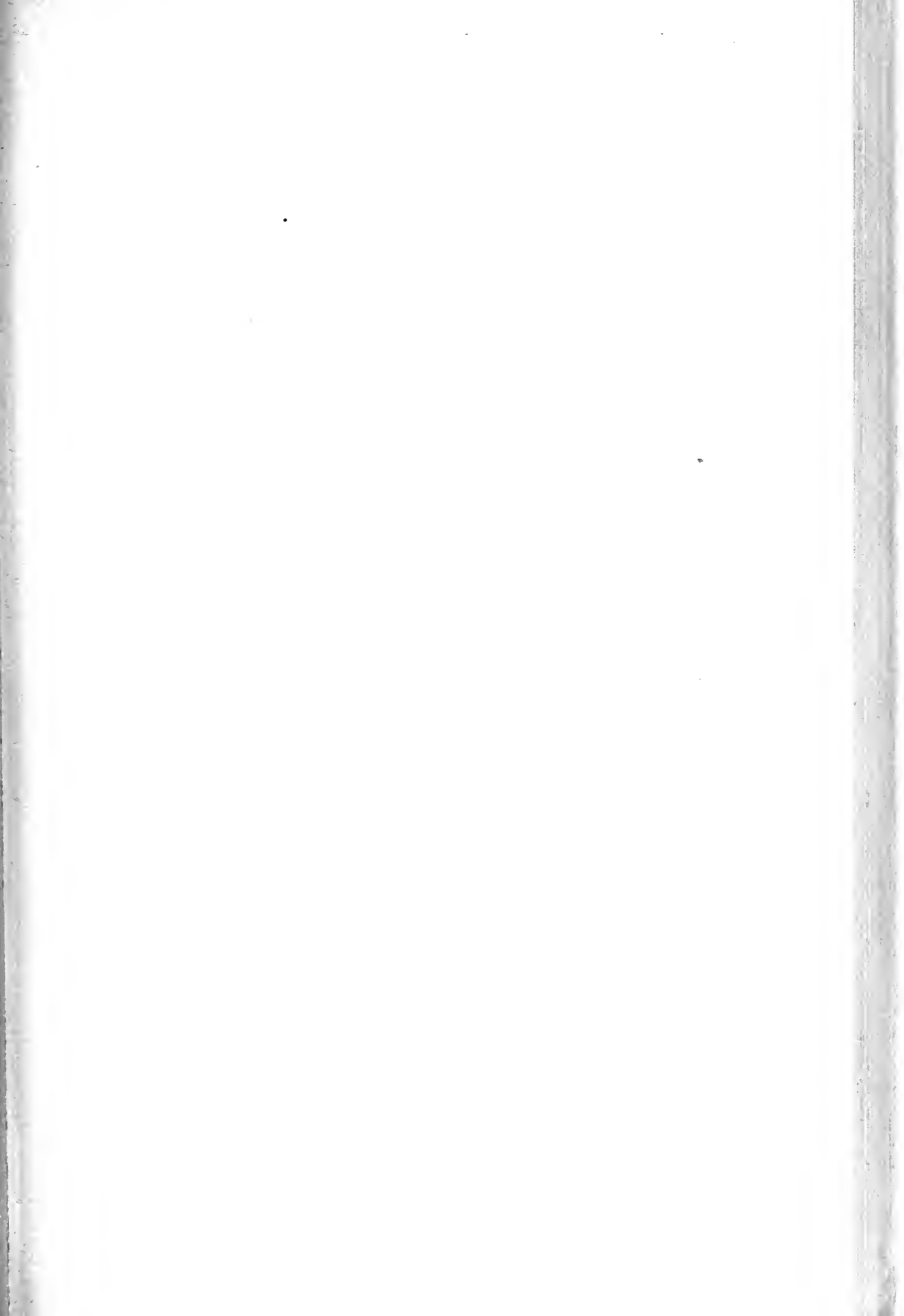
Section 7. This is the same as the present section 6 except that the present subsection 4 which interpreted the term "owner" as used in this section, has been omitted.

Section 8. This extends the close season for setting out fire from the 30th day of September to the 15th day of October.

Section 9. This is the same as section 8 of the present Act except that the penalty is left to the general penalty section of the Bill.

Section 10. The only change from the present section 9 is that in the clause (a) the words "or restricting" have been added after the word "extending."

- Extending close season. (a) for extending or restricting the close season for any or all of the fire districts in any year to such date as may be deemed necessary;
- Permits. (b) for granting permits for the use of fire within any fire district, for clearing land, disposal of debris and other inflammable waste, and for industrial purposes; the conditions on which such permits may be granted; the precautions to be taken in the use of fire under permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- As to setting out for use of fire. (c) prescribing the circumstances and conditions under which fire may be set out or used for any such purposes without the issue of a permit therefor;
- Use of fire out of doors. (d) regulating the use of fire out of doors for cooking or obtaining warmth;
- Fire guards, etc. (e) providing for the making of fire guards and the taking of other precautionary measures when, owing to drought or other circumstances, the Minister deems danger from fire to any town or settlement especially imminent;
- Accumulation of inflammable material. (f) regulating or preventing the piling or accumulation of brushwood, debris and other inflammable material;
- Destruction and disposal of inflammable material. (g) empowering the Provincial Forester, or any officer or servant of the Department to enter upon the lands of any corporation or individual for the purpose of removing, destroying and disposing of any such inflammable substance and providing that the cost of such work shall be borne by such individual or corporation and be recoverable by action at the suit of the Minister;
- Protective appliances on engines, etc. (h) prescribing and regulating the use of fire protective appliances on locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation;
- Collection of cost. (i) providing for the collection of the cost of any work done under the authority of this Act by the Provincial Forester, or any officer of the Department, or of a municipal corporation.



Prescribing penalties. (j) prescribing penalties for the violation of the regulations;

General. (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1927, c. 291, s. 9, *amended*.

Powers of Provincial Forester as to clearing up land.

11.—(1) Wherever the Provincial Forester finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in the opinion of the Provincial Forester, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

Cost of work. (2) The cost of any work done by the Provincial Forester or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Provincial Forester by action in any court of competent jurisdiction. R.S.O. 1927, c. 291, s. 10 (1, 2).

Penalty. (3) Any person who neglects or refuses to carry out any order or direction given by the Provincial Forester or any officer acting under the authority of subsection 1 shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 10 (3), *amended*.

Offences. **12.**—(1) During the close season in any year it shall be unlawful for any person or corporation in a fire district,—

Using engines without prescribed safeguards.

(a) to use or operate within a quarter of a mile of any forest; slashing or bush land any locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil, which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act;

Destroying waste, etc., without spark arresters.

(b) to destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory or to operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-

Section 11. The same as section 10 of the present Act except that the penalty is left to the general penalty section.

Section 12. The same as section 11 of the present Act except that the present subsection (3) which provides a penalty for offences against the provisions of the section, has been omitted.

emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations.

Dropping
fire or live
coals.

(2) No such railway company shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1927, c. 291, s. 11 (1,2).

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Provincial Forester, grant an injunction against the use of any locomotive, engine, burner or destructor until it shall have been equipped with safety appliances to the satisfaction of the said officer. R.S.O. 1927, c. 291, s. 11 (4).

Duty of
engineer.

13. It shall be the duty of every engineer in charge of any engine to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 12. *Amended.*

Action by
municipality
in district.
Complaint to
Provincial
Forester.

14.—(1) Where it appears to the municipal council of a city, town or township in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Provincial Forester.

Enquiry into
complaint.

(2) The Provincial Forester shall make inquiry as to the conditions described by the council and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

Notice
to owner to
clean up
land.

(3) Where the Provincial Forester finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clean up the land or such part thereof or to such extent as the Provincial Forester may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Default
of owner,—
work done
by corpora-
tion.

(4) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the land to be cleaned up and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Recovery
of expenses
where land
is patented
in organized
territory.

(5) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the

Section 13. The same as section 12 of the present Act except that the penalty is left to the general penalty section.

Sections 14, 15. These are the same as sections 13 and 14 of the present Act with the exception of a slight change in the wording. They make no change in the law.

land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head and clerk of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of seven per centum per annum.

Where land is patented in unorganized territory.

(6) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 5 under the hand of the reeve or other head of the corporation and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of seven per centum per annum from the date of the declaration. R.S.O. 1927, c. 291, s. 13 (1-6).

Effect of registration.

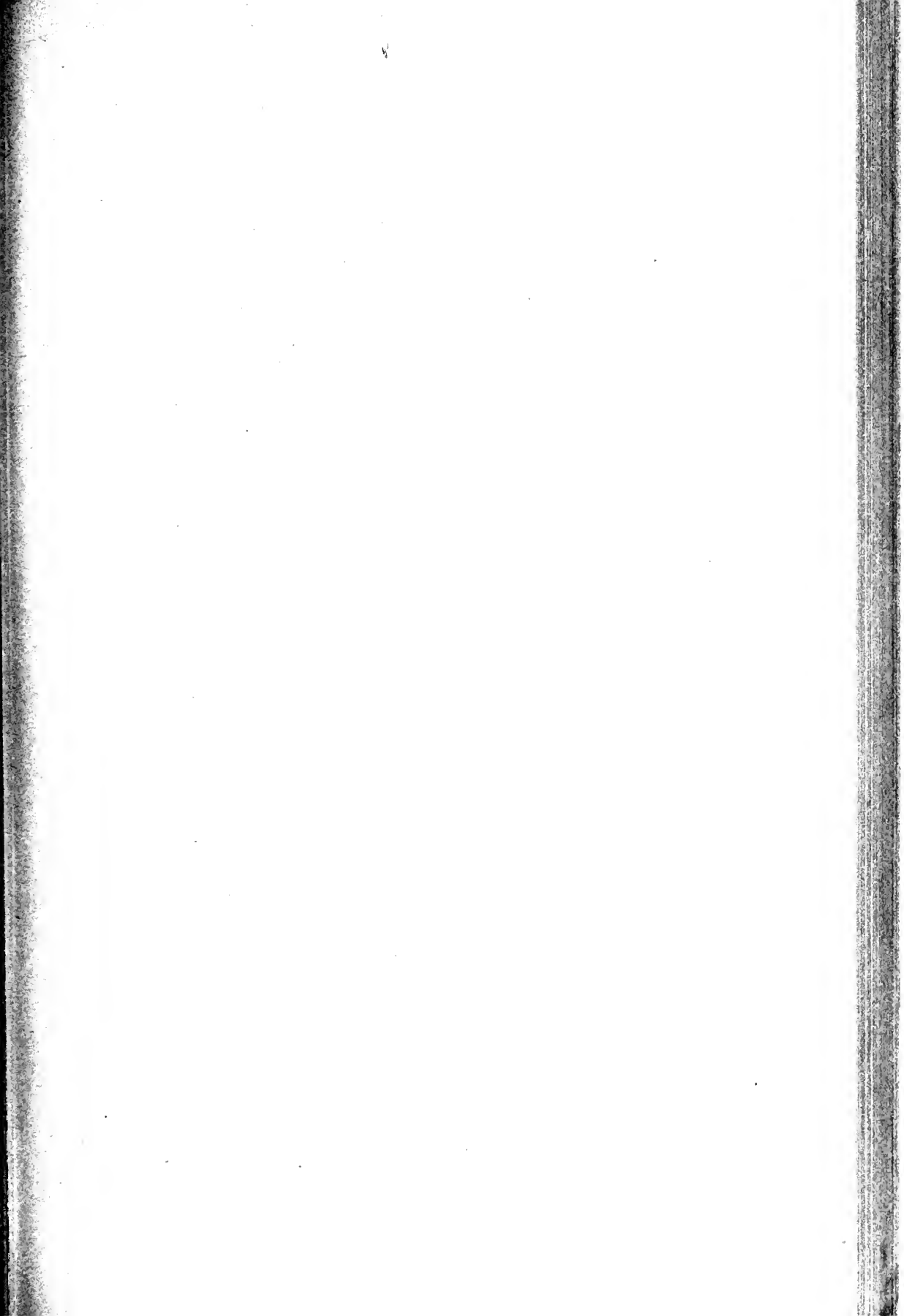
(7) Upon the registration or filing of the declaration mentioned in subsections 5 and 6, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner provided for in the regulations hereto or hereafter to be made. R.S.O. 1927, c. 291, s. 13 (7), *amended*.

"Owner,"—
meaning of.

(8) In this section "owner" shall mean locatee, purchaser from the Crown, assignee, purchaser or occupant. R.S.O. 1927, c. 291, s. 13 (8).

Duty of reeve as to summoning assistance at fires.

15.—(1) Upon information being received by the reeve of a township or, in the absence of the reeve, the deputy reeve next in authority to the reeve of such township, that a timber or forest fire in such township is in progress and is hazardous, said reeve, or deputy reeve, as the case may be, shall make inquiry as to said fire and if, in his opinion, such fire is hazardous, he shall employ or summon the assistance of such male persons between the ages of eighteen and sixty years, resident in such township, excepting only railway trainmen, telegraphers and despatchers on duty, doctors and persons physically unfit, as in his judgment may be necessary or available for the purpose of fighting and extinguishing such fire.



Remuneration of persons assisting.

(2) The municipal council of such township may pass a by-law fixing the amount of the remuneration to be paid to the persons so employed for the services rendered by them, and in the absence of such by-laws such remuneration shall be made therefor as in the judgment of the judge of the county or district in which such township is situate is reasonable and just. R.S.O. 1927, c. 291, s. 14.

Responsibility of township.

16. It shall be the duty of the municipal corporation of any organized township to make provision for extinguishing timber or forest fires in the township and the costs and expenses thereof shall be borne by the corporation of the township, provided that where a fire occurs which is beyond control by the means at the disposal of the corporation of the township, the reeve or acting head of the corporation may call on the Department for assistance and the Department, if it thinks fit, may furnish such assistance, and one-half of any costs or expenses incurred by the Department in extinguishing such fire shall be repayable by the corporation of the township and recoverable by the Department from the township in any court of competent jurisdiction. *New.*

Constables, justices of the peace,—appointment of.

17.—(1) The Lieutenant-Governor in Council may appoint constables for the enforcement of the provisions of this Act, and may appoint one or more officers or agents of the Department justices of the peace for the purpose of taking cognizance of and dealing with offences against the provisions of this Act or the regulations made thereunder, and each officer and agent so appointed a justice of the peace shall have the jurisdiction of a justice of the peace in and for the territorial district specified in his commission.

Appointment of temporary constables.

(2) The Minister may appoint one or more constables for a period not exceeding six months, for the carrying out of the provisions of this Act.

Arrests without warrant.

(3) A constable appointed under this section may, without warrant, arrest any person found violating any provision of this Act and take him before a justice or justices of the peace and there make complaint.

Right to summon assistance at fires.

(4) For the purpose of controlling and extinguishing any fire, any officer or other employee of the Department may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, telegraphers and despatchers on duty, doctors and persons physically unfit. R.S.O. 1927, c. 291, s. 15 (1-4).

Penalty for refusing to assist.

(5) Every person who refuses or neglects to render assistance when required under any of the provisions of this section

Section 16. This is new and makes it the duty of the municipal corporation of any organized township to make provision for extinguishing timber or forest fires making the township liable for the cost, except that where the Department is satisfied that the fire is beyond the control of the township authorities it may furnish such assistance as is necessary, when one-half the cost so incurred shall be paid by the township and one-half by the Province.

Sections 17-22. These are the same as sections 15 to 20 of the present Act except that the penalty is left to the general penalty section.

shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 15 (5), *amended*.

Burning matches, ashes, etc.

18. Any person who throws or drops any burning match, ashes of a pipe, lighted cigar or other burning substance in a fire district without extinguishing the same, and any person who discharges a gun within a fire district without seeing that the wadding from such gun is extinguished shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 16, *amended*.

Right of Provincial Forester to enter on premises.

19. The Provincial Forester and every officer acting under his direction shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 17, *amended*.

Destroying or effacing notices,

20.—(1) Every person who shall without lawful authority destroy, deface or remove any notice posted under this Act or the regulations shall be guilty of an offence against this Act.

Penalty for interfering with fire-fighting equipment.

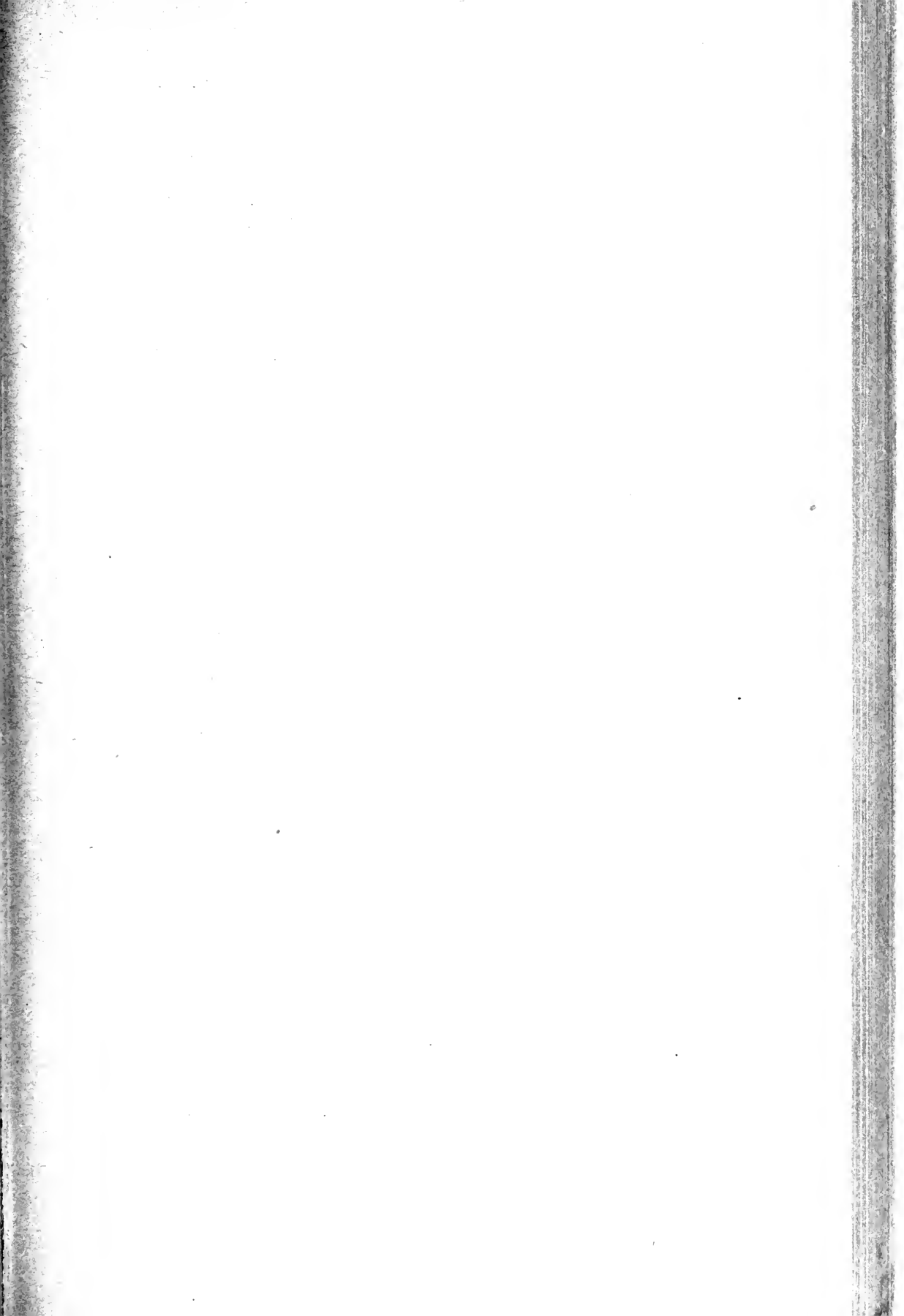
(2) Every person who shall without lawful authority destroy, injure, or remove any equipment placed in the forest for the purpose of protecting the forests from fire shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 18, *amended*.

Penalty for neglecting to protect against fire.

21. Every person who refuses or neglects to make proper effort to protect the property of which he is the owner against injury by fire shall be guilty of an offence against this Act, and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect against fire the property of the person thus in default and the amount of such expense shall be recoverable with costs in an action brought by the Crown. R.S.O. 1927, c. 291, s. 19, *amended*.

Destruction of refuse on clearing land for highway.

22.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an authorized officer of the Department may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to burning permits.



Clearing away inflammable matter near right-of-way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall immediately pile and, subject to the requirements of this Act concerning permits, burn the same.

Timber to be cut to fall on owner's land.

(3) No person shall fell or permit to be felled trees or brush in such manner that said trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush.

Clearing in neighbourhood of mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill, or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of the Provincial Forester, or other officer of the Department, be required.

Accumulation of inflammable refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1927, c. 291, s. 20 (1-5).

Penalty.

(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 20 (6). *Amended.*

Permit required.

23.—(1) Excepting where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall in addition to any other requirement be required to obtain from the Provincial Forester or other authorized officer a written permit before,—

Permit for woods operations.

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within the fire districts of the Province;

Permit for milling operations.

(b) operating within a quarter of a mile of any forest, slashing or bush land within the fire districts of the Province any mill for the manufacture of lumber, lath, shingles, sawn ties, veneer, cooperage stock or any other forest product or engaged in the cutting-up, barking or rossing of wood.

Section 23. This is new and requires a permit from the Department before starting woods operations, gives the Provincial Forester control as to imposing conditions and renders summer permittees liable for the cost of extinguishing any fire resulting from their operations.

- Description in permit. (2) The application for such permit shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation.
- (3) The Provincial Forester or other authorized officer may in the interest of forest protection,—
- Right to refuse permit. (a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;
- Equipment required of permittee. (b) require that any permittee carrying on any operation under and by virtue of this section maintain such fire fighting equipment in good repair and at specified locations as the Provincial Forester, or other authorized officer, may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;
- Right of cancellation. (c) cancel at any time any permit issued under and by virtue of this section.
- Cost of extinguishment. (4) In the event of any fire caused by or as a result of the summer operations of any permittee operating under and by virtue of this Act, the permittee shall be required to bear the full cost of extinguishing the same.
- Expiration of permit. (5) All permits shall expire on the 30th day of April next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder.
- Penalty. (6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act.
- Per diem penalty. (7) Where the Provincial Forester or other authorized officer finds any operation mentioned in subsection 1 of this section being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. *New.*
- Permit to travel in forest area. **24.**—(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about in such area during the close season shall previously obtain a permit.

Section 24. Subsection 3 of this section provides that no person shall travel about in any defined forest area without a permit. As the Act stands at present a "travel permit" is not required by the holder of a hunting, guides', fishing or mining license.

Issue of permit. (2) Such permit, called "travel permit" may be obtained without charge from the fire ranger of the place or from any other authorized person. R.S.O. 1927, c. 291, s. 21 (1, 2).

Entering area without permit. (3) No person shall travel about in such defined area without having previously obtained a permit. R.S.O. 1927, c. 291, s. 21 (3), *amended*.

Imprisonment. (4) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 21 (5), *amended*.

Information to be given to fire rangers by tourists, etc. **25.** Persons using or travelling in the forest, shall upon request, give the fire rangers or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 22, *amended*.

Closing the forest. **26.**—(1) Whenever in the opinion of the Minister it is deemed necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized, the Minister may make an order in writing setting out and delimiting the area to be closed and the period during which such closure shall be in force, and any other terms and conditions that may be necessary, and the Minister may from time to time extend such period and reduce or extend the area.

Notice of closing. (2) The Minister may provide for such notice as may be possible under the circumstances, and shall publish a notice of such order setting out the area closed and the period of such closure in such papers as in the opinion of the Minister will give the greatest publicity. *New*.

Penalty. **27.** Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days. *New*.

Imprisonment. **28.** Every person who violates any provision of this Act shall, in addition to the penalty otherwise provided in this Act, be liable to imprisonment for a period not exceeding ninety days. R.S.O. 1927, c. 291, s. 23.

Right of action for damages not affected. **29.** Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1927, c. 291, s. 24.

Section 25. This makes no change in the law except that the penalty is left to the general penalty section.

Section 26. This is new and enables the Minister to close any territory absolutely where he deems it necessary or expedient owing to extreme fire hazard conditions.

Section 27. This is a new penalty section and provides a minimum penalty of \$25 and a maximum penalty of \$300 for offences against the Act.

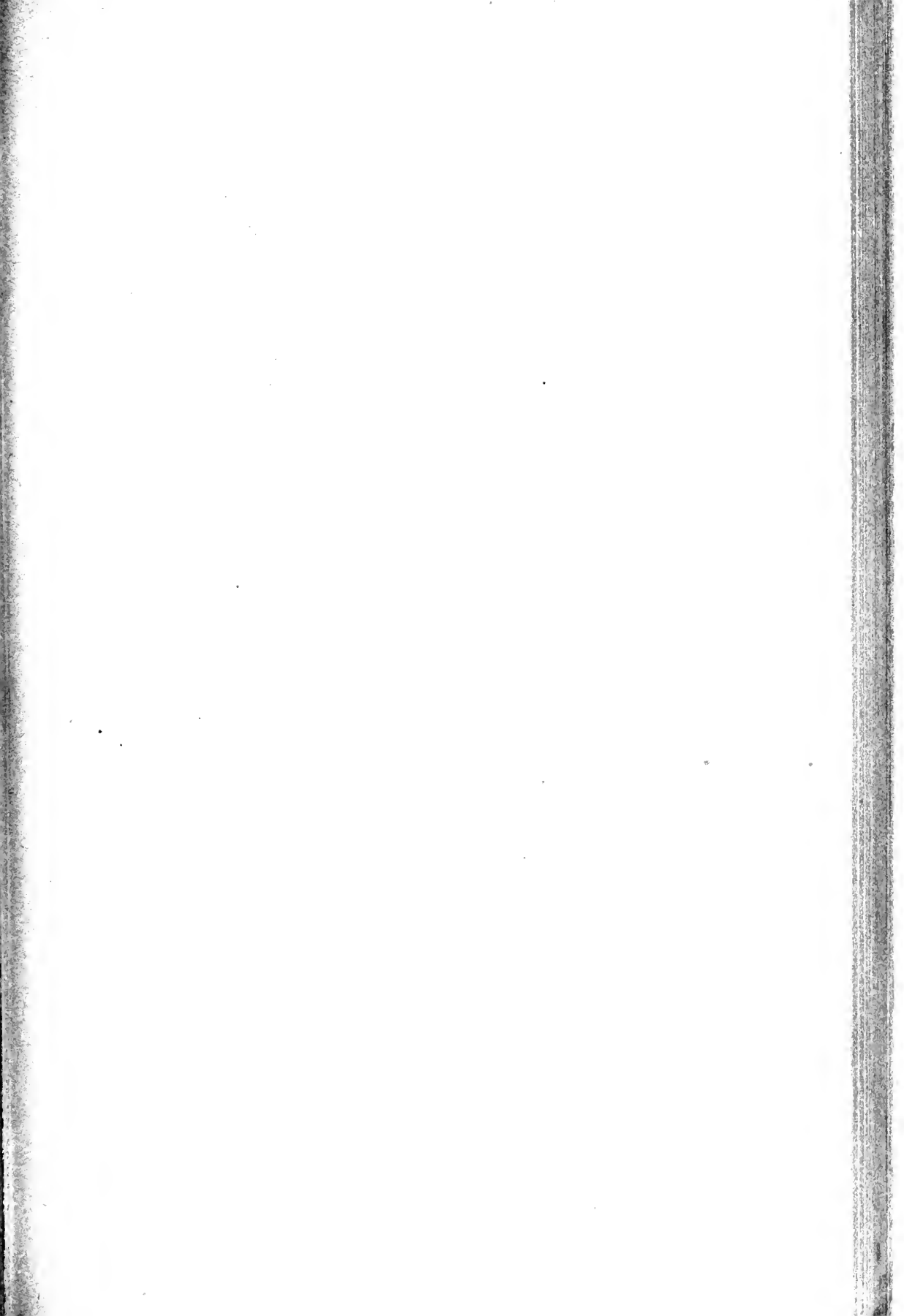
Sections 28, 29, 30. These are the same as sections 23, 24 and 25 of the present Act.

Recovery of penalties,
Rev. Stat.,
c. 121. **30.** The penalties imposed by this Act and the regulations shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 291, s. 25.

Rev. Stat.,
c. 291,
repealed. **31.** *The Forest Fires Prevention Act*, being chapter 291 of the Revised Statutes of 1927, is repealed.

Commence-
ment of
Act. **32.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 31. Repeal section.



BILL.

An Act for the Prevention of Forest Fires.

1st Reading

February 26th, 1930

2nd Reading

3rd Reading

MR. FINLAYSON

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

BILL

An Act for the Prevention of Forest Fires.

MR. FINLAYSON

No. 96.

1930.

BILL

An Act for the Prevention of Forest Fires.

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

- Short title. **1.** This Act may be cited as *The Forest Fires Prevention Act, 1930.*
- Interpre- **2.** In this Act,—
tation,
- “Minister.” (a) “Minister” shall mean the Minister of Lands and Forests;
- “Regu- (b) “Regulations” shall mean regulations made under
lations.” the authority of this Act;
- “Depart- (c) “Department” shall mean Department of Lands and
ment.” Forests;
- “Owner.” (d) “Owner” shall include locatee, purchaser from the Crown, assignee, lessee, occupant, timber licensee, holder of mining *claim or* location, and any person having the right to cut timber and wood upon any land. R.S.O. 1927, c. 291, s. 1, *amended.*
- Proclama- **3.**—(1) The Lieutenant-Governor in Council may by
tion of fire
districts. proclamation declare any part of Ontario described in the proclamation a fire district.
- Publication. (2) Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall, from and after publication, be a fire district within the meaning of this Act. R.S.O. 1927, c. 291, s. 2 (1, 2).
- Changing (3) The Lieutenant-Governor in Council may by proclama-
fire district. tion terminate, extend, reduce or otherwise change such fire district. R.S.O. 1927, c. 291, s. 2 (3), *amended.*

EXPLANATORY NOTES.

Section 2. This is the same as section 1 of the present Act except that the definition of 'owner' (clause *d*) has been extended to include a lessee and the holder of a mining location, both of these having the right at present, under certain circumstances, to cut timber.

Section 3.—(1), (2). The same as subsections 1 and 2 of section 2 of the present Act.

(3) The change made here is to give greater elasticity in enabling the Lieutenant-Governor in Council to fix the boundaries of fire districts.

Provincial Forester,—
appointment of.

4. The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a Provincial Forester for the purpose of carrying out the provisions of this Act and the regulations. R.S.O. 1927, c. 291, s. 3.

Duties.

5. The Provincial Forester shall have charge, under the direction of the Minister, of the administration and enforcement of this Act. R.S.O. 1927, c. 291, s. 4.

Officers for enforcement of Act.

6. The Minister may employ for the purposes of enforcing the provisions of this Act, such number of persons as he may deem necessary and who shall be subject to his instructions. R.S.O. 1927, c. 291, s. 5.

Honorary fire wardens.

6a. The Minister may accept nominations from the licensees of honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department.

Arrangements with owner for additional fire protection.

7.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the regulations.

Appointments.

(2) Every such appointment shall be made or approved by the Minister and, subject to the regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act.

Payment of extra rangers.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1927, c. 291, s. 6 (1-3).

Close season in fire districts.

8.—(1) Subject to the regulations the period from the 1st day of April to the 15th day of October in each year shall be known as the close season in respect to the setting out of fire. R.S.O. 1927, c. 291, s. 7 (1), *amended*.

Setting out fire in close season.

(2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by the regulations. R.S.O. 1927, c. 291, s. 7 (2).

Setting out fire contrary to regulations.

9. Every person who sets out fire for the purpose of clearing land, removal of waste or debris or who uses fire for industrial purposes in a fire district during the close season, except in accordance with the regulations shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 8, *amended*.

Regulations.

10. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Sections 4, 5 and 6. These are the same as sections 3, 4 and 5 of the present Act.

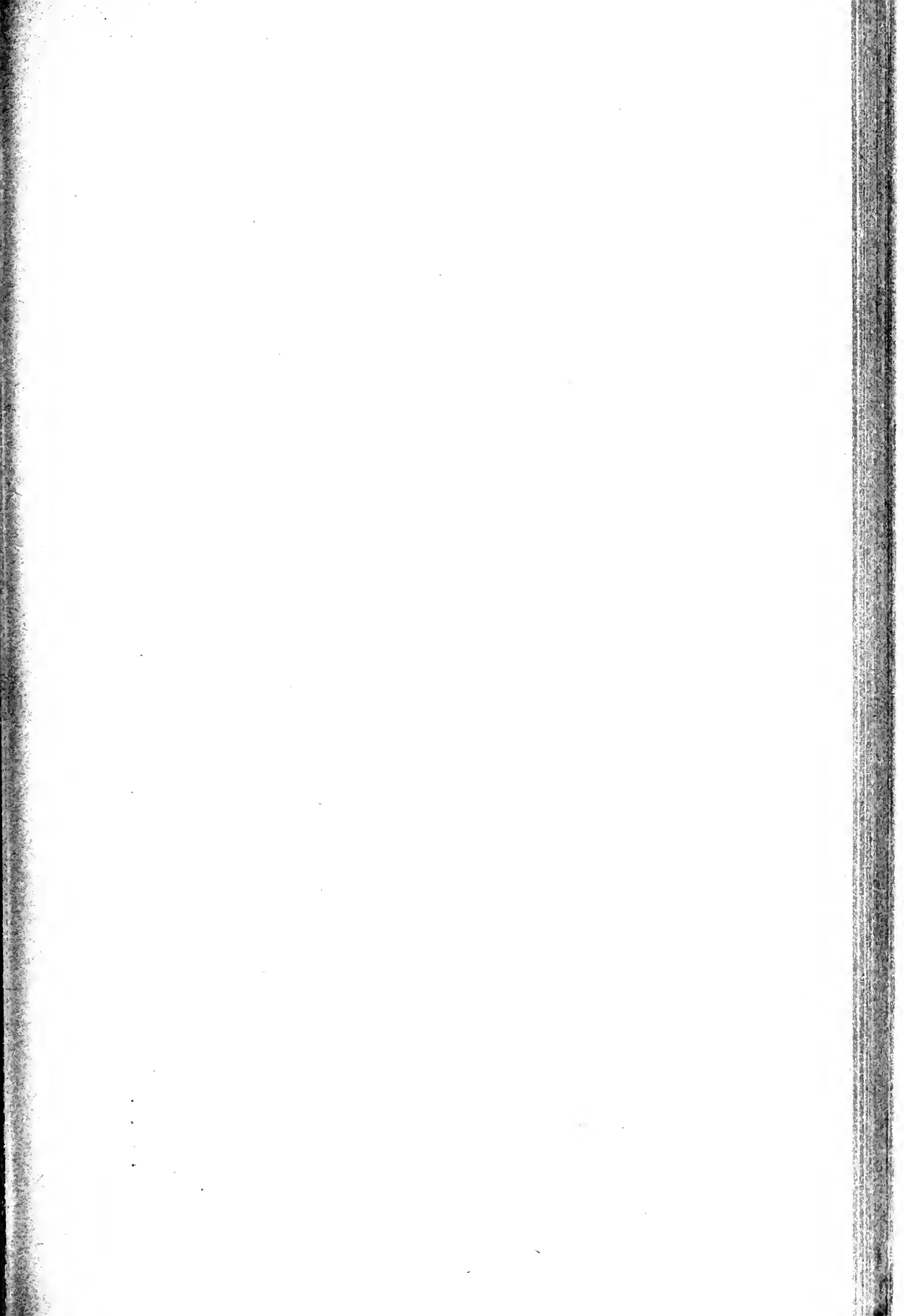
Section 7. This is the same as the present section 6 except that the present subsection 4 which interpreted the term "owner" as used in this section, has been omitted.

Section 8. This extends the close season for setting out fire from the 30th day of September to the 15th day of October.

Section 9. This is the same as section 8 of the present Act except that the penalty is left to the general penalty section of the Bill.

Section 10. The only change from the present section 9 is that in the clause (a) the words "or restricting" have been added after the word "extending."

- Extending close season. (a) for extending or restricting the close season for any or all of the fire districts in any year to such date as may be deemed necessary;
- Permits. (b) for granting permits for the use of fire within any fire district, for clearing land, disposal of debris and other inflammable waste, and for industrial purposes; the conditions on which such permits may be granted; the precautions to be taken in the use of fire under permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- As to setting out for use of fire. (c) prescribing the circumstances and conditions under which fire may be set out or used for any such purposes without the issue of a permit therefor;
- Use of fire out of doors. (d) regulating the use of fire out of doors for cooking or obtaining warmth;
- Fire guards, etc. (e) providing for the making of fire guards and the taking of other precautionary measures when, owing to drought or other circumstances, the Minister deems danger from fire to any town or settlement especially imminent;
- Accumulation of inflammable material. (f) regulating or preventing the piling or accumulation of brushwood, debris and other inflammable material;
- Destruction and disposal of inflammable material. (g) empowering the Provincial Forester, or any officer or servant of the Department to enter upon the lands of any corporation or individual for the purpose of removing, destroying and disposing of any such inflammable substance and providing that the cost of such work shall be borne by such individual or corporation and be recoverable by action at the suit of the Minister;
- Protective appliances on engines, etc. (h) prescribing and regulating the use of fire protective appliances on locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation;
- Collection of cost. (i) providing for the collection of the cost of any work done under the authority of this Act by the Provincial Forester, or any officer of the Department, or of a municipal corporation.



Prescribing penalties. (j) prescribing penalties for the violation of the regulations;

General. (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1927, c. 291, s. 9, *amended*.

Powers of Provincial Forester as to clearing up land.

11.—(1) Wherever the Provincial Forester finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in the opinion of the Provincial Forester, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

Cost of work. (2) The cost of any work done by the Provincial Forester or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Provincial Forester by action in any court of competent jurisdiction. R.S.O. 1927, c. 291, s. 10 (1, 2).

Penalty. (3) Any person who neglects or refuses to carry out any order or direction given by the Provincial Forester or any officer acting under the authority of subsection 1 shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 10 (3), *amended*.

Offences. **12.**—(1) During the close season in any year it shall be unlawful for any person, *company* or corporation in a fire district,—

Using engines without prescribed safeguards.

(a) to use or operate within a quarter of a mile of any forest, slashing or bush land any locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil, which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act;

Destroying waste, etc., without spark arresters.

(b) to destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory or to operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-

Section 11. The same as section 10 of the present Act except that the penalty is left to the general penalty section.

Section 12. The same as section 11 of the present Act except that the present subsection (3) which provides a penalty for offences against the provisions of the section, has been omitted.

emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations.

Dropping
fire or live
coals.

(2) No such railway company shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1927, c. 291, s. 11 (1,2).

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Provincial Forester, grant an injunction against the use of any locomotive, engine, burner or destructor until it shall have been equipped with safety appliances to the satisfaction of the said officer. R.S.O. 1927, c. 291, s. 11 (4).

Duty of
engineer.

13. It shall be the duty of every engineer in charge of any engine *which is not subject to the jurisdiction of the Board of Railway Commissioners for Canada* to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 12. *Amended.*

Action by
municipality
in district.
Complaint to
Provincial
Forester.

14.—(1) Where it appears to the municipal council of a city, town or township in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Provincial Forester.

Enquiry into
complaint.

(2) The Provincial Forester shall make inquiry as to the conditions described by the council and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

Notice
to owner to
clean up
land.

(3) Where the Provincial Forester finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clean up the land or such part thereof or to such extent as the Provincial Forester may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Default
of owner,—
work done
by corpora-
tion.

(4) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the land to be cleaned up and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Recovery
of expenses
where land
is patented
in organized
territory.

(5) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the

Section 13. The same as section 12 of the present Act except that the penalty is left to the general penalty section.

Sections 14, 15. These are the same as sections 13 and 14 of the present Act with the exception of a slight change in the wording. They make no change in the law.

land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head and clerk of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of seven per centum per annum.

Where land is patented in unorganized territory.

(6) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 5 under the hand of the reeve or other head of the corporation and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of seven per centum per annum from the date of the declaration. R.S.O. 1927, c. 291, s. 13 (1-6).

Effect of registration.

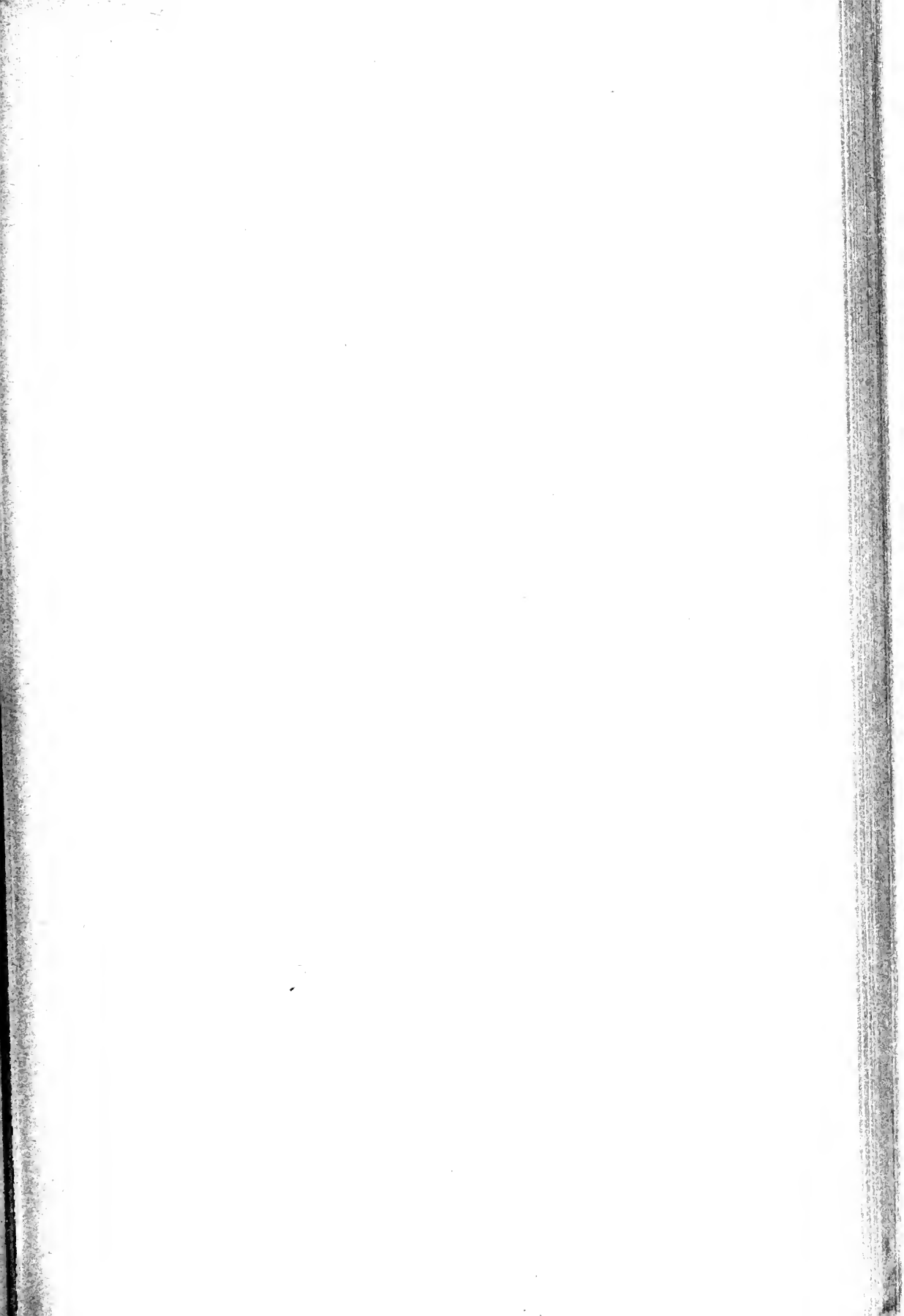
(7) Upon the registration or filing of the declaration mentioned in subsections 5 and 6, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner provided for in the regulations hereto or hereafter to be made. R.S.O. 1927, c. 291, s. 13 (7), *amended*.

"Owner,"—
meaning of.

(8) In this section "owner" shall mean locatee, purchaser from the Crown, assignee, purchaser or occupant. R.S.O. 1927, c. 291, s. 13 (8).

Duty of reeve as to summoning assistance at fires.

15.—(1) Upon information being received by the reeve of a township or, in the absence of the reeve, the deputy reeve next in authority to the reeve of such township, that a timber or forest fire in such township is in progress and is hazardous, said reeve, or deputy reeve, as the case may be, shall make inquiry as to said fire and if, in his opinion, such fire is hazardous, he shall employ or summon the assistance of such male persons between the ages of eighteen and sixty years, resident in such township, excepting only railway trainmen, *boat crews, local telephone operators, telegraphers and dispatchers on duty, doctors and persons physically unfit*, as in his judgment may be necessary or available for the purpose of fighting and extinguishing such fire.



Remuneration of persons assisting.

(2) The municipal council of such township may pass a by-law fixing the amount of the remuneration to be paid to the persons so employed for the services rendered by them, and in the absence of such by-laws such remuneration shall be made therefor as in the judgment of the judge of the county or district in which such township is situate is reasonable and just. R.S.O. 1927, c. 291, s. 14.

Responsibility of township.

16. It shall be the duty of the municipal corporation of any organized township to make provision for extinguishing timber or forest fires in the township and the costs and expenses thereof shall be borne by the corporation of the township, provided that where a fire occurs which is beyond control by the means at the disposal of the corporation of the township, the reeve or acting head of the corporation may call on the Department for assistance and the Department, if it thinks fit, may furnish such assistance, and one-half of any costs or expenses incurred by the Department in extinguishing such fire shall be repayable by the corporation of the township and recoverable by the Department from the township in any court of competent jurisdiction. *New.*

Constables, justices of the peace,—appointment of.

17.—(1) The Lieutenant-Governor in Council may appoint constables for the enforcement of the provisions of this Act, and may appoint one or more officers or agents of the Department justices of the peace for the purpose of taking cognizance of and dealing with offences against the provisions of this Act or the regulations made thereunder, and each officer and agent so appointed a justice of the peace shall have the jurisdiction of a justice of the peace in and for the territorial district specified in his commission.

Appointment of temporary constables.

(2) The Minister may appoint one or more constables for a period not exceeding *seven* months, for the carrying out of the provisions of this Act.

Arrests without warrant.

(3) A constable appointed under this section may, without warrant, arrest any person found violating any provision of this Act and take him before a justice or justices of the peace and there make complaint.

Right to summon assistance at fires,

(4) For the purpose of controlling and extinguishing any fire, any officer or other employee of the Department may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, *boat crews, local telephone operators,* telegraphers and despatchers on duty, doctors and persons physically unfit. R.S.O. 1927, c. 291, s. 15 (1-4).

Penalty for refusing to assist.

(5) Every person who refuses or neglects to render assistance when required under any of the provisions of this section

Section 16. This is new and makes it the duty of the municipal corporation of any organized township to make provision for extinguishing timber or forest fires making the township liable for the cost, except that where the Department is satisfied that the fire is beyond the control of the township authorities it may furnish such assistance as is necessary, when one-half the cost so incurred shall be paid by the township and one-half by the Province.

Sections 17-22. These are the same as sections 15 to 20 of the present Act except that the penalty is left to the general penalty section.

shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 15 (5), *amended*.

Burning matches, ashes, etc.

18. Any person who throws or drops any burning match, ashes of a pipe, lighted *cigarette*, cigar or other burning substance in a fire district without extinguishing the same, and any person who discharges a gun within a fire district without seeing that the wadding from such gun is extinguished shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 16, *amended*.

Right of Provincial Forester to enter on premises.

19. The Provincial Forester and every officer acting under his direction shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, *office* or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 17, *amended*.

Destroying or effacing notices,

20.—(1) Every person who shall without lawful authority destroy, deface or remove any notice posted under this Act or the regulations shall be guilty of an offence against this Act.

Penalty for interfering with fire-fighting equipment.

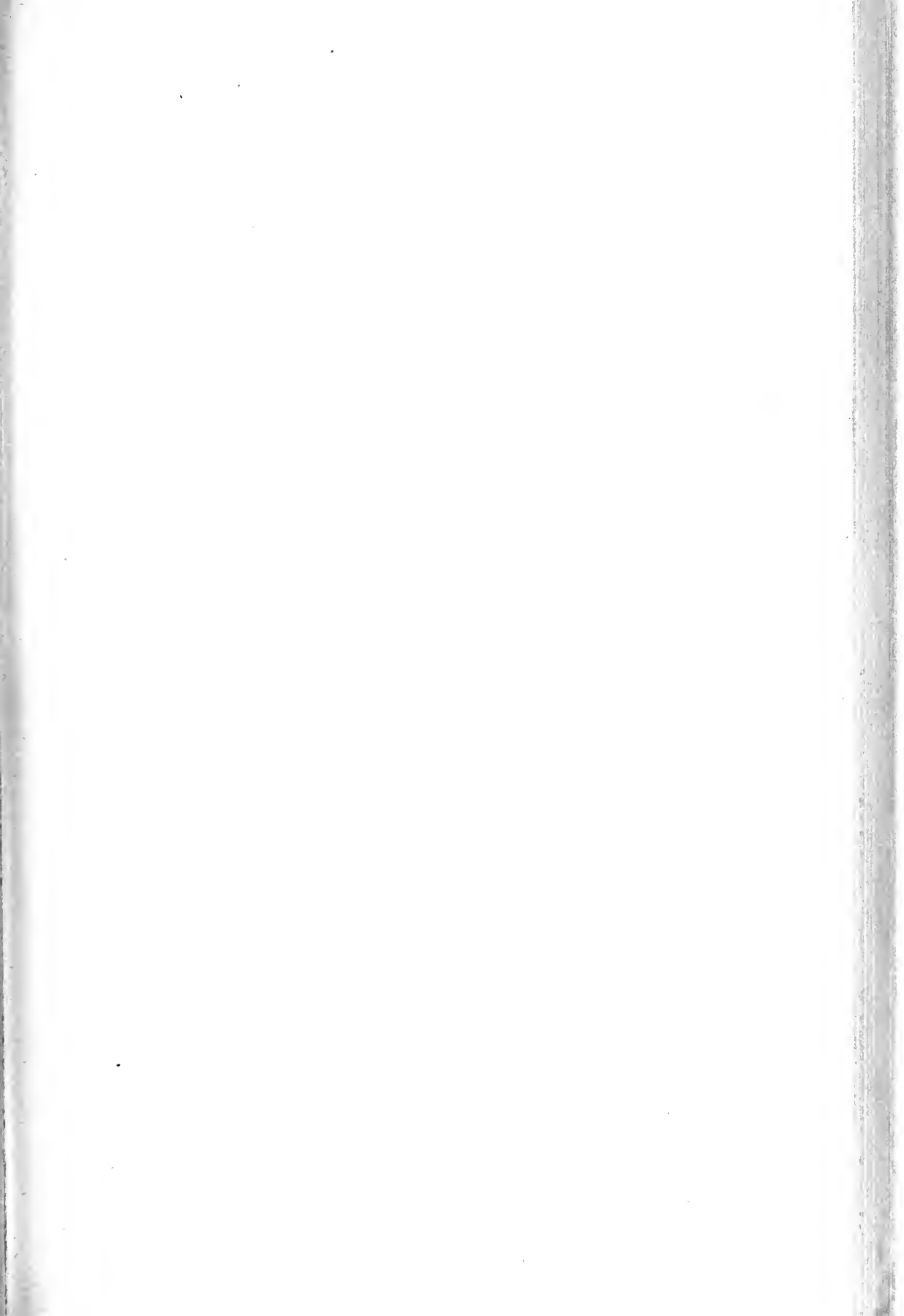
(2) Every person who shall without lawful authority destroy, injure, or remove any equipment placed in the forest for the purpose of protecting the forests from fire shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 18, *amended*.

Penalty for neglecting to protect against fire,

21. Every person who refuses or neglects to make proper effort to protect the property of which he is the owner against injury by fire shall be guilty of an offence against this Act, and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect against fire the property of the person thus in default and the amount of such expense shall be recoverable with costs in an action brought by the Crown. R.S.O. 1927, c. 291, s. 19, *amended*.

Destruction of refuse on clearing land for highway.

22.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an authorized officer of the Department may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to burning permits.



Clearing
away in-
flammable
matter near
right-of-way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall immediately pile and, subject to the requirements of this Act concerning permits, burn the same.

Timber to be
cut to fall
on owner's
land.

(3) No person shall fell or permit to be felled trees or brush in such manner that said trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush.

Clearing in
neighbour-
hood of
mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill, or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of the Provincial Forester, or other officer of the Department, be required.

Accumula-
tion of in-
flammable
refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1927, c. 291, s. 20 (1-5).

Penalty.

(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 20 (6). *Amended.*

Permit
required.

23.—(1) Excepting where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall in addition to any other requirement be required to obtain from the Provincial Forester or other authorized officer a written permit before,—

Permit
for woods
operations.

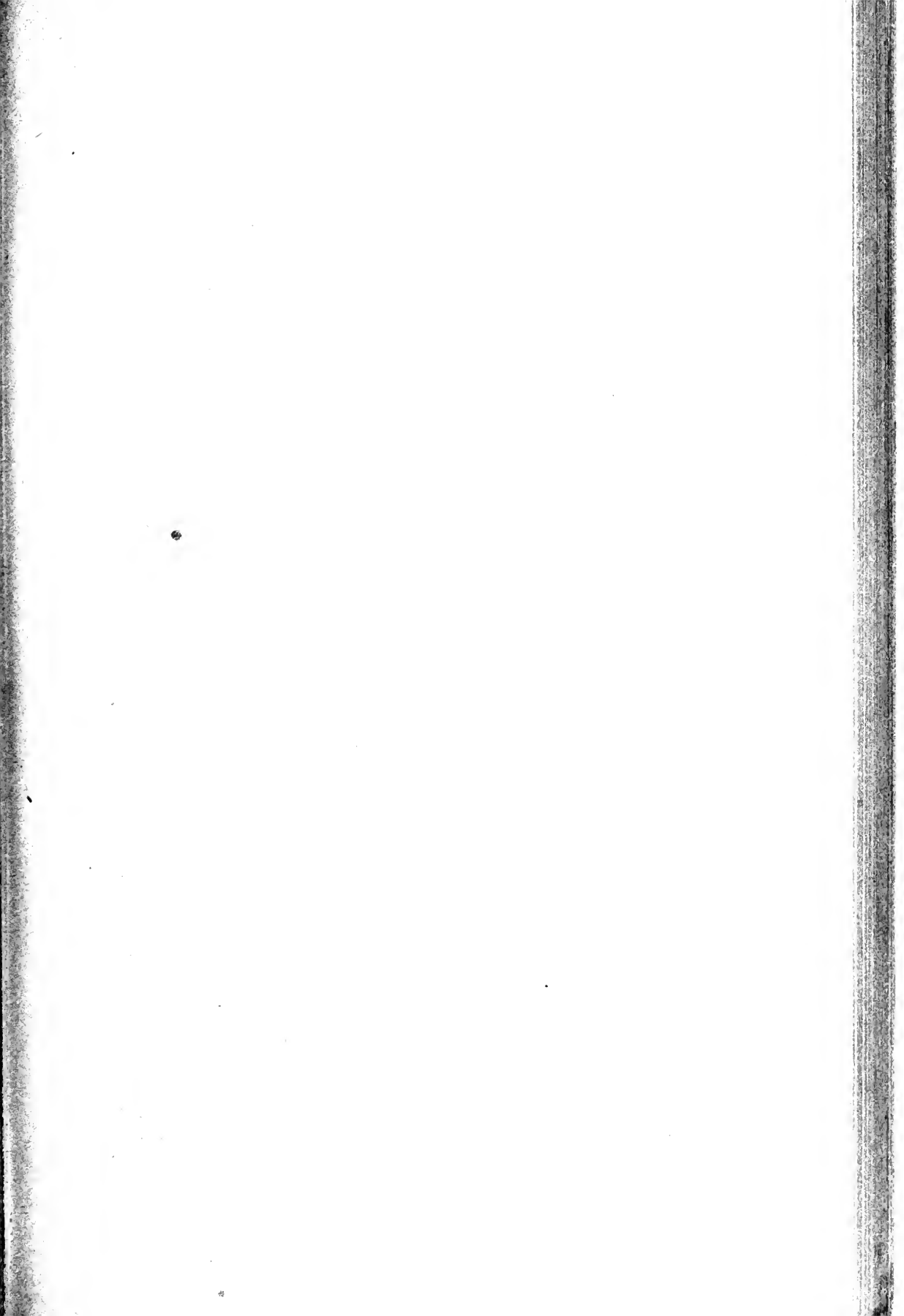
(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within the fire districts of the Province;

Permit
for milling
operations.

(b) operating within a quarter of a mile of any forest, slashing or bush land within the fire districts of the Province any mill for the manufacture of lumber, lath, shingles, sawn ties, veneer, cooperage stock or any other forest product or engaged in the cutting-up, barking or rossing of wood.


Section 23. This is new and requires a permit from the Department before starting woods operations, gives the Provincial Forester control as to imposing conditions and renders summer permittees liable for the cost of extinguishing any fire resulting from their operations.

- Description in permit. (2) The application for such permit shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation.
- (3) The Provincial Forester or other authorized officer may in the interest of forest protection,—
- Right to refuse permit. (a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;
- Equipment required of permittee. (b) require that any permittee carrying on any operation under and by virtue of this section maintain such fire fighting equipment in good repair and at specified locations as the Provincial Forester, or other authorized officer, may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;
- Right of cancellation. (c) cancel at any time any permit issued under and by virtue of this section.
- Cost of extinguishment. (4) In the event of any fire *proved to be* caused by or as a result of the summer operations of any permittee operating under and by virtue of this Act, the permittee shall be required to bear the full cost of extinguishing the same.
- Expiration of permit. (5) All permits shall expire on the 30th day of April next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder.
- Penalty. (6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act.
- Per diem penalty. (7) Where the Provincial Forester or other authorized officer finds any operation mentioned in subsection 1 of this section being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. *New.*
- Supplying badge. **23a.** —(1) In addition to all other requirements of this Act or regulations thereunder every person, company or corporation carrying on woods operations during the close season on Crown lands shall supply a badge to every employee



working on said operation and said badge shall bear such information as the Minister may deem necessary.

When to
be worn.

(2) The badge must be worn at all times by the employee when on Crown lands, and it shall be an offence against this Act for a licensee or permittee to allow an employee to engage in such work without a badge, and shall also be an offence for employees issued with badges to neglect or refuse to carry the same. 

Permit to
travel in
forest area.

24.—(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about in such area during the close season shall previously obtain a permit.

Issue
of permit.

(2) Such permit, called "travel permit" may be obtained without charge from the fire ranger of the place or from any other authorized person. R.S.O. 1927, c. 291, s. 21 (1, 2).

Entering
area without
permit.

(3) No person shall travel about in such defined area without having previously obtained a permit. R.S.O. 1927, c. 291, s. 21 (3), *amended*.

Imprison-
ment.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 21 (5), *amended*.

Information
to be given
to fire
rangers by
tourists, etc.

25. Persons using or travelling in the forest, shall upon request, give the fire rangers or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 22, *amended*.

Closing
the forest.

26.—(1) Whenever in the opinion of the Minister it is deemed necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized, the Minister may make an order in writing setting out and delimiting the area to be closed and the period during which such closure shall be in force, and any other terms and conditions that may be necessary, and the Minister may from time to time extend such period and reduce or extend the area.

Notice
of closing.

(2) The Minister may provide for such notice as may be possible under the circumstances, and shall publish a notice of such order setting out the area closed and the period of such closure in such papers as in the opinion of the Minister will give the greatest publicity. *New*.

Section 24. Subsection 3 of this section provides that no person shall travel about in any defined forest area without a permit. As the Act stands at present a "travel permit" is not required by the holder of a hunting, guides', fishing or mining license.

Section 25. This makes no change in the law except that the penalty is left to the general penalty section.

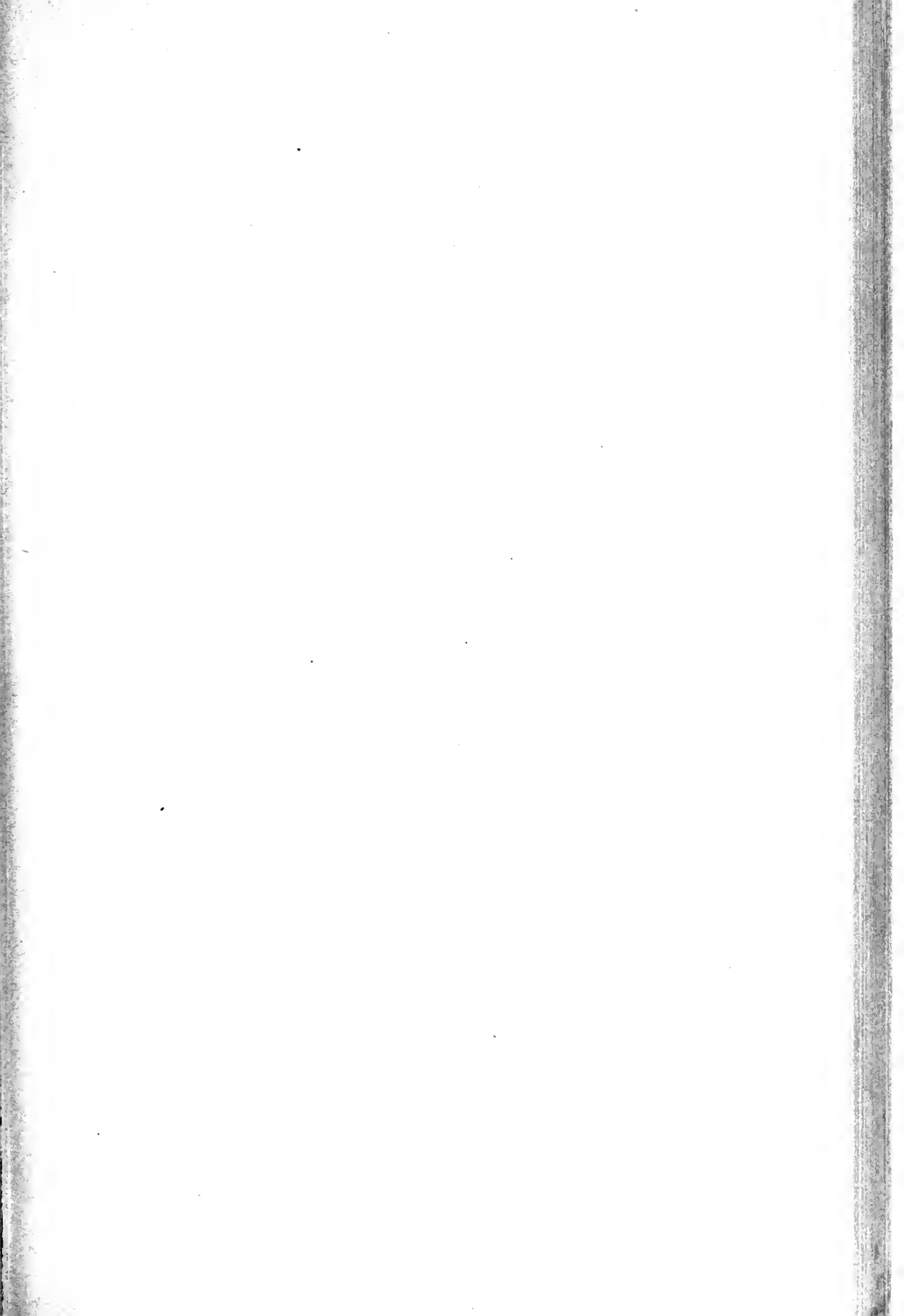
Section 26. This is new and enables the Minister to close any territory absolutely where he deems it necessary or expedient owing to extreme fire hazard conditions.

- Penalty. **27.** Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days. *New.*
- Imprisonment. **28.** Every person who violates any provision of this Act shall, in addition to the penalty otherwise provided in this Act, be liable to imprisonment for a period not exceeding ninety days. R.S.O. 1927, c. 291, s. 23.
- Right of action for damages not affected. **29.** Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1927, c. 291, s. 24.
- Recovery of penalties, Rev. Stat., c. 121. **30.** The penalties imposed by this Act and the regulations shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 291, s. 25.
- Rev. Stat., c. 291, repealed. **31.** *The Forest Fires Prevention Act*, being chapter 291 of the Revised Statutes of 1927, is repealed.
- Commencement of Act. **32.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 27. This is a new penalty section and provides a minimum penalty of \$25 and a maximum penalty of \$300 for offences against the Act.

Sections 28, 29, 30. These are the same as sections 23, 24 and 25 of the present Act.

Section 31. Repeal section.



BILL.

An Act for the Prevention of Forest Fires.

1st Reading

February 26th, 1930

2nd Reading

March 3rd, 1930

3rd Reading

MR. FINLAYSON

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

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

BILL

An Act for the Prevention of Forest Fires.

MR. FINLAYSON

No. 96.

1930.

BILL

An Act for the Prevention of Forest Fires.

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

- Short title. **1.** This Act may be cited as *The Forest Fires Prevention Act, 1930*.
- Interpre-
tation, **2.** In this Act,—
- “Minister.” (a) “Minister” shall mean the Minister of Lands and Forests;
- “Regu-
lations.” (b) “Regulations” shall mean regulations made under the authority of this Act;
- “Depart-
ment.” (c) “Department” shall mean Department of Lands and Forests;
- “Owner.” (d) “Owner” shall include locatee, purchaser from the Crown, assignee, lessee, occupant, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land. R.S.O. 1927, c. 291, s. 1, *amended*.
- Proclama-
tion of fire
districts. **3.**—(1) The Lieutenant-Governor in Council may by proclamation declare any part of Ontario described in the proclamation a fire district.
- Publication. (2) Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall, from and after publication, be a fire district within the meaning of this Act. R.S.O. 1927, c. 291, s. 2 (1, 2).
- Changing
fire district. (3) The Lieutenant-Governor in Council may by proclamation terminate, extend, reduce or otherwise change such fire district. R.S.O. 1927, c. 291, s. 2 (3), *amended*.

4. The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a Provincial Forester for the purpose of carrying out the provisions of this Act and the regulations. R.S.O. 1927, c. 291, s. 3.

Provincial Forester,—
appointment of.

5. The Provincial Forester shall have charge, under the direction of the Minister, of the administration and enforcement of this Act. R.S.O. 1927, c. 291, s. 4.

Duties.

6. The Minister may employ for the purposes of enforcing the provisions of this Act, such number of persons as he may deem necessary and who shall be subject to his instructions. R.S.O. 1927, c. 291, s. 5.

Officers for enforcement of Act.

7. The Minister may accept nominations from the licensees of honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department.

Honorary fire wardens.

8.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the regulations.

Arrangements with owner for additional fire protection.

(2) Every such appointment shall be made or approved by the Minister and, subject to the regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act.

Appointments.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1927, c. 291, s. 6 (1-3).

Payment of extra rangers.

9.—(1) Subject to the regulations the period from the 1st day of April to the 15th day of October in each year shall be known as the close season in respect to the setting out of fire. R.S.O. 1927, c. 291, s. 7 (1), *amended*.

Close season in fire districts.

(2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by the regulations. R.S.O. 1927, c. 291, s. 7 (2).

Setting out fire in close season.

10. Every person who sets out fire for the purpose of clearing land, removal of waste or debris or who uses fire for industrial purposes in a fire district during the close season, except in accordance with the regulations shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 8, *amended*.

Setting out fire contrary to regulations.

11. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Regulations.

- Extending close season. (a) for extending or restricting the close season for any or all of the fire districts in any year to such date as may be deemed necessary;
- Permits. (b) for granting permits for the use of fire within any fire district, for clearing land, disposal of debris and other inflammable waste, and for industrial purposes; the conditions on which such permits may be granted; the precautions to be taken in the use of fire under permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- As to setting out for use of fire. (c) prescribing the circumstances and conditions under which fire may be set out or used for any such purposes without the issue of a permit therefor;
- Use of fire out of doors. (d) regulating the use of fire out of doors for cooking or obtaining warmth;
- Fire guards, etc. (e) providing for the making of fire guards and the taking of other precautionary measures when, owing to drought or other circumstances, the Minister deems danger from fire to any town or settlement especially imminent;
- Accumulation of inflammable material. (f) regulating or preventing the piling or accumulation of brushwood, debris and other inflammable material;
- Destruction and disposal of inflammable material. (g) empowering the Provincial Forester, or any officer or servant of the Department to enter upon the lands of any corporation or individual for the purpose of removing, destroying and disposing of any such inflammable substance and providing that the cost of such work shall be borne by such individual or corporation and be recoverable by action at the suit of the Minister;
- Protective appliances on engines, etc. (h) prescribing and regulating the use of fire protective appliances on locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation;
- Collection of cost. (i) providing for the collection of the cost of any work done under the authority of this Act by the Provincial Forester, or any officer of the Department, or of a municipal corporation.

(j) prescribing penalties for the violation of the regulations; ^{Prescribing penalties.}

(k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1927, c. 291, s. 9, *amended*. ^{General.}

12.—(1) Wherever the Provincial Forester finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in the opinion of the Provincial Forester, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger. ^{Powers of Provincial Forester as to clearing up land.}

(2) The cost of any work done by the Provincial Forester or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Provincial Forester by action in any court of competent jurisdiction. R.S.O. 1927, c. 291, s. 10 (1, 2). ^{Cost of work.}

(3) Any person who neglects or refuses to carry out any order or direction given by the Provincial Forester or any officer acting under the authority of subsection 1 shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 10 (3), *amended*. ^{Penalty.}

13.—(1) During the close season in any year it shall be unlawful for any person, company or corporation in a fire district,— ^{Offences}

(a) to use or operate within a quarter of a mile of any forest, slashing or bush land any locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil, which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act; ^{Using engines without prescribed safeguards.}

(b) to destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory or to operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark- ^{Destroying waste, etc., without spark arresters.}

emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations.

Dropping
fire or live
coals.

(2) No such railway company shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1927, c. 291, s. 11 (1,2).

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Provincial Forester, grant an injunction against the use of any locomotive, engine, burner or destructor until it shall have been equipped with safety appliances to the satisfaction of the said officer. R.S.O. 1927, c. 291, s. 11 (4).

Duty of
engineer.

14. It shall be the duty of every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Railway Commissioners for Canada to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 12. *Amended.*

Action by
municipality
in district.
Complaint to
Provincial
Forester.

15.—(1) Where it appears to the municipal council of a city, town or township in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Provincial Forester.

Enquiry into
complaint.

(2) The Provincial Forester shall make inquiry as to the conditions described by the council and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

Notice
to owner to
clean up
land.

(3) Where the Provincial Forester finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clean up the land or such part thereof or to such extent as the Provincial Forester may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Default
of owner,—
work done
by corpora-
tion.

(4) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the land to be cleaned up and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Recovery
of expenses
where land
is patented
in organized
territory.

(5) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the

land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head and clerk of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of seven per centum per annum.

(6) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 5 under the hand of the reeve or other head of the corporation and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of seven per centum per annum from the date of the declaration. R.S.O. 1927, c. 291, s. 13 (1-6). Where land is patented in unorganized territory.

(7) Upon the registration or filing of the declaration mentioned in subsections 5 and 6, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner provided for in the regulations hereto or hereafter to be made. R.S.O. 1927, c. 291, s. 13 (7), *amended*. Effect of registration.

(8) In this section "owner" shall mean locatee, purchaser from the Crown, assignee, purchaser or occupant. R.S.O. 1927, c. 291, s. 13 (8). "Owner,"—meaning of.

16.—(1) Upon information being received by the reeve of a township or, in the absence of the reeve, the deputy reeve next in authority to the reeve of such township, that a timber or forest fire in such township is in progress and is hazardous, said reeve, or deputy reeve, as the case may be, shall make inquiry as to said fire and if, in his opinion, such fire is hazardous, he shall employ or summon the assistance of such male persons between the ages of eighteen and sixty years, resident in such township, excepting only railway trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit, as in his judgment may be necessary or available for the purpose of fighting and extinguishing such fire. Duty of reeve as to summoning assistance at fires.

Remuneration of persons assisting.

(2) The municipal council of such township may pass a by-law fixing the amount of the remuneration to be paid to the persons so employed for the services rendered by them, and in the absence of such by-laws such remuneration shall be made therefor as in the judgment of the judge of the county or district in which such township is situate is reasonable and just. R.S.O. 1927, c. 291, s. 14.

Responsibility of township.

17. It shall be the duty of the municipal corporation of any organized township to make provision for extinguishing timber or forest fires in the township and the costs and expenses thereof shall be borne by the corporation of the township, provided that where a fire occurs which is beyond control by the means at the disposal of the corporation of the township, the reeve or acting head of the corporation may call on the Department for assistance and the Department, if it thinks fit, may furnish such assistance, and one-half of any costs or expenses incurred by the Department in extinguishing such fire shall be repayable by the corporation of the township and recoverable by the Department from the township in any court of competent jurisdiction. *New.*

Constables, justices of the peace,—appointment of.

18.—(1) The Lieutenant-Governor in Council may appoint constables for the enforcement of the provisions of this Act, and may appoint one or more officers or agents of the Department justices of the peace for the purpose of taking cognizance of and dealing with offences against the provisions of this Act or the regulations made thereunder, and each officer and agent so appointed a justice of the peace shall have the jurisdiction of a justice of the peace in and for the territorial district specified in his commission.

Appointment of temporary constables.

(2) The Minister may appoint one or more constables for a period not exceeding seven months, for the carrying out of the provisions of this Act.

Arrests without warrant.

(3) A constable appointed under this section may, without warrant, arrest any person found violating any provision of this Act and take him before a justice or justices of the peace and there make complaint.

Right to summon assistance at fires.

(4) For the purpose of controlling and extinguishing any fire, any officer or other employee of the Department may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and dispatchers on duty, doctors and persons physically unfit. R.S.O. 1927, c. 291, s. 15 (1-4).

Penalty for refusing to assist.

(5) Every person who refuses or neglects to render assistance when required under any of the provisions of this section

shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 15 (5), *amended*.

19. Any person who throws or drops any burning match, ashes of a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing the same, and any person who discharges a gun within a fire district without seeing that the wadding from such gun is extinguished shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 16, *amended*. Burning matches, ashes, etc.

20. The Provincial Forester and every officer acting under his direction shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 17, *amended*. Right of Provincial Forester to enter on premises.

.21—(1) Every person who shall without lawful authority destroy, deface or remove any notice posted under this Act or the regulations shall be guilty of an offence against this Act. Destroying or effacing notices.

(2) Every person who shall without lawful authority destroy, injure, or remove any equipment placed in the forest for the purpose of protecting the forests from fire shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 18, *amended*. Penalty for interfering with fire-fighting equipment.

22. Every person who refuses or neglects to make proper effort to protect the property of which he is the owner against injury by fire shall be guilty of an offence against this Act, and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect against fire the property of the person thus in default and the amount of such expense shall be recoverable with costs in an action brought by the Crown. R.S.O. 1927, c. 291, s. 19, *amended*. Penalty for neglecting to protect against fire.

23.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an authorized officer of the Department may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to burning permits. Destruction of refuse on clearing land for highway.

Clearing away inflammable matter near right-of-way. (2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall immediately pile and, subject to the requirements of this Act concerning permits, burn the same.

Timber to be cut to fall on owner's land. (3) No person shall fell or permit to be felled trees or brush in such manner that said trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush.

Clearing in neighbourhood of mills, etc. (4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill, or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of the Provincial Forester, or other officer of the Department, be required.

Accumulation of inflammable refuse. (5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1927, c. 291, s. 20 (1-5).

Penalty. (6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 20 (6). *Amended.*

Permit required. **24.**—(1) Excepting where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall in addition to any other requirement be required to obtain from the Provincial Forester or other authorized officer a written permit before,—

Permit for woods operations. (a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within the fire districts of the Province;

Permit for milling operations. (b) operating within a quarter of a mile of any forest, slashing or bush land within the fire districts of the Province any mill for the manufacture of lumber, lath, shingles, sawn ties, veneer, cooperage stock or any other forest product or engaged in the cutting-up, barking or rossing of wood.

(2) The application for such permit shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. ^{Description in permit.}

(3) The Provincial Forester or other authorized officer may in the interest of forest protection,—

- (a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on; ^{Right to refuse permit.}
- (b) require that any permittee carrying on any operation under and by virtue of this section maintain such fire fighting equipment in good repair and at specified locations as the Provincial Forester, or other authorized officer, may deem necessary for the control of fires which might be caused either directly or indirectly by the operation; ^{Equipment required of permittee.}
- (c) cancel at any time any permit issued under and by virtue of this section. ^{Right of cancellation.}

(4) In the event of any fire being proved to be caused by or as a result of the summer operations of any permittee operating under and by virtue of this Act, the permittee shall be required to bear the full cost of extinguishing the same. ^{Cost of extinguishment.}

(5) All permits shall expire on the 30th day of April next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder. ^{Expiration of permit.}

(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. ^{Penalty.}

(7) Where the Provincial Forester or other authorized officer finds any operation mentioned in subsection 1 of this section being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. *New.* ^{Per diem penalty.}

25.—(1) In addition to all other requirements of this Act or regulations thereunder every person, company or corporation carrying on woods operations during the close season on Crown lands shall supply a badge to every employee ^{Supplying badge.}

working on said operation and said badge shall bear such information as the Minister may deem necessary.

When to
be worn.

(2) The badge must be worn at all times by the employee when on Crown lands, and it shall be an offence against this Act for a licensee or permittee to allow an employee to engage in such work without a badge, and shall also be an offence for employees issued with badges to neglect or refuse to carry the same.

Permit to
travel in
forest area.

26.—(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about in such area during the close season shall previously obtain a permit.

Issue
of permit.

(2) Such permit, called "travel permit" may be obtained without charge from the fire ranger of the place or from any other authorized person. R.S.O. 1927, c. 291, s. 21 (1, 2).

Entering
area without
permit.

(3) No person shall travel about in such defined area without having previously obtained a permit. R.S.O. 1927, c. 291, s. 21 (3), *amended*.

Imprison-
ment.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 21 (5), *amended*.

Information
to be given
to fire
rangers by
tourists, etc.

27. Persons using or travelling in the forest, shall upon request, give the fire rangers or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 291, s. 22, *amended*.

Closing
the forest.

28.—(1) Whenever in the opinion of the Minister it is deemed necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized, the Minister may make an order in writing setting out and delimiting the area to be closed and the period during which such closure shall be in force, and any other terms and conditions that may be necessary, and the Minister may from time to time extend such period and reduce or extend the area.

Notice
of closing.

(2) The Minister may provide for such notice as may be possible under the circumstances, and shall publish a notice of such order setting out the area closed and the period of such closure in such papers as in the opinion of the Minister will give the greatest publicity. *New*.

29. Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days. *New.* ^{Penalty.}

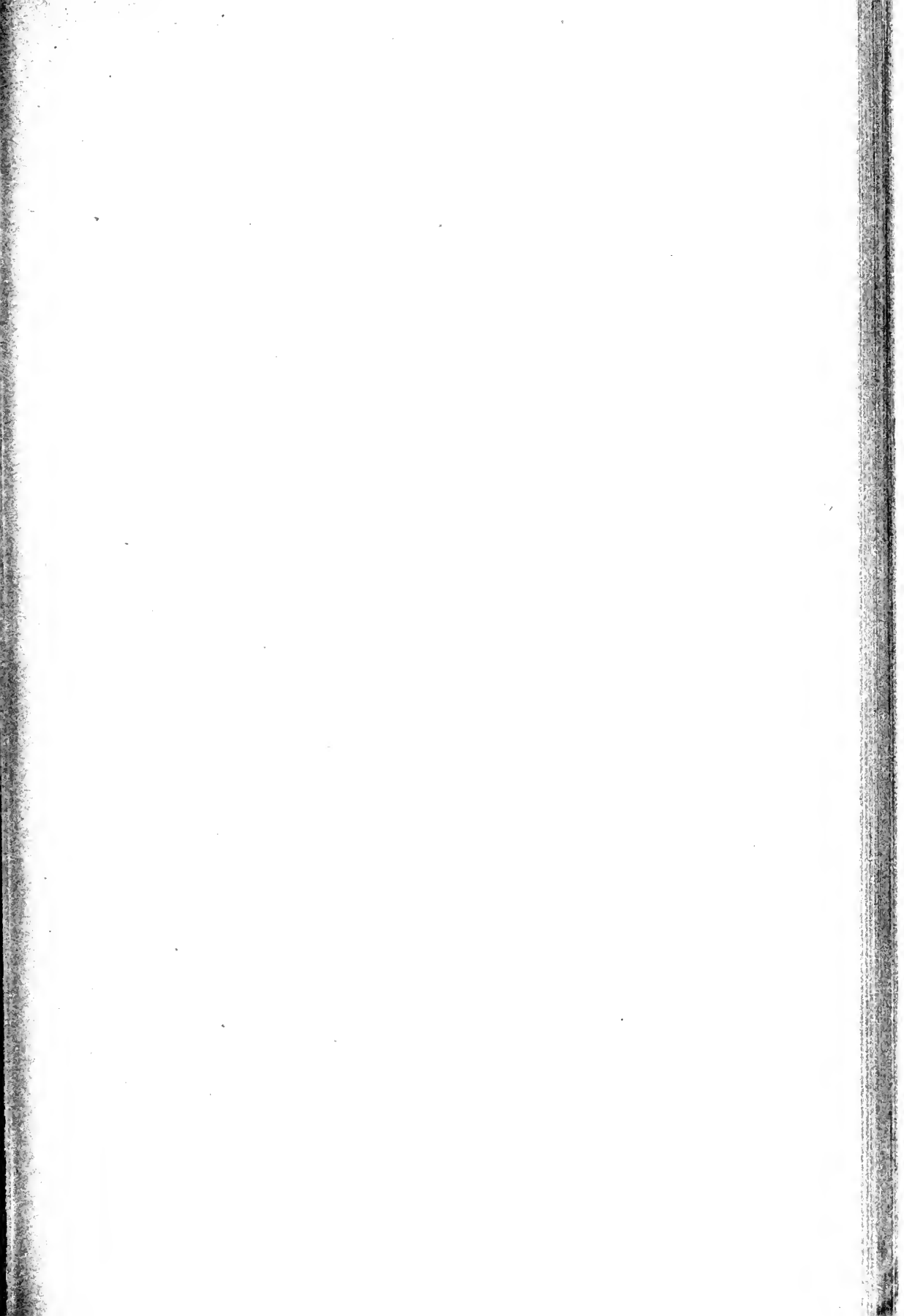
30. Every person who violates any provision of this Act shall, in addition to the penalty otherwise provided in this Act, be liable to imprisonment for a period not exceeding ninety days. R.S.O. 1927, c. 291, s. 23. ^{Imprisonment.}

31. Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1927, c. 291, s. 24. ^{Right of action for damages not affected.}

32. The penalties imposed by this Act and the regulations shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 291, s. 25. ^{Recovery of penalties, Rev. Stat., c. 121.}

33. *The Forest Fires Prevention Act*, being chapter 291 of the Revised Statutes of 1927, is repealed. ^{Rev. Stat., c. 291, repealed.}

34. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}



BILL.

An Act for the Prevention of Forest Fires.

1st Reading

February 26th, 1930

2nd Reading

March 3rd, 1930

3rd Reading

March 25th, 1930

MR. FINLAYSON

No. 97.

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

BILL

An Act to amend The Highway Improvement Act.

MR. HENRY (East York).

TORONTO
PRINTED BY HERBERT H. BALL,
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No. 97.

1930.

BILL

An Act to amend The Highway Improvement Act.

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

Short title.

1. This Act may be cited as *The Highway Improvement Act, 1930*.

Rev. Stat.,
c. 54, s. 12,
subs. 4,
repealed.

2. Subsection 4 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County
Road
Committee.

(4) Where a county road system is established under this Act the council shall appoint three or five persons residents of the county but who need not be members of the council, who shall constitute a committee for the purpose of directing the work to be done on the county road system.

Appoint-
ment.

Term of
office.

(a) The members of the committee shall hold office for a term of three years in the case of a committee of three persons, and five years in the case of a committee of five persons, from the date of the by-law appointing the committee, and at the expiration of such periods and thereafter at the expiration of three or five years as the case may be, new appointments may be made and any member of the committee shall be eligible for reappointment.

Removal
from
office.

(b) A member of the committee may be removed by a vote of two-thirds of the members of the council present and voting thereon at any regular meeting of the council.

Vacancies.

(c) Where a member of the committee is so removed or dies or resigns his office, the council may appoint some other person to

EXPLANATORY NOTE

Section 2. The present subsection 4 of section 12 merely provides for an appointment of a committee of not more than five persons. In order to secure continuity in policy, the terms of office of members of the committee are to be found in the new subsection and the warden is made an ex-officio member.

fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed.

Warden
ex officio
member,

(d) The warden of the county for the time being shall be *ex-officio* a member of the committee and may sit and vote thereon.

Rev. Stat.,
c. 54, s. 22,
subs. 2,
repealed.

3. Subsection 2 of section 22 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Aid to
bridges.

(2) The Minister may direct the payment to the corporation out of the fund of an amount equal to forty per centum of the cost of constructing, replacing or improving such bridge in accordance with the plan approved by the Department.

Rev. Stat.,
c. 54, s. 28,
subs. 2,
amended.

4. Subsection 2 of section 28 of *The Highway Improvement Act* is amended by adding at the end thereof the following words, "and the council of the urban municipality, with the approval of the Minister may by by-law provide for the issue of debentures to provide for the payment of such excess cost, and may apply the rebate payable under subsection 5, or so much thereof as may be necessary in payment of sums falling due from year to year on account of such debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*."

Issue of
debentures
for cost of
wider
pavement,
etc.

Rev. Stat.,
c. 233.

5. (1) Subsection 5 of the said section 28 is amended by adding at the end of clause 8 in the said subsection the words, "provided that where the Minister is of the opinion that it is unnecessary to expend the whole or any part of the monies so received upon streets in the municipality, he may direct that the whole or any portion of such monies may be applied in payment of any outstanding debentures issued to provide for paving streets in the municipality."

Where
rebate not
required for
expenditure
on streets.

Rev. Stat.,
c. 54, s. 28,
subs. 5,
amended.

(2) Subsection 5 of the said section 28 is further amended by adding thereto the following clauses:

Rebate on
road work
in towns
and villages.

(c) In determining the amount of such rebate the amount raised by the corporation of a town or village for the purpose of paying off its share of any debenture debt of the county shall not be considered.

(d) The amendment made by clause c shall have effect as from the 1st day of January, 1926.

Rev. Stat.,
c. 54, s. 32,
amended.

6. Section 32 of *The Highway Improvement Act* is amended by inserting after the word "widening" in the fourth line,

Section 3. The present subsection 2 of section 22 makes the grant forty per centum of the county expenditure in the case of a bridge of fifty feet in span or over and thirty per centum in the case of a bridge of less than fifty feet. The new subsection makes the grant forty per centum in all cases.

Section 4. The object of this amendment is to enable a town or village to capitalize the fifty per centum rebate payable by the county to local urban municipalities by the issue of debentures to be met out of the annual rebate, where the town desires a better class of paving or a wider roadway than that for which the county could be held responsible.

Section 5. At present the county rebate to a town or village must be expended upon streets in the municipality; in several towns or villages there is no immediate necessity for such expenditure, as there are outstanding debentures issued to pay for completed work. The amendment is desired to enable the municipality, with the approval of the Minister to apply the county rebate or any part of it in payment of any such outstanding debenture debt. Subsection 2 is to make it clear that the general county rate is not to be taken into account in estimating the amount raised in the town or village and fixing the amount of the rebate. This was always the intention of the section.

Section 6. This section extends the powers of expropriation of the county for highway purposes to taking lands for road improvements or for works for protecting roads from erosion by water.

the words "improving, protecting from erosion," so that the section will now read as follows:

Expropriatory powers of county.

32. Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works and Highways for the purpose of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works and Highways, as set out in the said *The Public Works Act*, may be exercised and performed in the name of the corporation of the county.

Rev. Stat., c. 233, 52.

Rev. Stat., c. 54, s. 39, amended.

7. Section 39 of *The Highway Improvement Act* is amended by adding thereto the following subsections:

Issuing city or town debentures for county suburban roads.

- (3) Where it appears that the rate of one-half mill on the dollar provided for in subsection 2 of section 37 is not sufficient to carry out permanent or extensive work, the council of the city or town with the approval of the Minister may raise such further sums by the issue of debentures as may be deemed necessary, and may apply a portion of the proceeds of the said annual rate of one-half mill on the dollar, on paying off such debentures.

Assent of electors not required.

- (4) It shall not be necessary to obtain the assent of the electors to any by-law for the issue of debentures under this section, nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat., c. 233.

Rev. Stat., c. 54, s. 42, amended.

8. Section 42 of *The Highway Improvement Act* is amended by inserting after the word "member" in the third line the words "or an official" so that the section will now read as follows:

Member or official of municipal council not eligible as member of commission.

42. Notwithstanding anything contained in *The Municipal Act* or in any other general or special Act of this Legislature, or in any municipal by-law, a person who is a member or an official of a municipal council shall not be a member of any commission appointed under section 41.

Section 7. In the case of the smaller cities or towns where it would be burdensome to increase the rate from the half mill on the dollar for suburban roads to two mills on the dollar, as may be done under the present section 37 of *The Highway Improvement Act*, this section provides for the issue of debentures for the cost of the work, and as the money must be raised and paid and the plan requires the approval of the Minister, the section dispenses with the necessity for taking a vote of the electors.

Section 8. The present section 42 prohibits a member of the council from being a member of a suburban road commission, the change made includes an official of the corporation in the prohibition.

Rev. Stat.,
c. 54, s. 46,
subs. 1,
repealed.

9. Subsection 1 of section 46 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Township
road
subsidy.

- (1) When approved by the Department the work or expenditure of any class mentioned in the next preceding section shall be carried out in accordance with the regulations of the Department with regard thereto, and upon the completion of any such work or expenditure, the council of the township may submit to the Department an application for a provincial subsidy equivalent to forty per centum of the amount of the township funds expended thereon; but where the Minister deems it necessary in order to secure the development of an adequate plan of road construction, he may recommend that there be paid to the township such an additional amount as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds so expended, and such additional aid shall be in lieu of any other grant to which the township may be entitled under any other Act.

Cost of
ferry service
may be
included

- (a) Where the township is an island, in estimating the amount of aid to which the township may be entitled under this Part, there may be included the whole or such proportion as the Minister may direct, of the cost of the establishing and maintenance of a ferry service between the island and the mainland by the municipal corporation of the township or its lessee or licensee.

Rev. Stat.,
c. 54, s. 50
(1928,
c. 18, s. 5),
repealed.

10. Section 50 of *The Highway Improvement Act* as re-enacted by section 5 of *The Highway Improvement Act, 1928*, is repealed.

Rev. Stat.,
c. 54, s. 52,
subs. 2,
repealed.

11. Subsection 2 of section 52 of *The Highway Improvement Act* is repealed and the following substituted therefor:

"The King's
Highway."

- (2) Every highway constructed, designated and assumed in accordance with this section shall be known as "The King's Highway," and the words "The King's Highway" are substituted for the words "Provincial Highway" wherever they occur in this Act or any other Act of the Province of Ontario.

Rev. Stat.,
c. 54, s. 65,
subs. 5,
repealed.

12. Subsection 5 of section 65 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Sections 9 and 10. These sections are rather a change in form for the sake of clarity. The present subsection 1 of section 46 authorizes a provincial subsidy of thirty per centum. The new subsection increases this to forty per centum in accordance with the general policy of the Department and brings over section 50 as re-enacted in 1928, and puts it in its proper place as part of the new subsection 1 of section 46, with some slight change in the wording, designated to make the intent of the section clearer.

Section 11. At present highways constructed under part five of *The Highway Improvement Act* by the government are designated as "Provincial Highways." This section changes the designation to "The King's Highway," not only in *The Highway Improvement Act*, but in any other Act in which "Provincial Highways" are referred to.

Section 12. At present the agreement between the Department and an urban municipality not separated from the county, relates to construction only. The new section adds "improvement, maintenance and repair."

Agreement
for work on
connecting
roads for
Highway.

- (5) Where it is deemed by the Minister desirable and expedient an agreement may be entered into with the corporation of an urban municipality not separated from the county, for the construction, improvement, maintenance and repair therein by the municipality or by the Department of any highway which is a connecting link or extension of a provincial highway.

Rev. Stat.,
c. 54, subs. 8
(1929,
c. 17, s. 5),
repealed.

- 13.** Subsection 8 of section 65 of *The Highway Improvement Act* as enacted by section 5 of *The Highway Improvement Act, 1929*, is repealed.

Commence-
ment of Act.

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

Section 13. Subsection repealed, provided that the cost of maintenance and repair should be paid out of the highway improvement Fund in the first instance, and be borne and paid by the corporation of the town or village in the same proportion as the cost of construction or improvement, which is of course inconsistent with the change made in section 12 of the Bill.



An Act to amend The Highway
Improvement Act.

1st Reading

February 26th, 1930

2nd Reading

3rd Reading

MR. HENRY (East York).

No. 97.

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

BILL

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MR. HENRY (East York).

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

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1. This Act may be cited as *The Highway Improvement Act, 1930*.

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2. Subsection 4 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County
Road
Committee.

(4) Where a county road system is established under this Act the council shall appoint three or five persons residents of the county but who need not be members of the council, who shall constitute a committee for the purpose of directing the work to be done on the county road system.

Appoint-
ment.

Term of
office.

(a) Where the committee consists of three members, one member shall be appointed and hold office for a term of three years; one member shall be appointed and hold office for a term of two years, and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and shall hold office for a term of three years; and where the committee consists of five members, one member shall be appointed and hold office for a term of five years; one member shall be appointed and hold office for a term of four years; one member shall be appointed and hold office for a term of three years; one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and shall hold office for a term of five years.

- (i) A member upon the expiry of his term of office shall be eligible for re-appointment.
- (b) A member of the committee may be removed by a vote of two-thirds of the members of the council present and voting thereon at any regular meeting of the council. Removal from office.
- (c) Where a member of the committee is so removed or dies or resigns his office, the council may appoint some other person to fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed. Vacancies.
- (d) The warden of the county for the time being shall be *ex-officio* a member of the committee and may sit and vote thereon. Warden ex-officio member.
3. Subsection 2 of section 22 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 54, s. 22, subs. 2, repealed.
- (2) The Minister may direct the payment to the corporation out of the fund of an amount equal to forty per centum of the cost of constructing, replacing or improving such bridge in accordance with the plan approved by the Department. Aid to bridges.
4. Subsection 2 of section 28 of *The Highway Improvement Act* is amended by adding at the end thereof the following words, "and the council of the urban municipality, with the approval of the Minister may by by-law provide for the issue of debentures to provide for the payment of such excess cost, and may apply the rebate payable under subsection 5, or so much thereof as may be necessary in payment of sums falling due from year to year on account of such debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*." Rev. Stat., c. 54, s. 28, subs. 2, amended. Issue of debentures for cost of wider pavement, etc.
- 5.—(1) Subsection 5 of the said section 28 is amended by adding at the end of clause *a* in the said subsection the words, "provided that where the Minister is of the opinion that it is unnecessary to expend the whole or any part of the monies so received upon streets in the municipality, he may direct that the whole or any portion of such monies may be applied in payment of any outstanding debentures issued to provide for paving streets in the municipality." Rev. Stat., c. 54, s. 28, subs. 5, amended. Where rebate not required for expenditure on streets.
- (2) Subsection 5 of the said section 28 is further amended by adding thereto the following clause: Rev. Stat., c. 54, s. 28, subs. 5, amended.

Rebate on road work in towns and villages.

- (c) In determining the amount of such rebate payable in the year 1931 and thereafter the amount raised by the corporation of a town or village for the purpose of paying off its share of any debenture debt of the county shall not be considered.

Rev. Stat., c. 54, s. 32, amended.

6. Section 32 of *The Highway Improvement Act* is amended by inserting after the word "widening" in the fourth line, the words "improving, protecting from erosion," so that the section will now read as follows:

Expropriatory powers of county.

32. Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works and Highways for the purpose of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works and Highways, as set out in the said *The Public Works Act*, may be exercised and performed in the name of the corporation of the county.

Rev. Stat., c. 54, s. 39, amended.

7. Section 39 of *The Highway Improvement Act* is amended by adding thereto the following subsections:

Issuing city or town debentures for county suburban roads.

- (3) Where it appears that the rate of one-half mill on the dollar provided for in subsection 2 of section 37 is not sufficient to carry out permanent or extensive work, the council of the city or town with the approval of the Minister may raise such further sums by the issue of debentures as may be deemed necessary, and may apply a portion of the proceeds of the said annual rate of one-half mill on the dollar, on paying off such debentures.

Assent of electors not required.

- (4) It shall not be necessary to obtain the assent of the electors to any by-law for the issue of debentures under this section, nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat., c. 233.

Rev. Stat., c. 54, s. 42, amended.

8. Section 42 of *The Highway Improvement Act* is amended by inserting after the word "member" in the third line the

words "or an official" so that the section will now read as follows:

42. Notwithstanding anything contained in *The Municipal Act* or in any other general or special Act of this Legislature, or in any municipal by-law, a person who is a member or an official of a municipal council shall not be a member of any commission appointed under section 41. Member or official of municipal council not eligible as member of commission.

9. Subsection 1 of section 46 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 54, s. 46, subs. 1, repealed.

- (1) When approved by the Department the work or expenditure of any class mentioned in the next preceding section shall be carried out in accordance with the regulations of the Department with regard thereto, and upon the completion of any such work or expenditure, the council of the township may submit to the Department an application for a provincial subsidy equivalent to forty per centum of the amount of the township funds expended thereon; but where the Minister deems it necessary in order to secure the development of an adequate plan of road construction, he may recommend that there be paid to the township such an additional amount as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds so expended, and such additional aid shall be in lieu of any other grant to which the township may be entitled under any other Act. Township road subsidy.

- (a) Where the township is an island, in estimating the amount of aid to which the township may be entitled under this Part, there may be included the whole or such proportion as the Minister may direct, of the cost of the establishing and maintenance of a ferry service between the island and the mainland by the municipal corporation of the township or its lessee or licensee. Cost of ferry service may be included.

10. Section 50 of *The Highway Improvement Act* as re-enacted by section 5 of *The Highway Improvement Act, 1928*, is repealed. Rev. Stat., c. 54, s. 50 (1928, c. 18, s. 5), repealed.

11. Subsection 2 of section 52 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 54, s. 52, subs. 2, repealed.

"The King's Highway."

- (2) Every highway heretofore or hereafter constructed, designated and assumed in accordance with this section shall be known as "The King's Highway," and the words "The King's Highway" are substituted for the words "Provincial Highway" wherever they occur in this Act or any other Act of the Province of Ontario.

Rev. Stat.,
c. 54, s. 65,
subs. 5,
repealed.

12. Subsection 5 of section 65 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Agreement
for work on
connecting
roads for
Highway.

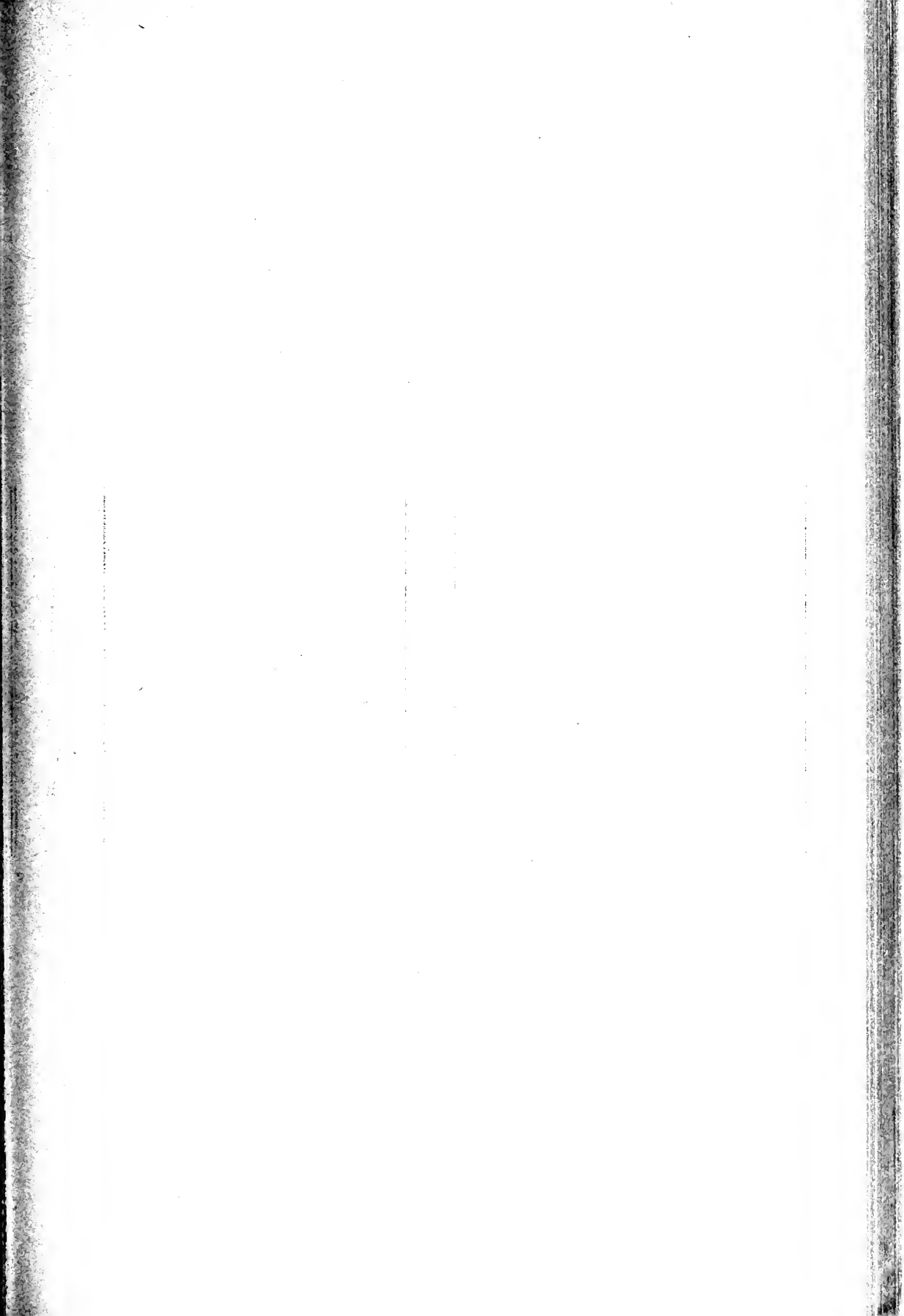
- (5) Where it is deemed by the Minister desirable and expedient an agreement may be entered into with the corporation of an urban municipality not separated from the county, for the construction, improvement, maintenance and repair therein by the municipality or by the Department of any highway which is a connecting link or extension of a provincial highway.

Rev. Stat.,
c. 54, subs. 8
(1929,
c. 17, s. 5),
repealed.

13. Subsection 8 of section 65 of *The Highway Improvement Act* as enacted by section 5 of *The Highway Improvement Act, 1929*, is repealed.

Commence-
ment of Act.

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



An Act to amend The Highway
Improvement Act.

1st Reading

February 26th, 1930

2nd Reading

March 19th, 1930

3rd Reading

March 28th, 1930

Mr. HENRY (East York).

No. 98

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

BILL

An Act to incorporate the City of Sudbury.

MR. ROBB.

(PRIVATE BILL)

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

No. 98,

1930,

BILL

An Act to incorporate the City of Sudbury.

Preamble.

WHEREAS the corporation of the town of Sudbury has, by petition represented that the said town of Sudbury has now a population of over twenty thousand; and whereas a large number of citizens of the town of Sudbury and the board of trade have urged upon the council that it is desirable to have the town erected into a city; and whereas the said corporation has by its petition prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

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

Incorporation.

2. On and after the twenty-eighth day of July, 1930, the town of Sudbury shall be and is hereby incorporated as a city and shall be known as "The Corporation of the City of Sudbury," and as such shall enjoy and possess all the rights, powers and privileges of a city erected under the provisions of *The Municipal Act.*

Rev. Stat.,
c. 233.Composition
of council.

3. The council of the said city of Sudbury shall consist of the mayor, who shall be the head thereof, and three aldermen for each of the three wards subject, however, to the number of aldermen being changed under the provisions of *The Municipal Act.* Provided, that the present mayor and council of the said town shall be the mayor and council of the said city during the year 1930 and until their successors are elected and organized as the council of the city as provided by *The Municipal Act,* and shall exercise all the rights and powers and perform all the duties pertaining to the office of mayor and aldermen respectively of a city, and in the event of the death or resignation or disqualification of the mayor or any member of the said council, the vacancy shall be filled in the manner provided by *The Municipal Act.*

Proviso.

Rev. Stat.,
c. 233.

City to stand in place of town.

4. The city of Sudbury shall in all matters whatsoever stand and be in the place and stead of the town of Sudbury, and all property of every kind and all rights and interests, assets and effects, taxes, rates, dues, revenues, contracts, obligations and income now belonging to or accruing due to, or which may be assessed for, by the said town, shall pass and belong to and be the rights, property, interests, assets, effects, taxes, revenues, contracts and obligations of the city of Sudbury, and the city of Sudbury shall have as full power in its name to assess for, demand, collect, sue for and receive the same as the said town could have and the said city shall assume and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due, or contracted or accruing due, or for which the said town, but for the passing of this Act, would be liable, and the same shall and may be collected and sued for, from and against the city of Sudbury in precisely the same manner except in the change of the name as against the town of Sudbury, and all acts, matters and things whatsoever, which might lawfully be done by the town of Sudbury shall and may be done by the city of Sudbury, and all matters begun or initiated by the said town may be completed by the said city, the meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town.

Officers and servants.

5. The officers and servants of the said town shall, until superseded in or moved from office by the council of the said city, remain the officers and servants of the said city, and the bonds now held by the town of Sudbury, for the faithful performance of their duties, shall continue to be in force against them and their sureties in favour of the said city to the same extent as they are now liable to the town.

Application of provisions of Rev. Stat., c. 233.

6. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and all the other provisions of the said Act shall, except so far as is herein otherwise provided, apply to the corporation of the said city of Sudbury in the same manner as if the said town of Sudbury has been erected into a city under the provisions of the said Act.

To form part of District of Sudbury for judicial purposes.

7. The city of Sudbury shall be, remain and form part of the district of Sudbury for judicial purposes.

BILL.

An Act to incorporate the City of Sudbury.

1st Reading

2nd Reading

3rd Reading

MR. ROBB.

(PRIVATE BILL).

1ST SESSION, 18TH LEGISLATURE, ONTARIO
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Incorporation.

2. On and after the twenty-eighth day of July, 1930, the town of Sudbury shall be and is hereby incorporated as a city and shall be known as "The Corporation of the City of Sudbury," and as such shall enjoy and possess all the rights, powers and privileges of a city erected under the provisions of *The Municipal Act*.

Rev. Stat.,
c. 233.Composition
of council.

3. The council of the said city of Sudbury shall consist of the mayor, who shall be the head thereof, and three aldermen for each of the three wards subject, however, to the number of aldermen being changed under the provisions of *The Municipal Act*. Provided, that the present mayor and council of the said town shall be the mayor and council of the said city during the year 1930 and until their successors are elected and organized as the council of the city as provided by *The Municipal Act*, and shall exercise all the rights and powers and perform all the duties pertaining to the office of mayor and aldermen respectively of a city, and in the event of the death or resignation or disqualification of the mayor or any member of the said council, the vacancy shall be filled in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 233.

Proviso.

4. The city of Sudbury shall in all matters whatsoever stand and be in the place and stead of the town of Sudbury, and all property of every kind and all rights and interests, assets and effects, taxes, rates, dues, revenues, contracts, obligations and income now belonging to or accruing due to, or which may be assessed for, by the said town, shall pass and belong to and be the rights, property, interests, assets, effects, taxes, revenues, contracts and obligations of the city of Sudbury, and the city of Sudbury shall have as full power in its name to assess for, demand, collect, sue for and receive the same as the said town could have and the said city shall assume and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due, or contracted or accruing due, or for which the said town, but for the passing of this Act, would be liable, and the same shall and may be collected and sued for, from and against the city of Sudbury in precisely the same manner except in the change of the name as against the town of Sudbury, and all acts, matters and things whatsoever, which might lawfully be done by the town of Sudbury shall and may be done by the city of Sudbury, and all matters begun or initiated by the said town may be completed by the said city, the meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town.

City to stand in place of town.

5. The officers and servants of the said town shall, until superseded in or moved from office by the council of the said city, remain the officers and servants of the said city, and the bonds now held by the town of Sudbury, for the faithful performance of their duties, shall continue to be in force against them and their sureties in favour of the said city to the same extent as they are now liable to the town.

Officers and servants.

6. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and all the other provisions of the said Act shall, except so far as is herein otherwise provided, apply to the corporation of the said city of Sudbury in the same manner as if the said town of Sudbury had been erected into a city under the provisions of the said Act.

Application of provisions of Rev. Stat., c. 233.

7. The city of Sudbury shall be, remain and form part of the district of Sudbury for judicial purposes.

To form part of District of Sudbury for judicial purposes.

BILL.

An Act to incorporate the City of Sudbury.

1st Reading

March 4th, 1930

2nd Reading

March 12th, 1930

3rd Reading

March 19th, 1930

Mr. ROBB.

No. 99

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

BILL

An Act to amend The Municipal Act.

MR. MACAULAY.

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

No. 99.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.
c. 233,
amended.

1. Section 424 of *The Municipal Act* is amended by adding to the heading thereof the following words "and of townships bordering on a city having a population of not less than 100,000," and by adding at the end of the section the following clause:

- (a) Where the council of a town or township has passed a by-law under this section the by-law of the county shall not be in force in such town or township while the by-law of such town or township remains in force.

EXPLANATORY NOTE.

Under section 24 of the Act, counties, cities and towns have power to pass by-laws licensing, regulating and governing dry cleaners and similar businesses in which gasoline, benzine or inflammable liquids are used.

The Bill extends this power to townships bordering on a city over 100,000, and provides that a county by-law shall not be in force where a town or township by-law has been passed.

BILL.

An Act to amend The Municipal Act.

1st Reading

February 27th, 1930

2nd Reading

3rd Reading

MR. MACCUBIAN.

No. 100

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

BILL

An Act to authorize the City of Chatham to borrow on
debentures the sum of \$200,000

MR. CALDER

(PRIVATE BILL)

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

No. 100.

1930.

BILL

An Act to authorize the City of Chatham to borrow on debentures the sum of \$200,000.

Preamble.

WHEREAS the corporation of the city of Chatham has by its petition represented that the said city of Chatham has determined to reconstruct the bridge crossing the River Thames in the city of Chatham and commonly known as Fifth Street Bridge, at a total estimated cost of \$200,000; and whereas the said corporation has also, by its petition, represented that it is desirous of issuing debentures of the said corporation for a sum not exceeding \$200,000, extending for a period not exceeding 20 years from the date thereof, and at a rate of interest not exceeding five per centum per annum, to provide funds for the payment of the said work; and whereas the said corporation has, by its petition, prayed that an Act may be passed for the above mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

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

Power to borrow \$200,000 for reconstruction of Fifth Street Bridge.

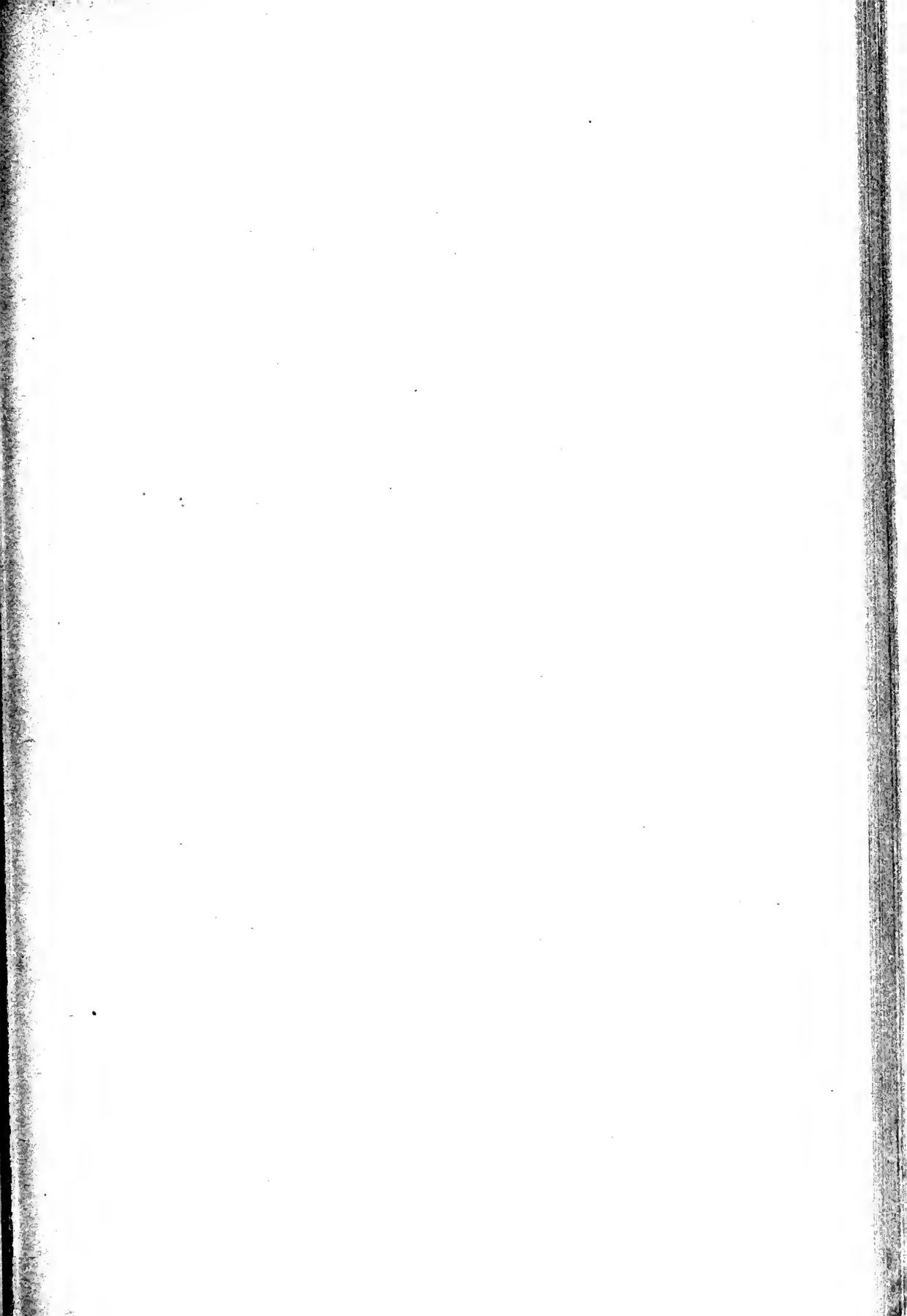
2. The corporation of the city of Chatham may pass a by-law to borrow, and may borrow, a sum not exceeding \$200,000 and may issue debentures therefor payable within a period not exceeding 20 years from the date thereof, and at such rate of interest, not exceeding five per centum per annum, as the council of the corporation of the city of Chatham may determine to provide monies to pay for the reconstruction of the said bridge in the city of Chatham, without submitting the by-law to the electors of the said city for their assent.

Non-application of certain provisions of Rev. Stat. c. 233.

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

Irregularity in form not to invalidate.

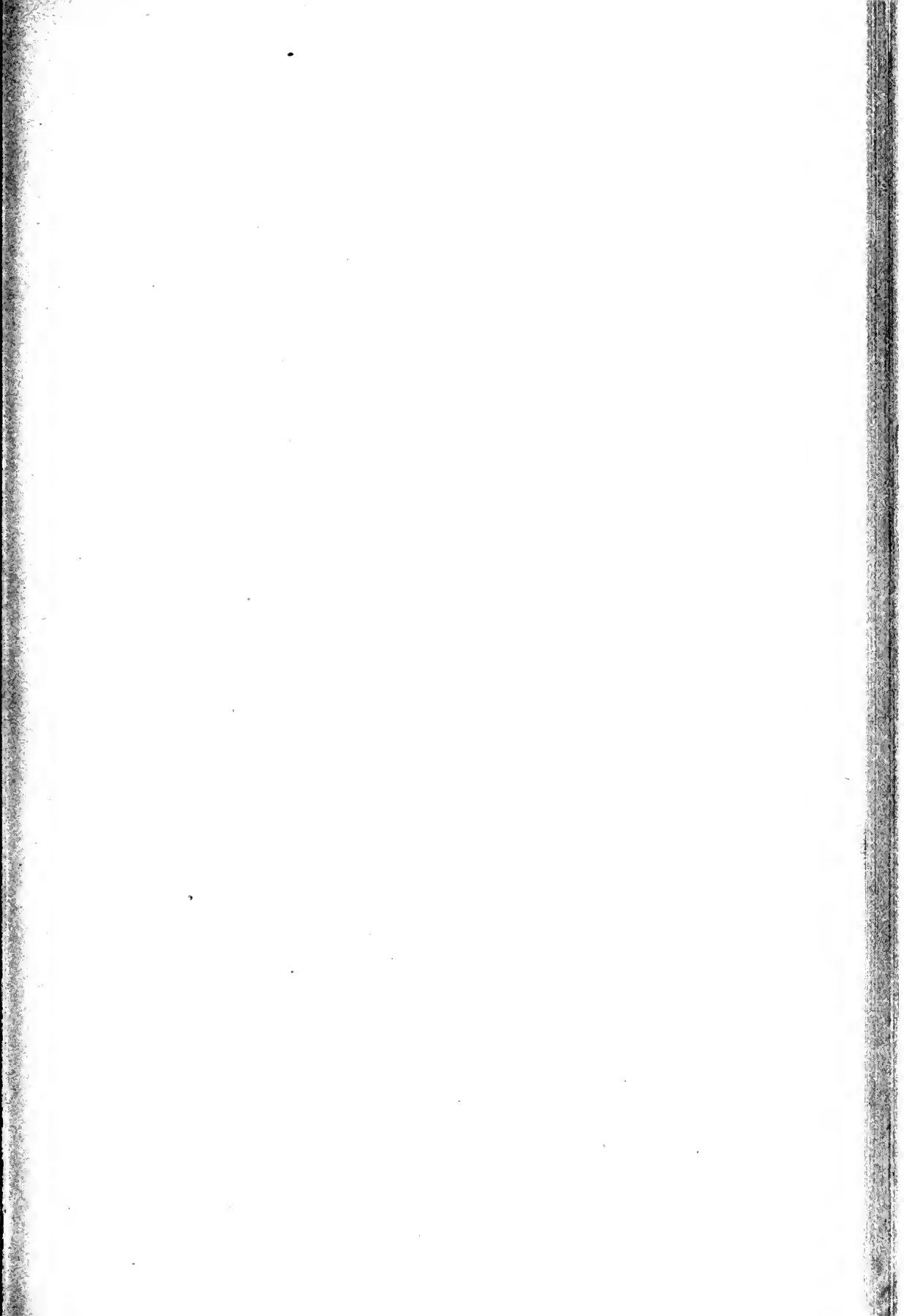
4. No irregularity in the form of any of the debentures issued under the authority of this Act or in any by-law author-

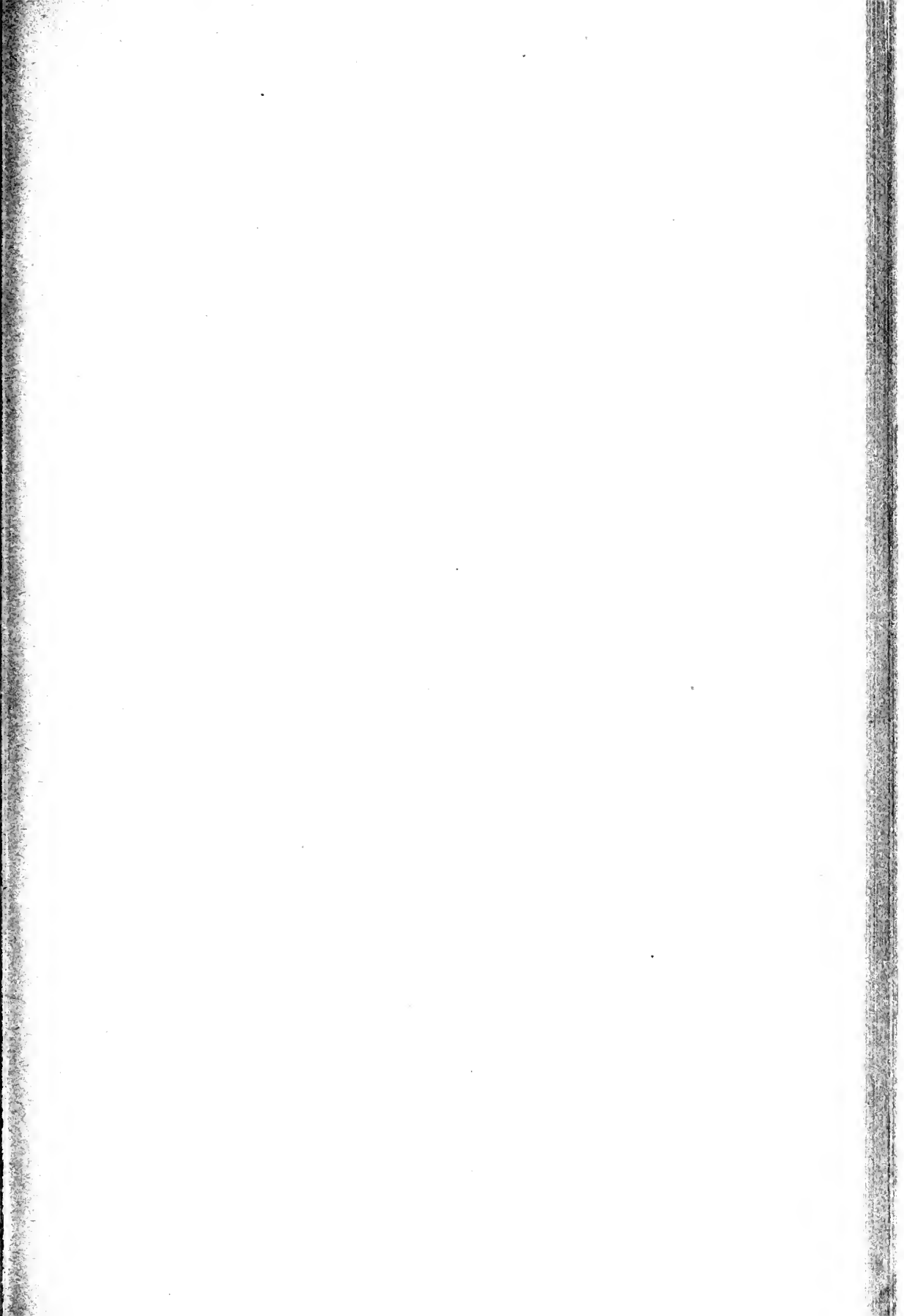


izing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the corporation of the city of Chatham for the recovery of the amount thereof or any part thereof or the interest thereon.

Commence-
ment of Act.

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





BILL.

An Act to authorize the City of Chatham
to borrow on debentures the sum of
\$200,000.

1st Reading,

2nd Reading,

3rd Reading,

MR. CAIDER.

(Private Bill.)

No. 100

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

BILL

**An Act to authorize the City of Chatham to borrow on
debentures the sum of \$200,000**

MR. CALDER

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

No. 100.

1930.

BILL

An Act to authorize the City of Chatham to borrow on debentures the sum of \$200,000.

Preamble.

WHEREAS the corporation of the city of Chatham has by its petition represented that the said city of Chatham has determined to reconstruct the bridge crossing the River Thames in the city of Chatham and commonly known as Fifth Street Bridge, at a total estimated cost of \$200,000; and whereas the said corporation has also, by its petition, represented that it is desirous of issuing debentures of the said corporation for a sum not exceeding \$200,000, extending for a period not exceeding 20 years from the date thereof, and at a rate of interest not exceeding five per centum per annum, to provide funds for the payment of the said work; and whereas the said corporation has, by its petition, prayed that an Act may be passed for the above mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

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

Power to borrow \$200,000 for reconstruction of Fifth Street Bridge.

2. The corporation of the city of Chatham may pass a by-law to borrow, and may borrow, a sum not exceeding \$200,000 and may issue debentures therefor payable within a period not exceeding 20 years from the date thereof, and at such rate of interest, not exceeding five per centum per annum, as the council of the corporation of the city of Chatham may determine to provide monies to pay for the reconstruction of the said bridge in the city of Chatham, without submitting the by-law to the electors of the said city for their assent.

Non-application of certain provisions of Rev. Stat. c. 233.

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

Irregularity in form not to invalidate.

4. No irregularity in the form of any of the debentures issued under the authority of this Act or in any by-law author-

izing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the corporation of the city of Chatham for the recovery of the amount thereof or any part thereof or the interest thereon.

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

BILL.

An Act to authorize the City of Chatham
to borrow on debentures the sum of
\$200,000.

1st Reading,

March 4th, 1930

2nd Reading,

March 12th, 1930

3rd Reading,

March 19th, 1930

MR. CALDER.

No. 101

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

BILL

An Act to amend The Vital Statistics Act.

MR. MOORE.

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

No. 101.

1930.

BILL

An Act to amend The Vital Statistics Act.

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

Short
title.

1. This Act may be cited as *The Vital Statistics Act, 1930.*

Rev. Stat.,
c. 78, s. 33,
subs. 3
(1929,
c. 26, s. 2),
amended.

2. Subsection 3 of section 33 of *The Vital Statistics Act* as enacted by section 2 of *The Vital Statistics Act, 1929*, is amended by striking out the figures "100,000" in the first line and inserting in lieu thereof the figures "50,000," so that the subsection will now read as follows:

Sub-
registrars,—
appointment
of in cities
of 50,000 or
over.

(3) In a city having a population of 50,000 or over, the division registrar may, with the approval of the Registrar-General, appoint such sub-registrars as may be necessary for the more convenient carrying out of the provisions of this Act with respect to the registration of deaths and for the issuing of burial permits.

Commence-
ment of Act.

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

EXPLANATORY NOTE.

By an amendment made last Session it was provided that the clerk of the municipality, who is the division registrar of vital statistics, might with the approval of the Registrar-General, appoint such sub-registrars as may be necessary in order to facilitate the registration of deaths and the issuing of burial permits. The change made by this Bill is to extend this provision to cities of 50,000 or over.

BILL.

An Act to amend The Vital Statistics Act.

1st Reading

February 28th, 1930

2nd Reading

3rd Reading

MR. MOORE.

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

BILL

An Act to amend The Vital Statistics Act.

MR. MOORE.

No. 101.

1930.

BILL

An Act to amend The Vital Statistics Act.

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

Short
title.

1. This Act may be cited as *The Vital Statistics Act, 1930*.

Rev. Stat.,
c. 78, s. 6,
sub. 3,
repealed.

2. Subsection 3 of section 6 of *The Vital Statistics Act*, is repealed and the following substituted therefor:

Certificate as
prima facie
evidence.

3. The certificate shall be *prima facie* evidence in any court of the facts certified to be recorded.

Rev. Stat.,
c. 78, s. 33,
subs. 3
(1929,
c. 26, s. 2),
amended.

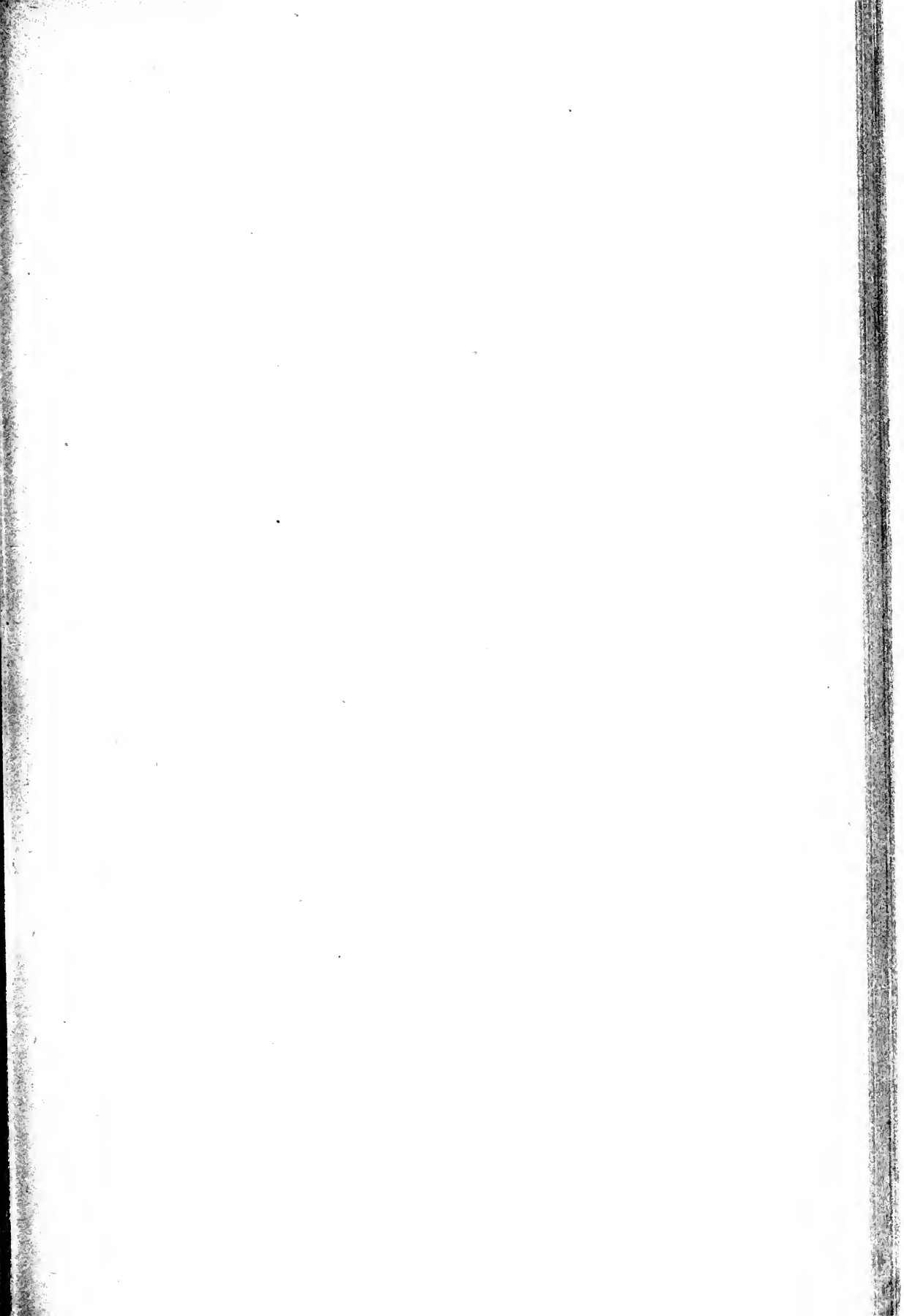
3. Subsection 3 of section 33 of *The Vital Statistics Act* as enacted by section 2 of *The Vital Statistics Act, 1929*, is amended by striking out the figures "100,000" in the first line and inserting in lieu thereof the figures "50,000," so that the subsection will now read as follows:

Sub-
registrars,—
appointment
of in cities
of 50,000 or
over.

(3) In a city having a population of 50,000 or over, the division registrar may, with the approval of the Registrar-General, appoint such sub-registrars as may be necessary for the more convenient carrying out of the provisions of this Act with respect to the registration of deaths and for the issuing of burial permits.

Commence-
ment of Act.

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



•
BILL.

An Act to amend The Vital Statistics Act.

1st Reading

February 28th, 1930

2nd Reading

March 5th, 1930

3rd Reading

March 24th, 1930

MR. MOORE.

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

BILL

An Act to amend The Public Health Act.

MR. MOORE.

No. 102.

1930.

BILL

An Act to amend The Public Health Act.

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

Short
title.

1. This Act may be cited as *The Public Health Act, 1930*.

Rev. Stat.,
c. 262, s. 12,
amended.

2. Section 12 of *The Public Health Act* is amended by adding thereto the following subsection:

Appoint-
ment of
member of
city council
to local
board.

(5) In a city one or more members of the council may be appointed to be members of the local board of health for the city.

Commence-
ment of Act.

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

EXPLANATORY NOTE.

This is intended to remove a doubt which appears to exist in some quarters as to the right of a city council to appoint one of its members to the local board of health.

BILL.

An Act to amend The Public Health Act.

1st Reading

February 28th, 1930

2nd Reading

3rd Reading

MR. MOORE.

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

BILL

An Act to amend The Highway Traffic Act.

MR. ROBERTSON.

No. 103.

1930.

BILL

An Act to amend The Highway Traffic Act.

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

Rev. Stat.,
c. 251, s. 38
subs. 1,
amended.

1. Subsection 1 of section 38 of *The Highway Traffic Act* is amended by adding thereto the following clause:

(a) This subsection shall extend and apply to any animal which is led or driven on a highway by a person on foot and to such person on foot.

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

EXPLANATORY NOTE.

Under the Act as it stands every person in charge of a motor vehicle is required when approaching a vehicle drawn by a horse or a horse upon which any person is riding to control his motor vehicle so as to prevent the frightening of the horse and to insure the protection of any person riding or driving the same.

The Bill asks that this subsection should be extended to apply to any animal which is led or driven on the highway by a person on foot.

BILL.

An Act to amend The Highway
Traffic Act.

1st Reading

February 28th, 1930

2nd Reading

3rd Reading

Mr. ROBERTSON.

No. 104

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

BILL

An Act to amend The Planning and Development Act.

MR. MACAULAY.

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

No. 104.

1930.

BILL

An Act to amend The Planning and Development Act.

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

Rev. Stat.,
c. 236, s. 5,
subs. 2,
amended.

1. Subsection 2 of section 5 of *The Planning and Development Act* is amended by adding the following subsection:

Requiring
certain
grading and
gravelling,
and
construction
of culverts
before
approval
of plan.

(2a) The council of any municipality within which any part of such land is situate may require that before its approval is given the owner shall grade and gravel any proposed new highways, or parts thereof, shown on the plan, and construct certain culverts therein as may be determined by the council and on the execution of such work it shall be the duty of the council to approve of the plan forthwith but if the owner is unwilling to execute the required work he shall have the right to appeal to the Board for relief, and the Board may relieve the owner from executing the work required and approve of the plan forthwith, or may make such modifications in the required work as it deems proper and approve of the plan when it is proven to its satisfaction that the work as modified has been executed. No highway shall be required to be gravelled to a greater width than twelve feet or to a greater depth than four inches or with other than pit-run gravel.

EXPLANATORY NOTE.

This Bill explains itself and has reference to the approval of plans of subdivisions of land within urban zones.

Under the Act as it stands there is no provision allowing the council to require the construction of any works as a condition precedent to the approval of the plan.

BILL.

An Act to amend The Planning and
Development Act.

1st Reading

March 3rd, 1930

2nd Reading

3rd Reading

MR. MACAULAY.

No. 105

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

BILL

An Act to provide for giving Threshers a Lien in certain cases.

MR. SMITH (Essex South).

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

No. 105.

1930.

BILL

An Act to provide for giving Threshers a Lien in certain cases.

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

Short title. **1.** This Act may be cited as *The Threshers' Lien Act, 1930.*

Interpre- **2.** In this Act, unless the context otherwise requires,—
tation.

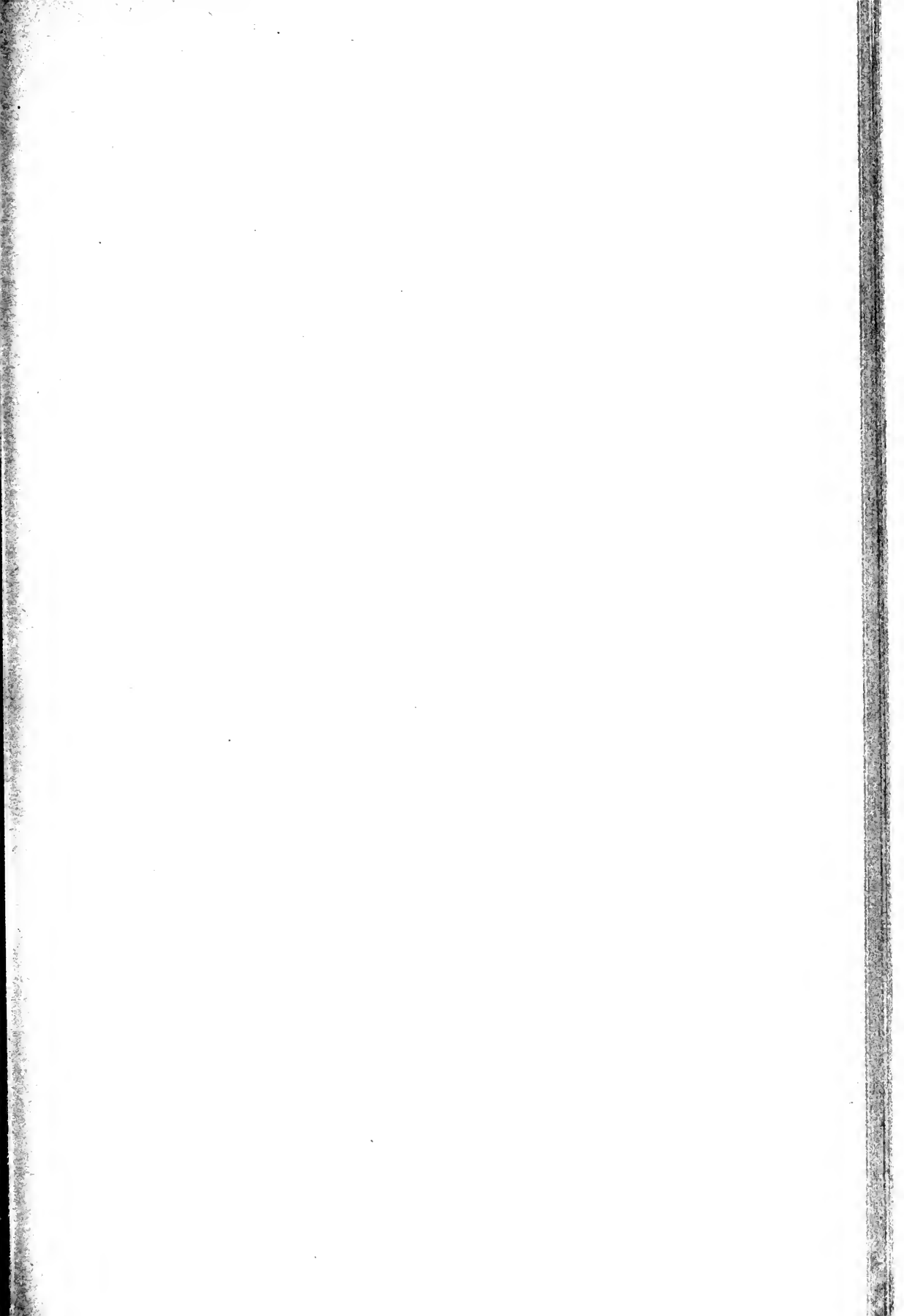
“Thresher.” (a) the expression “thresher” means the person, firm or corporation who threshes or causes to be threshed grain of any kind, and who is not indebted to the person, firm or corporation for whom the threshing is done, and who has registered in accordance with the provisions of this Act;

“Grain.” (b) “grain” wherever referred to in this Act shall mean and include vegetable products produced from the soil which require threshing or any other machine process to make same usable or marketable;

“Owner.” (c) “owner” shall mean the owner or occupant of the premises when the threshing is being done, or any person, firm or corporation who has any right of ownership or title to the grain threshed.

Registration **3.** Every person, firm or corporation owning or operating of machines. a threshing machine, separator or other machinery for the purpose of threshing grain as defined in this Act, or causing the same to be operated, shall each year before commencing operations register his, their or its machine or machines with the Minister of Agriculture, and shall procure a certificate of registration as in form “A” in the schedule hereto. Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner or operator during the whole of the threshing season. The fee for registration shall be \$1. Upon the transfer of ownership of any

Fee.



Transfer.

such machine or machinery certificate of such transfer shall be issued in accordance with form "B" in the schedule hereto by the transferor upon payment of a transfer fee of fifty cents, such transfer to be made within thirty days from the time the ownership of any such machine or machinery is transferred.

Lien.

4. Every person, firm or corporation owning or operating or causing to be operated, a threshing machine, separator or other machinery for the purpose of making usable or marketable any products of the soil, and who threshes or causes to be threshed grain of any kind for another person, firm or corporation herein referred to as the owner, for a fixed price or rate of remuneration, shall from the date of the commencement of such threshing have a lien upon such grain for the purpose of securing payment of the said price or remuneration, or such part or portion thereof as may be earned, and may take a sufficient quantity of such grain to secure payment of such price or remuneration as may be earned at the date of such taking.

Limit of amount for which lien stands.

5. The quantity of grain which may be retained and removed shall be approximately such as will, when computed at the market value thereof at the nearest market place where said threshing is done, pay the total account for threshing done that season together with the cost of haulage, storage and sale as hereinafter set forth:

Notice of holding grain for lien.

6. Notice in writing of the retention of the grain shall be given to the owner during the threshing or forthwith after the threshing is finished, setting forth in detail,—

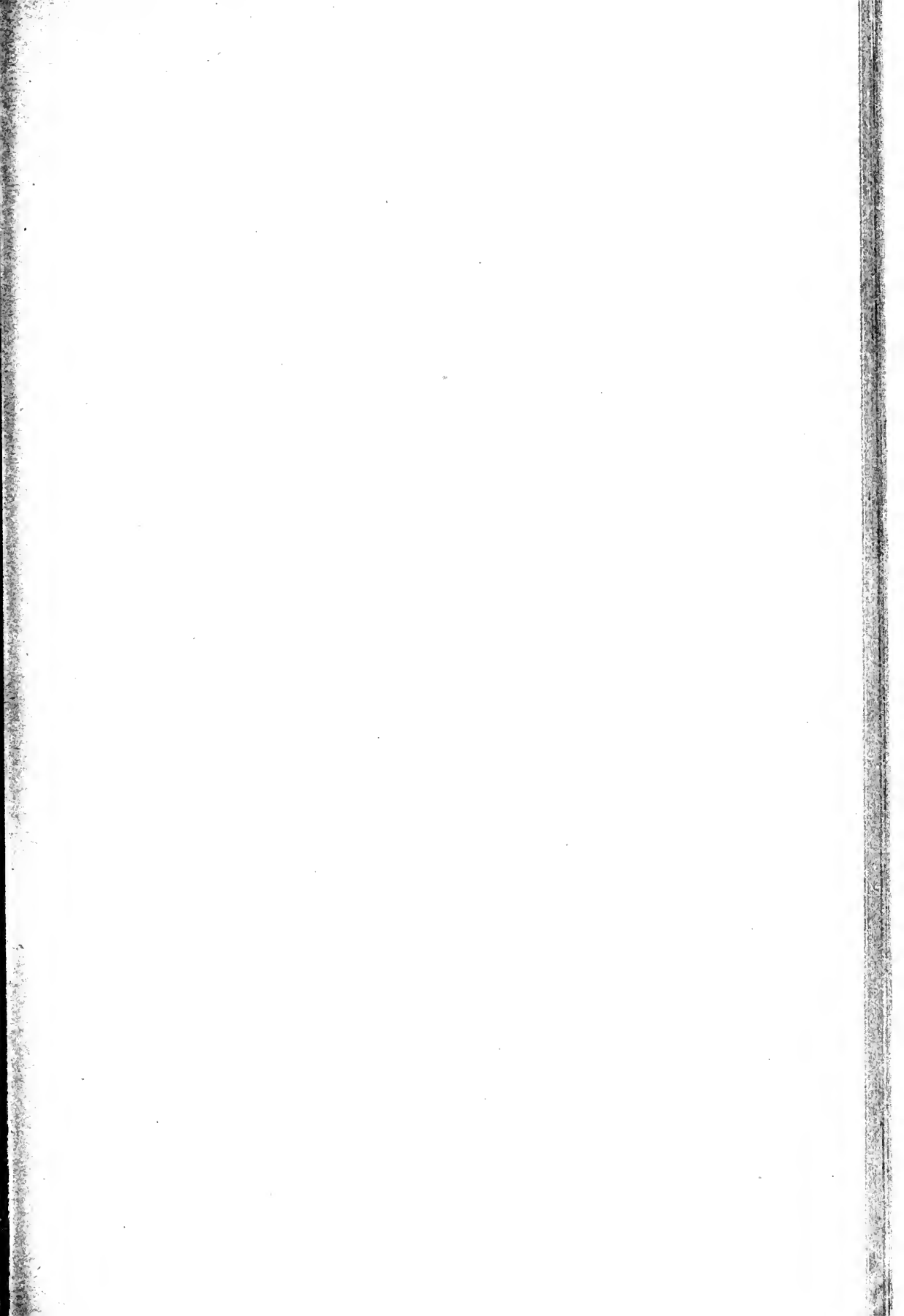
(a) the claim of the thresher;

(b) the quantity of grain retained,

and the grain so retained shall be separated from the bulk of the threshed grain and may be removed from the premises at any time within thirty days from the completion of such threshing.

Sale of grain held.

7. The thresher who exercises such right of retention and removal may house the grain so taken and removed in his own name, and if at the expiration of fifteen days from the time such right of retention and removal is exercised the price or remuneration for which the grain is held be not paid, together with the cost of hauling and storage, such person may sell the said grain at a fair market price, and after deducting the price or remuneration for threshing, haulage and storage charges and other expenses incidental thereto, shall pay the balance if any to the owner of the said grain, or his assigns.



Responsibility of
thresher.

8. The thresher shall be accountable for any grain removed, and any damage or deterioration to such grain.

Thresher may have
grain on
premises for
thirty days.

9. In the alternative, the thresher may instead of removing the grain as aforesaid from the said premises where the threshing is being done, leave the grain upon the said premises after being separated from the bulk of the said grain, which may be placed in bags or receptacles, and notwithstanding the non-removal of the said grain the lien of the thresher shall attach for a period of thirty days, or until the said grain is sold within the time provided by this Act. This provision shall not prevail, however, against a purchaser of said grain for value, without knowledge that the grain is subject to the lien provided by this Act.

Time within
which sale to
take place.

10. In all cases grain retained under the provisions of this Act shall be sold within thirty days after the right of retention is exercised unless the owner thereof consents in writing to the same being unsold for a longer period.

Priority.

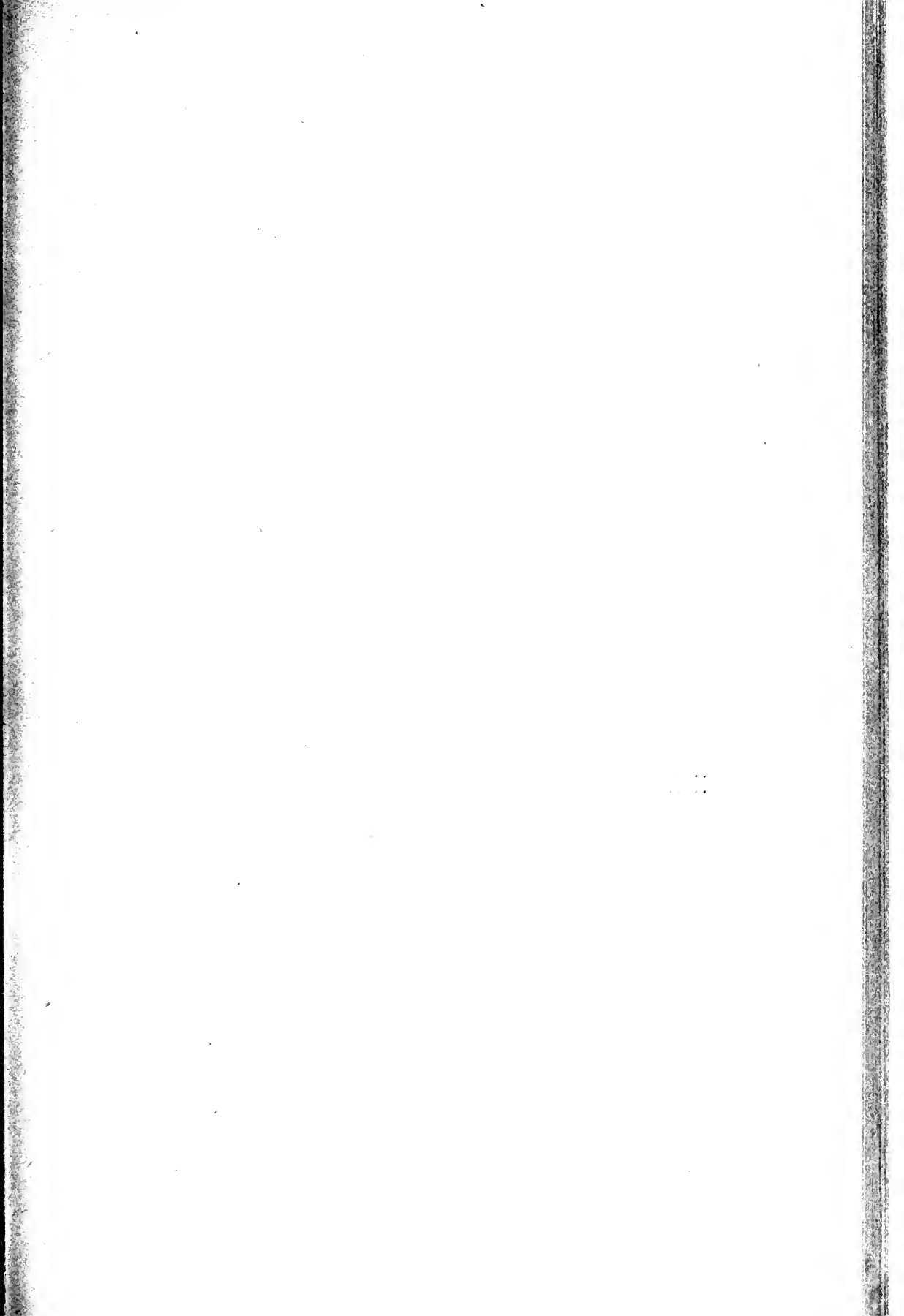
11. The right of retention and lien hereinbefore provided shall prevail against and have priority over all other liens, charges, encumbrances, conveyances, assignments and claims whatsoever.

Disputes as
to right to
seize and set
aside grain.

12. Should any dispute arise between the owner and the thresher as to the right of the thresher to seize or remove any such grain so threshed then the owner shall, during the threshing or within forty-eight hours after said threshing is completed or the said grain set aside or removed in accordance with the provisions of this Act, serve the thresher with notice that he disputes the right of the thresher to seize and set aside or remove said grain, and such dispute shall be heard and determined in a summary way by the county court judge of the county in which the said grain is being threshed upon application to him by the owner and upon notice to the thresher made within four days after service of the dispute notice, and until such application is heard the said grain shall remain on the premises where threshed and shall not be subject to removal or sale in the meantime.

Penalty.

13. Any owner of grain, or other person who sells, removes, or attempts to sell or remove, such grain which is subject to a lien under the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding the value of the grain so sold or removed, and in default of payment thereof, to be committed to jail for a period not exceeding three months with or without hard labour unless the said penalty and all costs are sooner paid.



SCHEDULE

FORM A

(Section 3)

GOVERNMENT OF THE PROVINCE OF ONTARIO

DEPARTMENT OF AGRICULTURE

Threshing Machine Registration Certificate No.....

This is to certify that.....
of..... has duly registered his
threshing machine in accordance with the provisions of section 3 of *The
Threshers' Lien Act, 1930.*

Dated at Toronto, Ontario, this.....day of.....19...

.....
Minister of Agriculture.

1930, Chapter....., Section.....

FORM B

(Section 3)

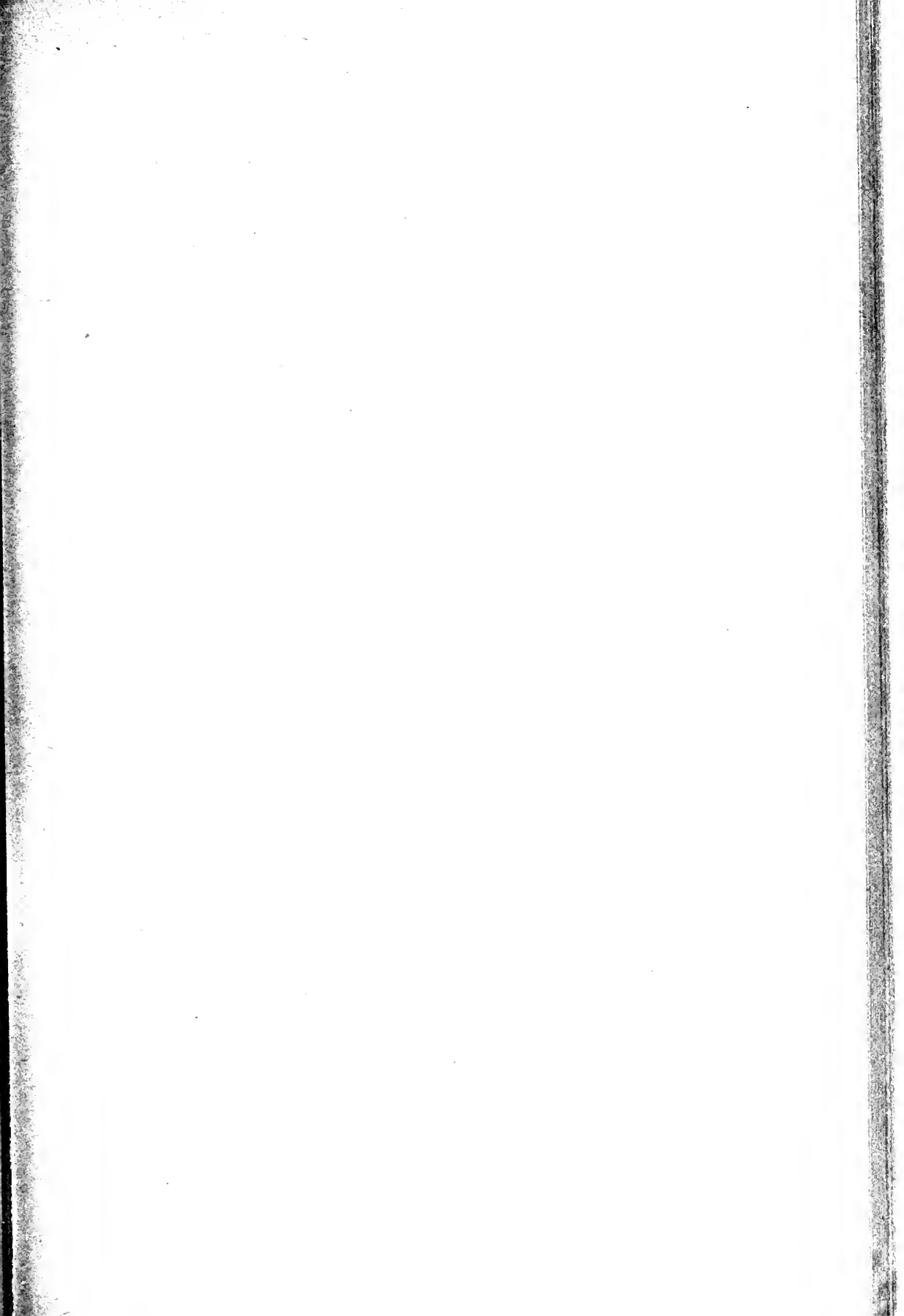
CERTIFICATE OF TRANSFER

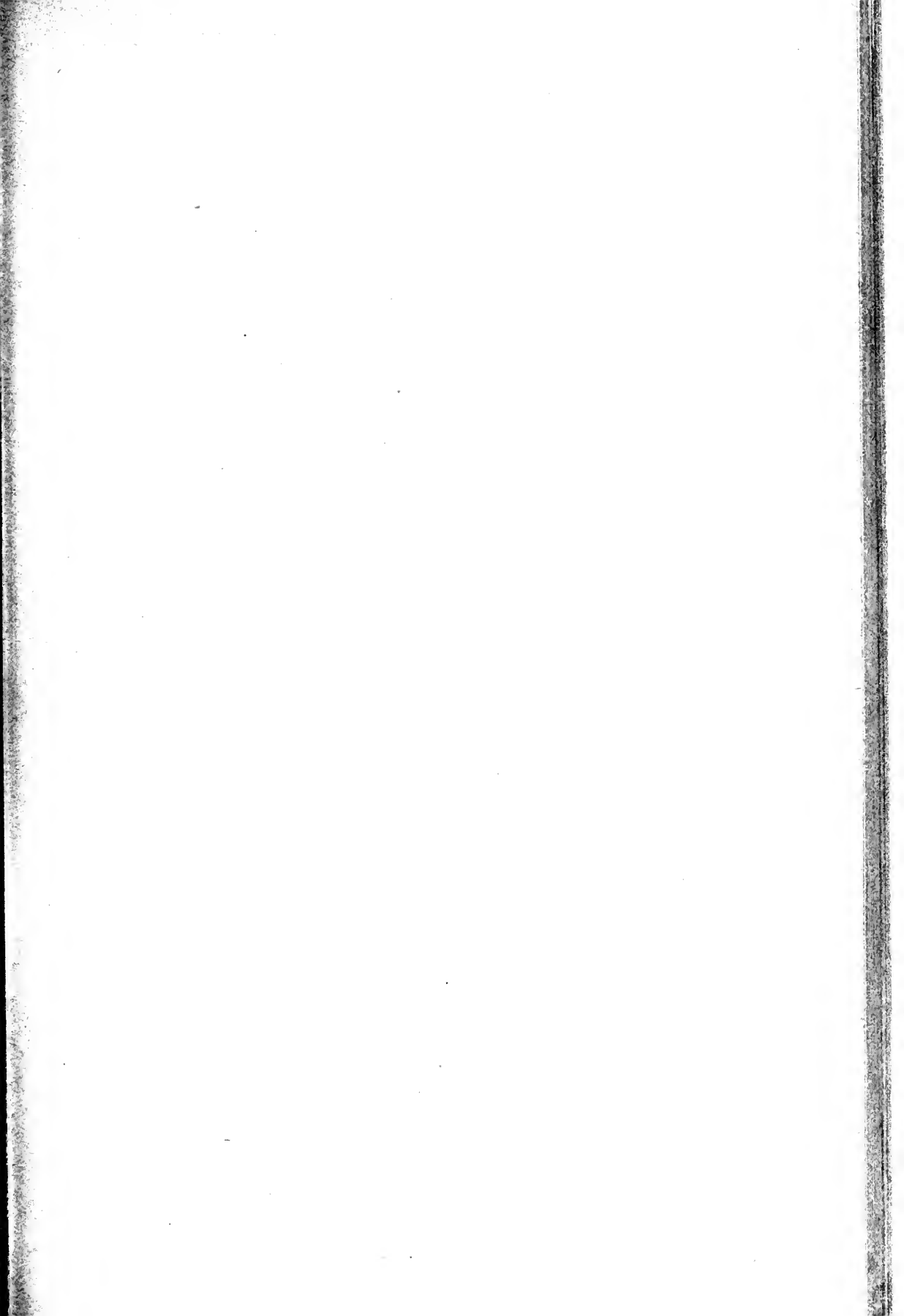
I hereby certify that Threshing Machine Certificate Number.....
is this day transferred from.....
.....of.....to
.....of.....

Dated at Toronto, Ontario, this.....day of.....19...

.....
Minister of Agriculture.

1930, Chapter....., Section.....





BILL.

An Act to provide for giving Threshers a
Lien in certain cases.

1st Reading

March 4th, 1930

2nd Reading

3rd Reading

MR. SMITH (Essex South).

No. 106

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

BILL

An Act to amend The Highway Traffic Act.

MR. HENRY (York East).

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

No. 106.

1930.

BILL

An Act to amend The Highway Traffic Act.

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

Rev. Stat.,
c. 251,
amended.

1. *The Highway Traffic Act* is amended by adding thereto the following section:

Liability
for loss or
damage.

41a. The owner of a motor vehicle shall be liable for all loss or damage sustained by any person by reason of negligence in the operation of such motor vehicle on a highway unless such motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle not being the owner shall be liable to the same extent as such owner.

Rev. Stat.,
c. 251, s. 53,
subs. 1,
amended.

2. Subsection 1 of section 53 of *The Highway Traffic Act*, is amended by adding at the end thereof the following words "or within such further period as may be allowed by a judge of the county or district court in which the damages occurred, or by a judge of the Supreme Court on an *ex parte* application being made to him for such purpose."

Rev. Stat.,
c. 251, s. 53,
subs. 4,
repealed.

3. Subsection 4 of section 53 of *The Highway Traffic Act*, is repealed.

EXPLANATORY NOTE.

Section 1. Last Session section 41 of the Act which had been held by the Supreme Court of Canada to make the owner of a motor vehicle civilly responsible in damages by reason of a violation of the Act was repealed and a section substituted making the owner liable only for the penalties imposed by the Act, the effect being to leave his liability in damages to be governed by the common law.

The Bill proposes to make the owner liable for damages resulting from negligence in operation unless the vehicle was in the possession of some other person without the owner's consent.

Section 2. Under section 53 no action can be brought against a person for the recovery of damages caused by a motor vehicle after the expiration of six months from the time the damages were sustained.

The Bill would give power to a judge to extend this period on application to him.

Section 3. Repeals a subsection providing that the limitation as to bringing an action shall not apply to one brought by a passenger in a motor vehicle against the owner or driver of a vehicle.

BILL.

An Act to amend The Highway Traffic Act.

1st Reading

March 5th, 1930

2nd Reading

3rd Reading

MR. HENRY (York East).

No. 107

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

BILL

An Act to amend The Municipal Act.

MR. HEIGHINGTON.

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

No. 107.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 329,
amended.

1. Section 329 of *The Municipal Act* is amended by adding thereto the following subsection:

Signature to
debentures.

(5) Any debenture heretofore issued or hereafter to be issued shall be sufficiently signed by the head of the council if it bears the signature, as hereinbefore in this section provided, of the person who was the head of the council either at the date of the debenture or at the time when it was issued.

Rev. Stat.,
c. 233, s. 400,
amended.

2. Section 400 of *The Municipal Act* is amended by adding thereto the following paragraph:

Owner to
keep certain
land in
repair.

15. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line which is used by the public as part of the sidewalk or such street, and for providing that in the event of any such owner refusing to keep same in repair the corporation may put same in repair at the expense of the owner, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 512.

EXPLANATORY NOTE.

Section 1. The object of this section is to remove any doubt as to what person as head of the council should execute debentures.

Section 2. The object is to give to the municipality power to require the owner to keep in repair a strip of land lying between the street line and his building so as to save the corporation from liability for damages by reason of its being out of repair.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 5th, 1930

2nd Reading

3rd Reading

MR. HEIGHINGTON.

No. 108

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

BILL

An Act to amend The Planning and Development Act.

MR. MOORE.

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

No. 108.

1930.

BILL

An Act to amend The Planning and Development Act.

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

Short title. **1.** This Act may be cited as *The Planning and Development Act, 1930*.

Rev. Stat.,
c. 236, s. 13,
subs. 2,
amended. **2.** Subsection 2 of section 13 of *The Planning and Development Act* is amended by adding thereto the following words: "and the council may appoint one or more of its members to be members of such commission."

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

EXPLANATORY NOTE.

Under *The Planning and Development Act* the council of a city, town or village may appoint a town planning commission which is to consist of the head of the council and six persons, being ratepayers, appointed by the council.

The object of the Bill is to remove any doubt there may be as to the right to appoint members of the council as members of the commission.

BILL.

An Act to amend The Planning and
Development Act.

1st Reading

March 5th, 1930

2nd Reading

3rd Reading

MR. MOORE.

No. 109.

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

BILL

An Act to amend The Municipal Act.

MR. MACAULAY.

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

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 429,
par. 6, cl. b
(1929, c. 58,
s. 12),
repealed.

1. Clause *b* of paragraph 6 of section 429 of *The Municipal Act* as enacted by 1929, chapter 58, section 12, is repealed and the following substituted therefor:

- (*b*) The by-law shall not apply to the sale of stock of a bankrupt or an insolvent, within the meaning of any Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire so long as no goods, wares or merchandise are added to such stock.

EXPLANATORY NOTE.

This Bill relates to by-laws passed for licensing, regulating and governing transient traders.

The only change made in the law by the Bill is that the by-law is not to apply to the sale of any stock damaged by or by reason of fire.

In other respects the Bill sets out the law as it stands with the proposed amendment.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 6th, 1930

2nd Reading

3rd Reading

MR. MACAULAY.

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

BILL

An Act to amend The Travelling Shows Act.

MR. MONTEITH.

No. 110.

1930.

BILL

An Act to amend The Travelling Shows Act.

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

Short title.

1. This Act may be cited as *The Travelling Shows Act, 1930*.

Rev. Stat.,
c. 256, s. 2,
subs. 1,
amended.

2. Subsection 1 of section 2 of *The Travelling Shows Act* is amended by striking out all the words after the word "Treasurer" in the sixth line and inserting in lieu thereof the words "such sums as may be fixed by the Lieutenant-Governor in Council," so that the subsection will now read as follows:

License fee.

(1) Every applicant for a license shall make and file in the office of the Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in Ontario and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Treasurer such sums as may be fixed by the Lieutenant-Governor in Council.

Commence-
ment of
Act.

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

EXPLANATORY NOTE.

At present the license fees under *The Travelling Shows Act* are fixed by section 2 of that Act at \$150 and \$75 for circuses and carnival companies and \$25 for trained animal shows. The Bill proposes to leave these fees to be fixed by regulation so as to admit of a more equitable classification.

BILL.

An Act to amend The Travelling Shows Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. MONTEITH.

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

BILL

An Act to amend The Travelling Shows Act.

MR. MONTEITH.

No. 110.

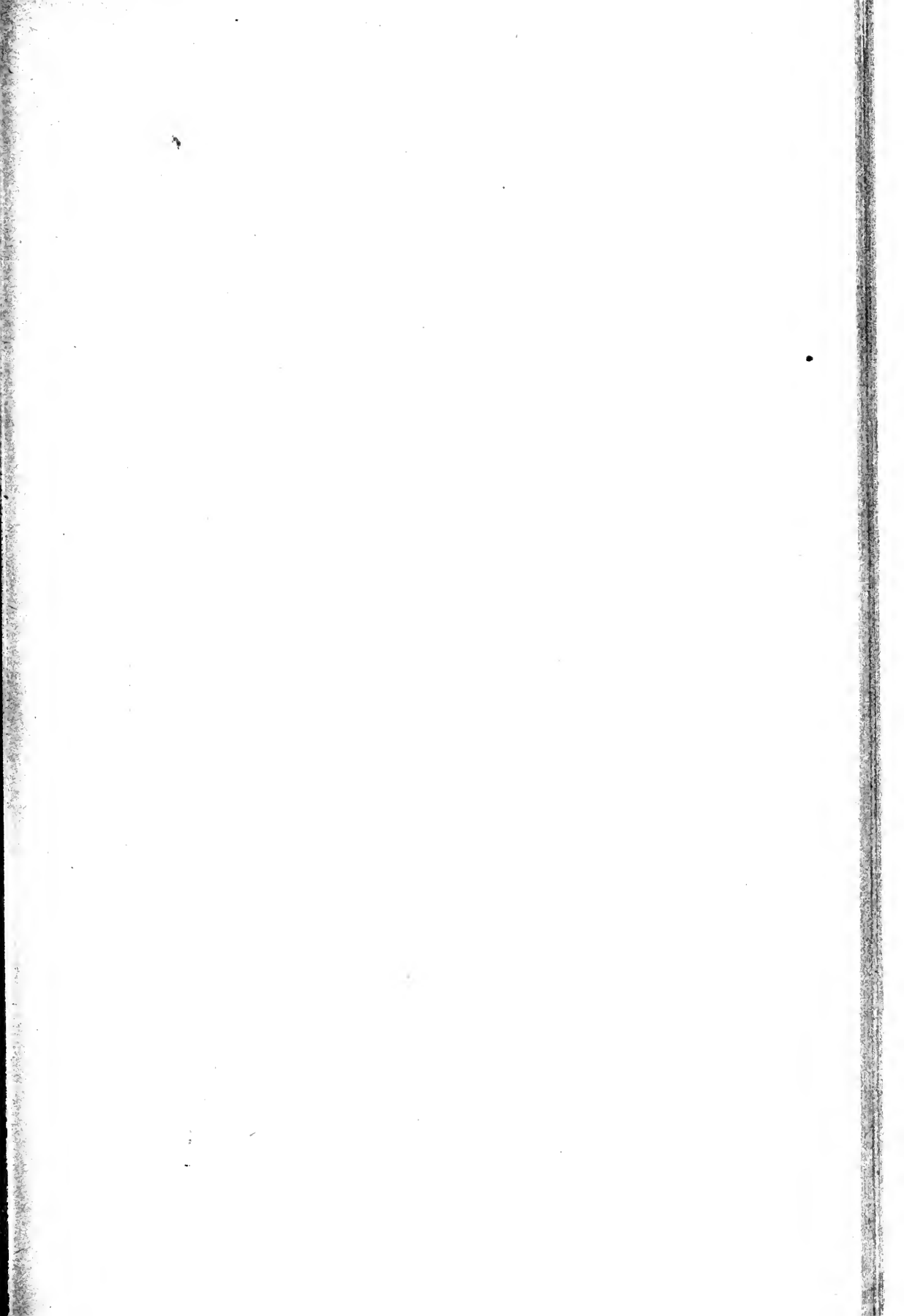
1930.

BILL

An Act to amend The Travelling Shows Act.

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

- Short title. **1.** This Act may be cited as *The Travelling Shows Act, 1930.*
- Rev. Stat.,
c. 256, s. 2,
subs. 1,
amended. **2.** Subsection 1 of section 2 of *The Travelling Shows Act* is amended by striking out all the words after the word "Treasurer" in the sixth line and inserting in lieu thereof the words "such sums as may be fixed by the Lieutenant-Governor in Council," so that the subsection will now read as follows:
- License fee. (1) Every applicant for a license shall make and file in the office of the Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in Ontario and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Treasurer such sum as may be fixed by the Lieutenant-Governor in Council.
- Commence-
ment of
Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL.

An Act to amend The Travelling Shows Act.

1st Reading

March 7th, 1930

2nd Reading

March 11th, 1930

3rd Reading

March 25th, 1930

MR. MONTFETH.

No. 111

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

BILL

An Act to amend The Theatres and Cinematographs Act.

MR. MONTEITH.

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

BILL

An Act to amend The Theatres and Cinematographs Act.

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

Short title. **1.** This Act may be cited as *The Theatres and Cinematographs Act, 1930.*

Rev. Stat.,
c. 285, s. 1,
amended. **2.** Section 1 of *The Theatres and Cinematographs Act* is amended by inserting after the word "theatres" in the sixth line the words "public halls and buildings occupied by film exchanges," so that the section will now read as follows:

Regu-
tions by
Lieutenant-
Governor in
Council as
to theatres.

1. Notwithstanding anything to the contrary in any other Act the Lieutenant-Governor in Council may make regulations similar or different in different localities, or with reference to different classes of buildings, or having application to different classes of performances or to different conditions governing the erection, operation and safety of theatres, public halls and buildings occupied by film exchanges, including inspection and supervision, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section.

Rev. Stat.,
c. 285, s. 2,
amended. **3.** Section 2 of *The Theatres and Cinematographs Act* is amended by inserting after the word "examining" in the eleventh line the words "re-examining and grading," so that the section will now read as follows:

Licensing
and regulat-
ing theatres,
picture
shows, etc.

2. The Lieutenant-Governor in Council may impose a license upon and make regulations for licensing and defining theatres and public halls and the using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing terms and conditions under which such machines shall be operated, for licensing, operating and defining film exchanges, for prohibiting or regulating

EXPLANATORY NOTES.

Section 2. The effect of this section is to bring public halls and film exchanges directly under the licensing and regulating powers which are given to the Lieutenant-Governor in Council in the case of cinematograph exhibitions. The section is intended to enable regulations to be made which will control the use of buildings as public halls or by film exchanges.

Section 3. Operators and apprentices are now subject to examination before receiving licenses. This section extends the provisions of section 2 to include re-examining and grading.

films or slides to be exchanged or exhibited, for prescribing the terms and conditions under which such films may be sold, leased or exchanged, providing for payment of license fee or fees on each film displayed in Ontario, for regulating and examining, re-examining and grading operators and apprentices, for prohibiting or regulating the printing, exhibition or display of pictures or advertising matter, and fixing fees to be paid for censoring films, pictures or advertising matter.

Rev. Stat.,
c. 285, s. 9,
amended,

4. Section 9 of *The Theatres and Cinematographs Act* is amended by striking out the word "fifteen" in the first line and inserting in lieu thereof, the word "sixteen," so that the section will now read as follows.

Children
under 16
years of age
attending
shows.

9. A child under the age of sixteen years unaccompanied by an adult shall not be permitted to attend any exhibition by cinematograph, moving picture machine or other similar apparatus for admjssion to which a fee is charged, except on Saturday of each week and on public and legal holidays between the hours of 9 a.m. and 6 p.m., during which hours a matron, to be remunerated by the exhibitor, shall be engaged in each theatre whose duty it shall be to supervise the conduct of such children and of adults toward them while in such theatre, the appointment of such matron to be sanctioned in such manner as the Treasurer of Ontario may direct; and the Treasurer of Ontario may at any theatre in his discretion dispense with the attendance of a matron.

Rev. Stat.,
c. 285,
amended.

5. *The Theatres and Cinematographs Act* is amended by adding thereto the following sections:

Discretion as
to granting,
refusing or
revoking
licenses.

20. The Inspector of Theatres may in his discretion refuse to grant or revoke for cause, or suspend any license issued under this Act but any such decision of the Inspector shall be subject to appeal to the Treasurer of Ontario.

Fire
prevention.

21. After the 31st day of May, 1931, a license to operate a theatre shall be granted only when the building in which such theatre is located is of fire resistive construction.

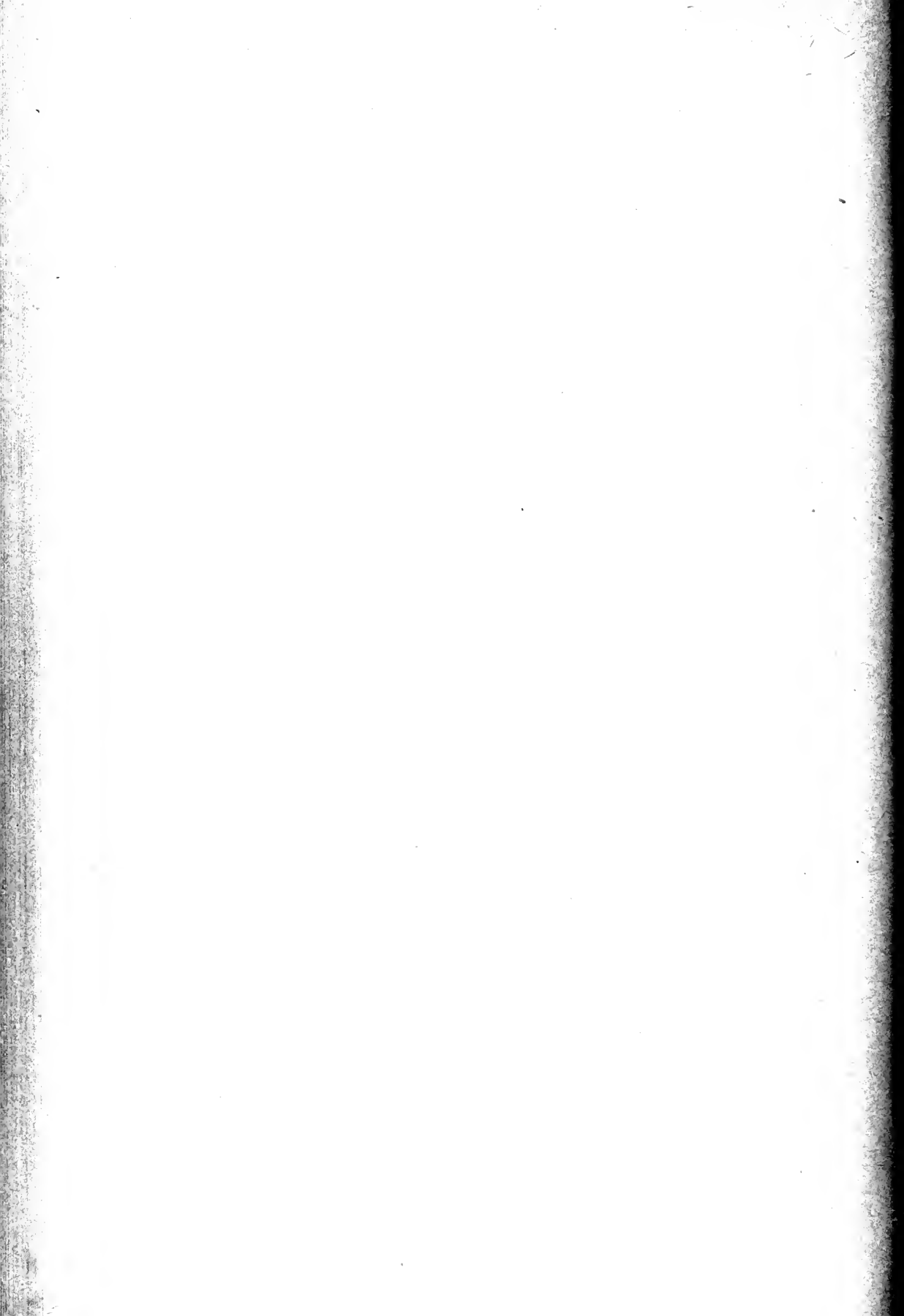
Commence-
ment of
Act.

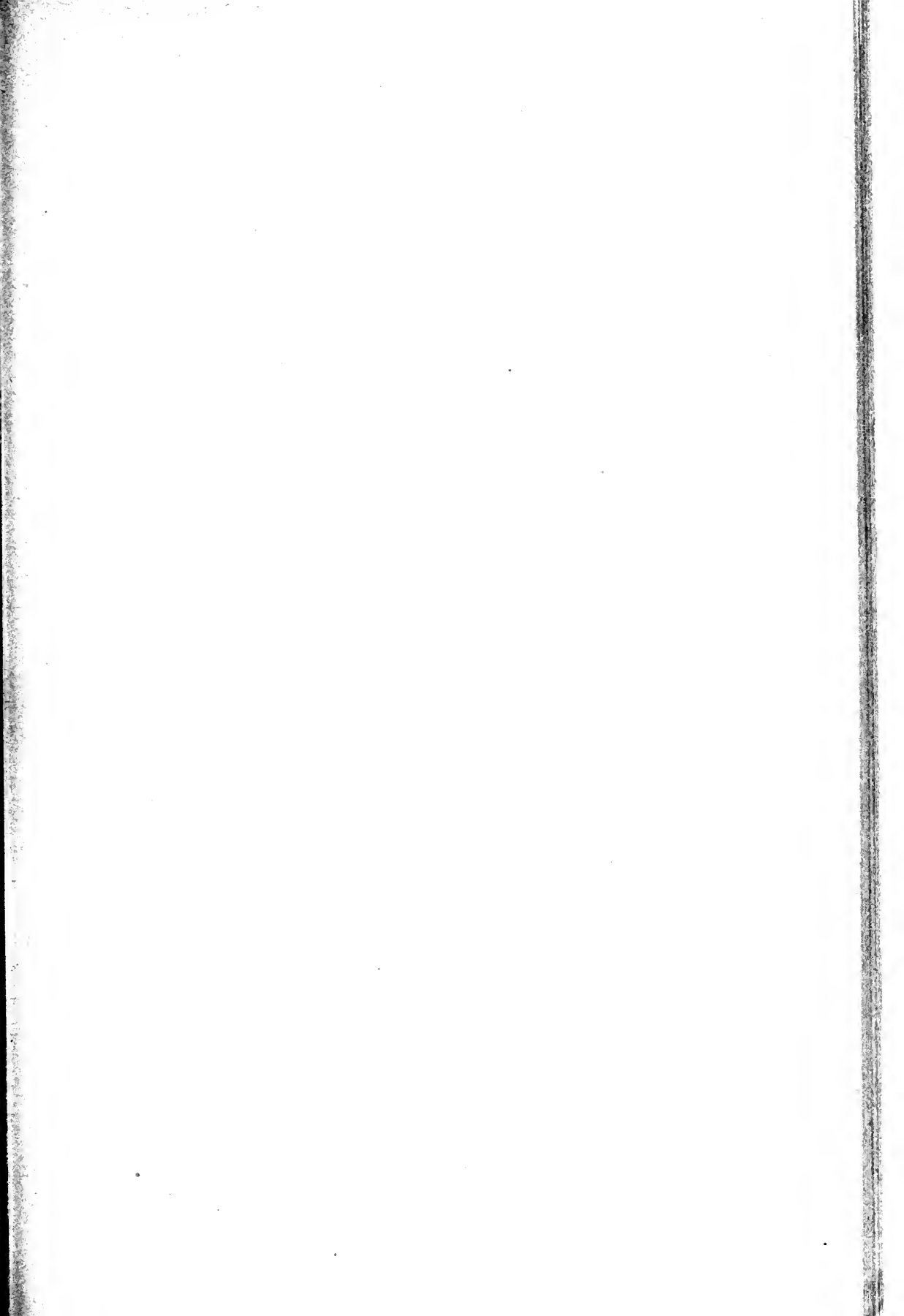
6. This Act shall come into force on the 1st day of June, 1930.

Section 4. This raises the age at which a child may be present in a theatre without being accompanied by an adult from fifteen to sixteen years which agrees with the Dominion law with respect to contributing to juvenile delinquency.

Section 5. The new section 20 is intended to make it clear that the Inspector may refuse or revoke or suspend any license in his discretion, subject to an appeal to the Minister.

Section 21 provides that a license shall not be granted hereafter to a theatre unless the building in which it is located is of fire resistive construction.





BILL.

An Act to amend The Theatres and
Cinematographs Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. MONTEITH.

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

BILL

An Act to amend The Theatres and Cinematographs Act.

MR. MONTEITH.

No. 111.

1930.

BILL

An Act to amend The Theatres and Cinematographs Act.

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

Short title.

1. This Act may be cited as *The Theatres and Cinematographs Act, 1930*.

Rev. Stat.,
c. 285, s. 1,
amended.

2. Section 1 of *The Theatres and Cinematographs Act* is amended by inserting after the word "theatres" in the sixth line the words "public halls and buildings occupied by film exchanges," so that the section will now read as follows:

Regu-
tions by
Lieutenant-
Governor in
Council as
to theatres.

1. Notwithstanding anything to the contrary in any other Act the Lieutenant-Governor in Council may make regulations similar or different in different localities, or with reference to different classes of buildings, or having application to different classes of performances or to different conditions governing the erection, operation and safety of theatres, public halls and buildings occupied by film exchanges, including inspection and supervision, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section.

Rev. Stat.,
c. 285, s. 2,
amended.

3. Section 2 of *The Theatres and Cinematographs Act* is amended by inserting after the word "examining" in the eleventh line the words "re-examining and grading," so that the section will now read as follows:

Licensing
and regulat-
ing theatres,
picture
shows, etc.

2. The Lieutenant-Governor in Council may impose a license upon and make regulations for licensing and defining theatres and public halls and the using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing terms and conditions under which such machines shall be operated, for licensing, operating and defining film exchanges, for prohibiting or regulating

films or slides to be exchanged or exhibited, for prescribing the terms and conditions under which such films may be sold, leased or exchanged, providing for payment of license fee or fees on each film displayed in Ontario, for regulating, and examining, re-examining and grading operators and apprentices, for prohibiting or regulating the printing, exhibition or display of pictures or advertising matter, and fixing fees to be paid for censoring films, pictures or advertising matter.

4. Section 9 of *The Theatres and Cinematographs Act* is amended by striking out the word "fifteen" in the first line and inserting in lieu thereof, the word "sixteen," and after the word "on" in the fifth line insert the word "school," so that the section will now read as follows:—

9. A child under the age of sixteen years unaccompanied by an adult shall not be permitted to attend any exhibition by cinematograph, moving picture machine or other similar apparatus for admission to which a fee is charged, except on Saturday of each week and on school, public and legal holidays between the hours of 9 a.m. and 6 p.m., during which hours a matron, to be remunerated by the exhibitor, shall be engaged in each theatre whose duty it shall be to supervise the conduct of such children and of adults toward them while in such theatre, the appointment of such matron to be sanctioned in such manner as the Treasurer of Ontario may direct; and the Treasurer of Ontario may at any theatre in his discretion dispense with the attendance of a matron.

5. *The Theatres and Cinematographs Act* is amended by adding thereto the following sections:

20. The Inspector of Theatres may in his discretion refuse to grant or may revoke for cause, or suspend any license issued under this Act but any such decision of the Inspector shall be subject to appeal to the Treasurer of Ontario.
21. An operator or apprentice may appeal from any decision of the Inspector to an Appeal Board appointed by the Treasurer of Ontario.
- 22.—(1) After the 31st day of May, 1931, a license to operate a theatre shall be granted only when the building in which such theatre is located is of fire resistive construction. Provided that the Treasurer

may in his discretion extend the time for altering or otherwise rendering any such building fire-resistive, for a period not exceeding one year from such date.

Apportionment of cost of alterations between landlord and tenant.

- (2) Where at the time this Act comes into force a theatre is held by any person other than the owner of the building in which it is located under a lease, sub-lease, or license, which does not provide for the making from time to time of such alterations or improvements in the building as may be necessary to obtain or keep in force a license to use the theatre, it shall (except as hereinafter provided) be the duty of the owner of the building to make such alterations or improvements as shall be necessary, and the cost of making such alterations or improvements shall be apportioned between the owner, the lessee, the sub-lessee, and the licensee, in proportion to the value of their respective interests in the said building as at the 31st of May, 1931, or such later date as may have been fixed by the Treasurer of Ontario.

Arbitration.

- (3) In the event of the parties being unable to agree on such apportionment or the cost of such alterations or improvements, any party may have the matter submitted to arbitration under the provisions of *The Arbitration Act*.

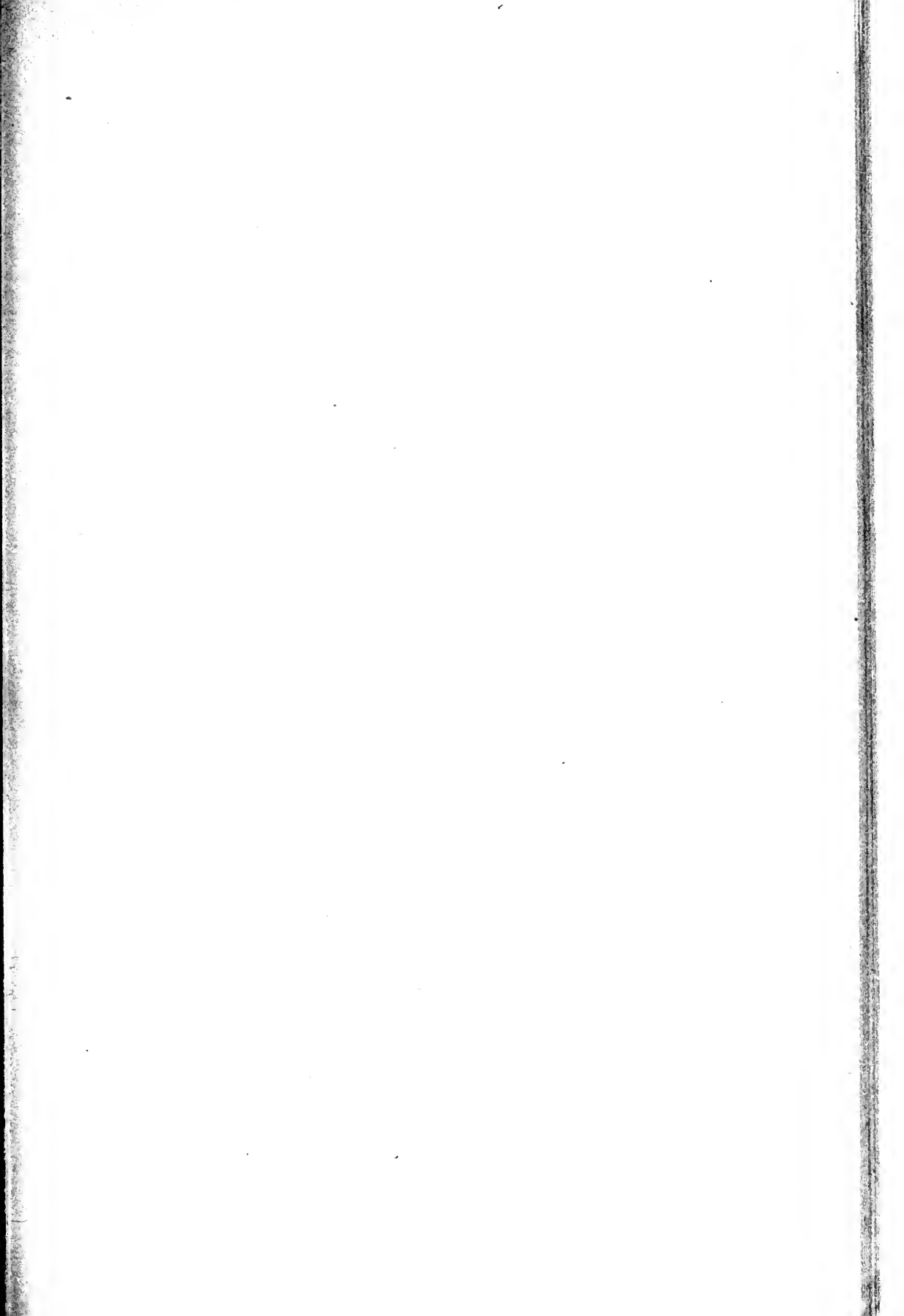
Rev. Stat., c. 97.

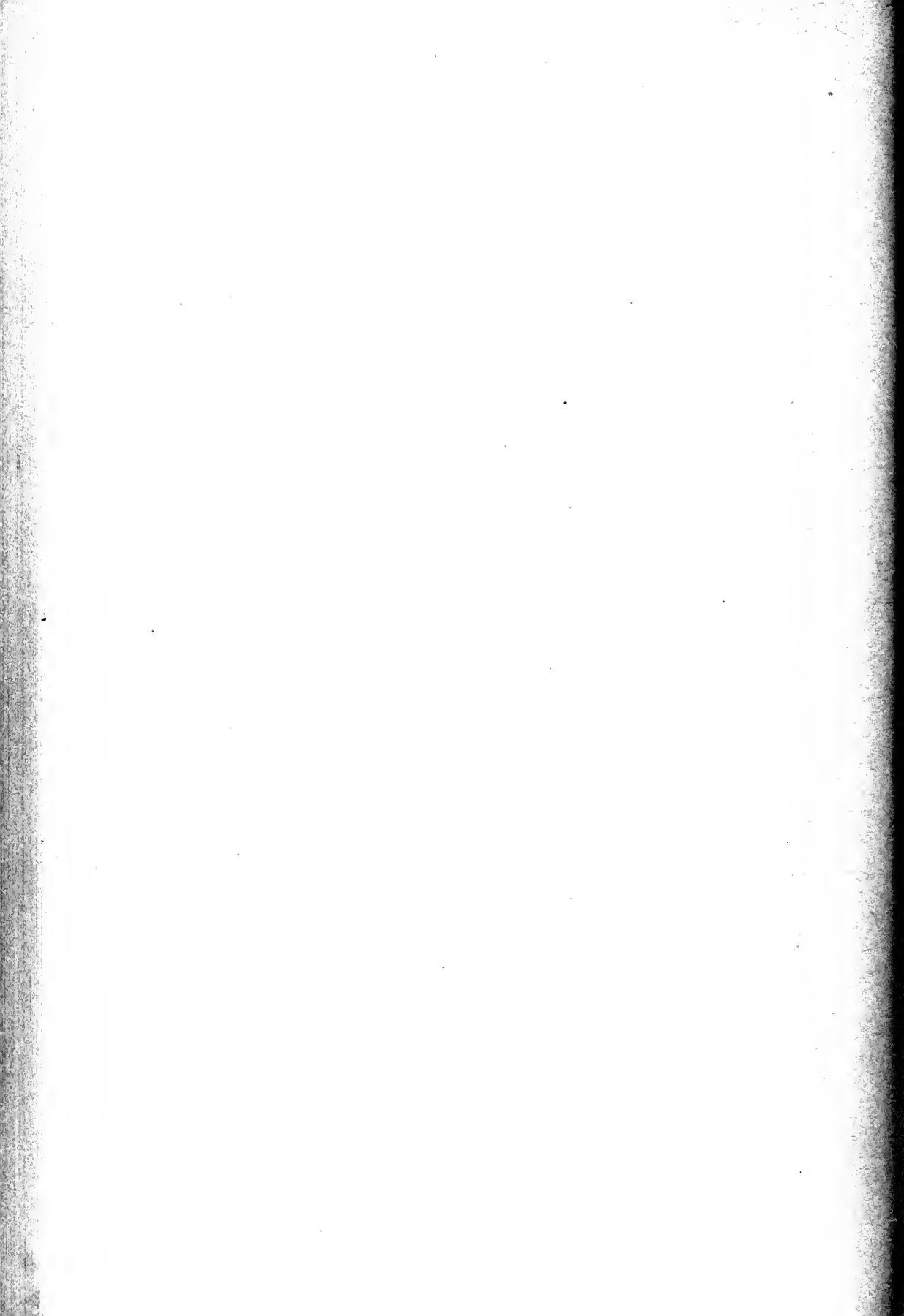
Right of tenant to terminate lease.

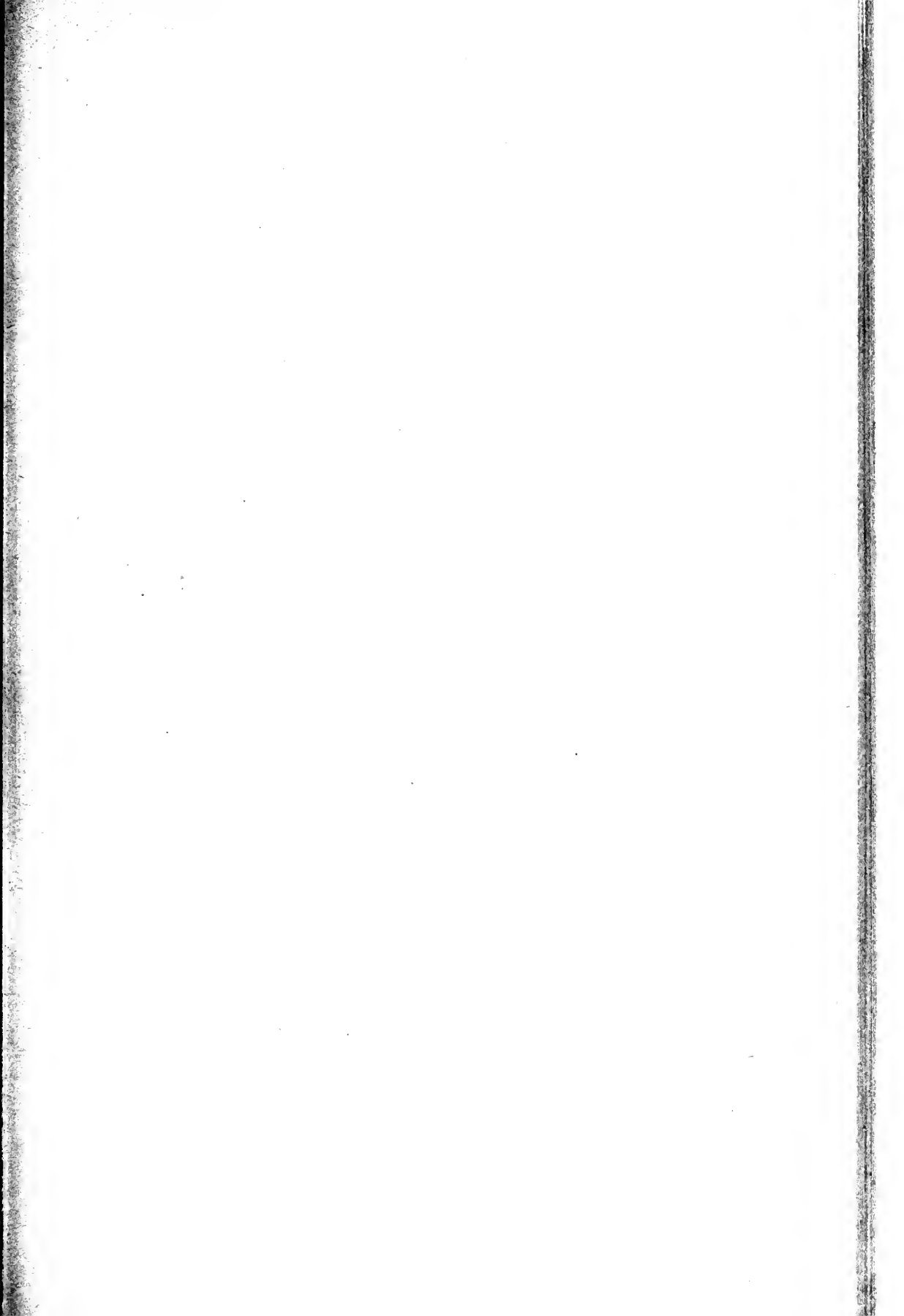
- (4) In the event of the owner not wishing to make such alterations or improvements, or failing to make such alterations or improvements by the 31st of May, 1931, any lessee, sub-lessee, or licensee, may at his option terminate the lease, sub-lease, or license, held by him, upon giving 30 days notice in writing of his intention to do so to the person under whom he holds, and such lease, sub-lease, or license, shall come to an end at the expiration of such period of 30 days.

Commencement of Act.

- 6.** This Act shall come into force on the 1st day of June, 1930.







BILL.

An Act to amend The Theatres and
Cinematographs Act.

1st Reading

March 7th, 1930

2nd Reading

March 11th, 1930

3rd Reading

March 28th, 1930

MR. MONTETH.

No. 112

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

BILL

An Act to amend The Corporations Tax Act.

MR. MONTEITH.

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

No. 112.

1930.

BILL

An Act to amend The Corporations Tax Act.

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

Short title. **1.** This Act may be cited as *The Corporations Tax Act, 1930*.

Rev. Stat.,
c. 29, s. 1,
amended. **2.** Section 1 of *The Corporations Tax Act* is amended by adding thereto the following clause:

"Finance
company."

(l) "Finance Company" shall mean and include a corporation carrying on business in Ontario, whose main or chief business is buying or selling and dealing in mortgages, personal property securities, conditional sale agreements, lien notes, bills or any other similar obligations or property.

Rev. Stat.,
c. 29, s. 3,
amended. **3.** Section 3 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Tax
on finance
company.

(22) Every finance company shall pay,—

(a) a tax of one-tenth of one per centum of the paid-up capital thereof;

(b) an additional tax of \$500 for the principal office in Ontario.

Rev. Stat.,
c. 29, s. 12,
amended.

4. Section 12 of *The Corporations Tax Act* is amended by inserting after the word "Ontario" in the sixth line the words "except where the shares or certificates are issued without designated monetary value in which case the tax shall be three cents for every one hundred dollars or fraction thereof of the market value of such shares," so that the section will now read as follows:

Stamp tax
on transfer of
securities of
corporation.

12. There shall be levied a tax of three cents, payable by the transferor in money or stamps, for every \$100 or

EXPLANATORY NOTES.

Section 2 defines a Finance Company and section 3 imposes a tax on such companies. The companies which it is sought to assess by this amendment are companies dealing in second mortgages, automobile notes, piano notes and similar lien notes and obligations.

Section 4 amends the provisions with respect to Stock Transfer Tax, to make it clear that a Transfer Tax is payable on shares of no par value.

fraction thereof of the par value upon every change of ownership consequent upon the sale, transfer or assignment of shares, or debenture stock issued by any corporation or company made or carried into effect in Ontario, except where the shares or certificates are issued without designated monetary value in which case the tax shall be three cents for every one hundred dollars or fraction thereof of the market value of such shares; but the first delivery by the corporation or company of such shares, or debenture stock, in order to effect an issue, shall not be subject to the tax imposed by this section.

Rev. Stat.,
c. 29, s. 16,
amended.

5. Section 16 of *The Corporations Tax Act* is amended by striking out the word "three" in the first line and inserting in lieu thereof the word "four."

Rev. Stat.,
c. 29, s. 24,
subs. 5,
amended.

6. Subsection 5 of section 24 of *The Corporations Tax Act* is amended by striking out all the words after the word "corporation" in the third line, so that the subsection will now read as follows:

Payment
of balance.

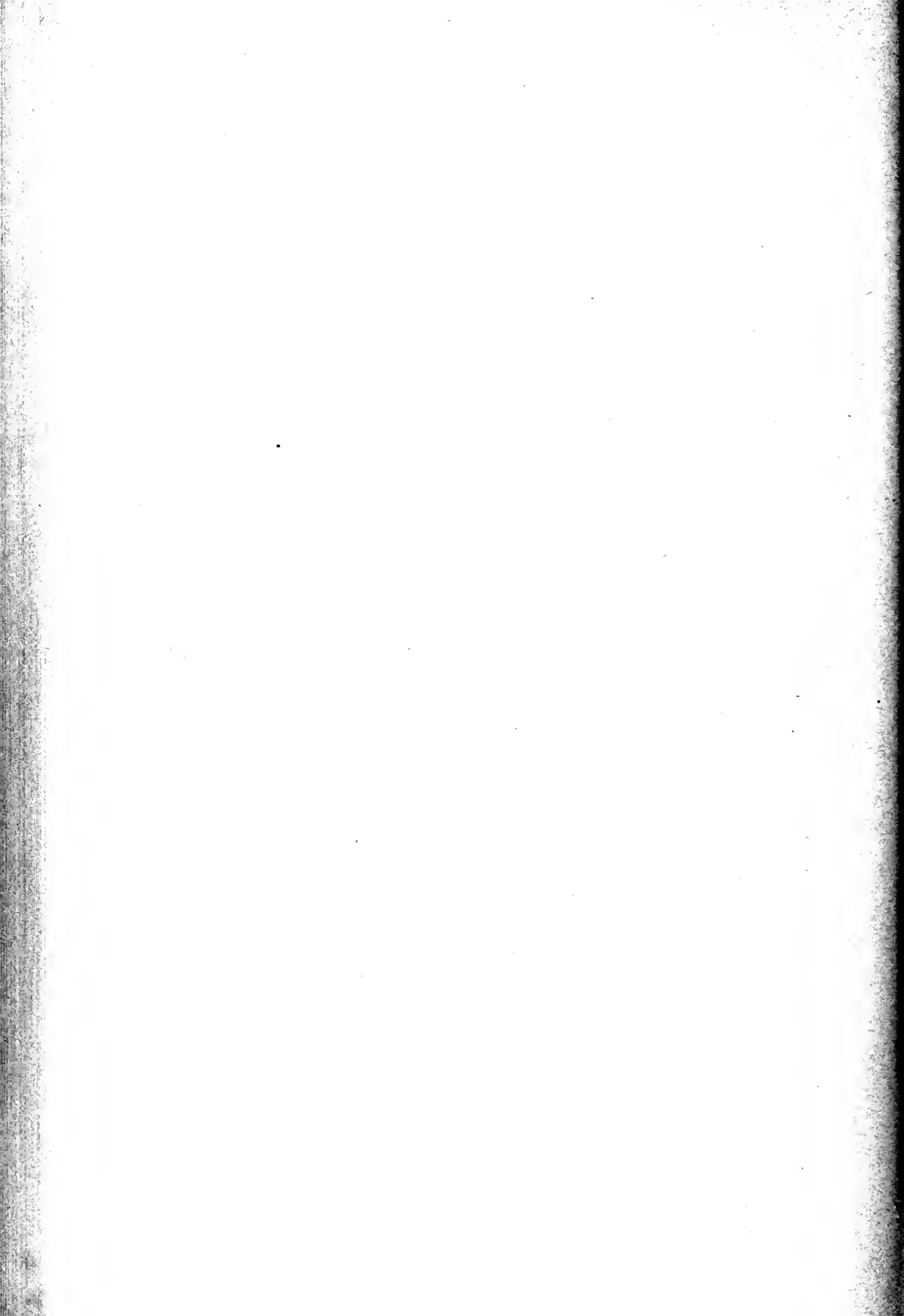
(5) The balance remaining at the credit of each municipal corporation after deducting such charge shall be forthwith paid by the Treasurer to the corporation.

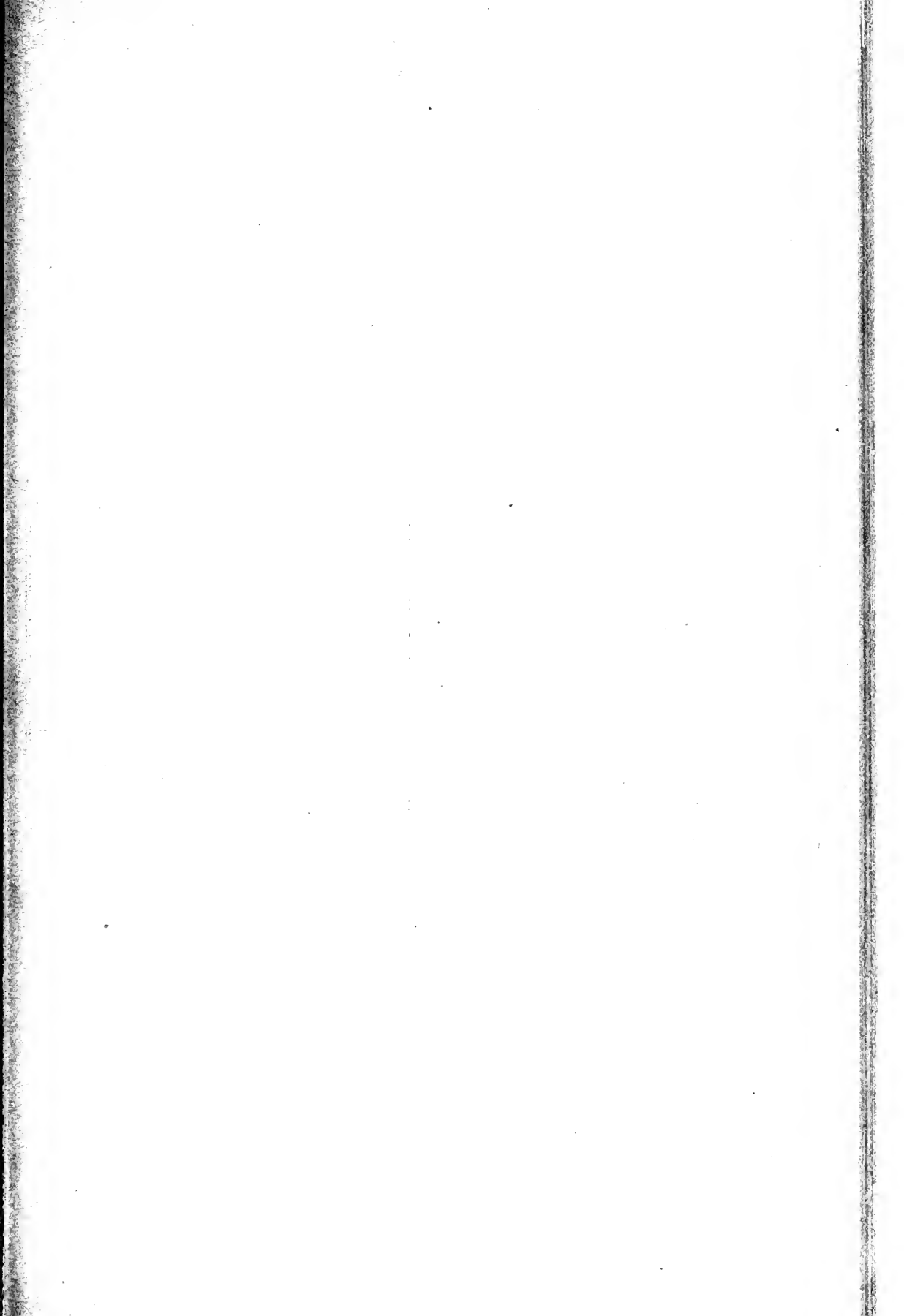
Commence-
ment of
Act.

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

Section 5 corrects an error made in the revision of the Statutes.

Section 6 corrects what appears to be inequitable in the present Act. Over and above the allowance made to the municipalities by this section, there is an excess of maintenance charges for indigent patients in certain municipalities in the neighborhood of \$35,000 payable principally by the larger municipalities and it does not appear equitable that the larger municipalities should escape their just share of charge for maintenance of indigent patients in Ontario hospitals. This amendment should be supplemented by an amendment to *The Hospitals for the Insane Act* fixing the rate payable by municipalities at ten cents per day for indigent patients.





BILL.

An Act to amend The Corporations
Tax Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. MONTPEITH.

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

BILL

An Act to amend The Corporations Tax Act.

MR. MONTEITH.

No. 112.

1930.

BILL

An Act to amend The Corporations Tax Act.

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

- Short title. **1.** This Act may be cited as *The Corporations Tax Act, 1930.*
- Rev. Stat.,
c. 29, s. 1,
amended, **2.** Section 1 of *The Corporations Tax Act* is amended by adding thereto the following clause:
- “Finance
company.” (1) “Finance Company” shall mean and include a corporation carrying on business in Ontario, whose main or chief business is buying or selling and dealing in mortgages, conditional sale agreements, lien notes, bills or any other similar obligations or property.
- Rev. Stat.,
c. 29, s. 3,
amended, **3.** Section 3 of *The Corporations Tax Act* is amended by adding thereto the following subsection:
- Tax
on finance
company. (22) Every finance company shall pay,—
- (a) a tax of one-tenth of one per centum of the paid-up capital thereof;
- (b) an additional tax of \$500 for the principal office in Ontario.
- Rev. Stat.,
c. 29, s. 12,
amended. **4.** Section 12 of *The Corporations Tax Act* is amended by inserting after the word “Ontario” in the sixth line the words “except where the shares or certificates are issued without designated monetary value in which case the tax shall be three cents for every one hundred dollars or fraction thereof of the market value of such shares,” so that the section will now read as follows:
- Stamp tax
on transfer of
securities of
corporation. **12.** There shall be levied a tax of three cents, payable by the transferor in money or stamps, for every \$100 or

fraction thereof of the par value upon every change of ownership consequent upon the sale, transfer or assignment of shares, or debenture stock issued by any corporation or company made or carried into effect in Ontario, except where the shares or certificates are issued without designated monetary value in which case the tax shall be three cents for every one hundred dollars or fraction thereof of the market value of such shares; but the first delivery by the corporation or company of such shares, or debenture stock, in order to effect an issue, shall not be subject to the tax imposed by this section.

5. Section 16 of *The Corporations Tax Act* is amended by ^{Rev. Stat., c. 29, s. 16,} striking out the word "three" in the first line and inserting in ^{amended.} lieu thereof the word "four."

6. Subsection 5 of section 24 of *The Corporations Tax Act* ^{Rev. Stat., c. 29, s. 24,} is amended by striking out all the words after the word ^{subs. 5,} "corporation" in the third line, so that the subsection will ^{amended,} now read as follows:

(5) The balance remaining at the credit of each municipal ^{Payment} corporation after deducting such charge shall be ^{of balance.} forthwith paid by the Treasurer to the corporation.

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

BILL.

An Act to amend The Corporations
Tax Act.

1st Reading

March 7th, 1930

2nd Reading

March 14th, 1930

3rd Reading

March 25th, 1930

MR. MONTPEITH.

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

BILL

An Act to amend The Municipal Act.

MR. RAVEN.

No. 113.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.
c. 233, s. 53,
subs. 1, cl. o
amended.

1. Clause (o) of subsection 1 of section 53 of *The Municipal Act* is amended by adding at the end thereof the following words: "Contract in this clause includes in cities, towns and villages a contract with public and high school boards and boards of education."

EXPLANATORY NOTE.

The object of this Bill is to make it clear that a person who has a contract with a public or high school board, or a board of education, is disqualified from being elected as a member of the council.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. RAVEN.

No. 114.

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

BILL

An Act to amend The Assessment Act.

MR. MACAULAY.

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

No. 114.

1930.

BILL

An Act to amend The Assessment Act.

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

Rev. Stat.,
c. 238, ss. 2
and 3,
amended.

1.—(1) Sections 2 and 3 of *The Assessment Act* are amended by adding at the beginning thereof the words "Subject to the provisions of any by-law passed under the authority of section 41a exempting income from assessment and taxation."

Rev. Stat.,
c. 233,
amended.

(2) *The Assessment Act* is amended by adding thereto the following section:

Power to
pass by-law
exempting
income from
taxation.

41a.—(1) The council of any municipality by a two-thirds vote of all the members may before the first day of November in any year pass a by-law exempting from assessment and taxation for all municipal purposes, including school purposes, all income which would otherwise be liable to assessment and taxation under the provisions of this Act.

Force
of by-law.

(2) The by-law shall come into force on the first day of January following its passing and shall remain in force from year to year until it is repealed.

Repeal.

(3) The by-law may be repealed in any year prior to the first day of November by a two-thirds vote of all the members of the council and the repealing by-law shall come into force on the first day of January following its passing.

Case
of municipa-
lities as-
sessing and
taxing in
different
years.

(4) In municipalities which make the assessment in one year for the next succeeding year as provided by sections 59 and 60 the by-law, including the repealing by-law, shall for the first year following its passing apply only to the assessment made in that year and not to taxes levied in that year.

EXPLANATORY NOTE.

Section 1. Makes a necessary amendment, if the Bill passes, to sections 2 and 3 of *The Assessment Act* providing that all rates are to be levied upon the whole assessment for real property, income and business.

The other provisions of the Bill explain themselves and give power to pass a by-law exempting income from assessment and taxation.

BILL.

An Act to amend The Assessment Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. MACAULAY.

No. 115

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

BILL

An Act to amend The Optometry Act.

MR. PRICE.

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

No. 115.

1930.

BILL

An Act to amend The Optometry Act.

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

- Short title. **1.** This Act may be cited as *The Optometry Act, 1930*.
- Rev. Stat.,
c. 215,
amended. **2.** Section 1 of *The Optometry Act* is amended by adding thereto the following clauses:
- Inter-
pretation
"Ophthalmic
lens," (c) "Ophthalmic lens" shall mean any form of lens or prism or the combination of the same, devised for the relief or correction of any visual or muscular error or defect of the eye.
- "Opto-
metry," (d) "Optometry" shall mean the measurement of or the attempt to measure by any means the refractive or muscular condition of the eye, the prescribing of any ophthalmic lens or lenses or the prescribing of any spectacles or eye-glasses to any person for the relief or correction of any visual or muscular error or defect of the eye.
- "Opto-
metrist," (e) "Optometrist" shall mean any person who practises optometry as herein defined.
- "Optician," (f) "Optician" shall mean any person who dispenses any ophthalmic lens or lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or repairs the same, or fills any optometrist's or oculist's prescription for any such lenses, spectacles or eye-glasses.
- "Prescribe." (g) Without in any way limiting the generality of the term "prescribe" it shall in this Act also be deemed to include the self-measurement by any person of the refractive or muscular condition of the eye if such measurement shall be made by means of an instru-

EXPLANATORY NOTE

This bill follows the Bill introduced in 1929 with some few exceptions.

Section 2. Interpretation Section is amended by inserting some definitions which experience has shown to be necessary in administering the Act.

ment supplied or loaned for the purpose, and the person who supplies the instrument or loans the same, and his agent, shall be deemed to "prescribe" within the meaning of this Act.

Rev. Stat.,
c. 215, s. 8,
sub. 1,
amended.

3.—(1) Subsection 1 of section 8 of *The Optometry Act* is amended by striking out the word "found" in the third line thereof.

Rev. Stat.
c. 215, s. 8,
amended.

(2) The said section 8 is further amended by adding thereto the following subsections:

Powers
of Board on
inquiry.

(3) For the purposes of any inquiry under this section the Board shall have and may exercise all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act* including the power to summon witnesses and compel their attendance, to take affidavits under oath and call for the production of books, documents, papers and things.

Rev. Stat.,
c. 20.

(4) An appeal shall lie, by way of originating notice, from any order or decision of the Board under this Act to a judge of the Supreme Court who may receive such evidence, give such directions for the conduct of the proceedings and make such order or decision thereon as he may deem just, and his decision shall be final and shall not be subject to an appeal.

Appeal
to Supreme
Court judge.

Rev. Stat.,
c. 215, s. 9,
repealed.

4. Section 9 of *The Optometry Act* is repealed and the following substituted therefor:

Offences.

9.—(1) Every person,—

(a) Not being the holder of a certificate under this Act who practises optometry or as an optician, or appends to his name the term "optometrist" or "optician" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying, or calculated to lead any person to believe, that he is or is recognized by law as an optometrist or optician as the case may be, or that he is registered or possesses a certificate as an optometrist or optician under this Act, or

(b) Whether he is the holder of a certificate under this Act or not, who has been prohibited by the Board from the practising as an optometrist or optician and disobeys such prohibition, or

Section 3 gives the Board some powers which are necessary to hold investigations into the conduct of licensees and which resemble to some extent provision of other Acts, in which disciplinary powers are given to the Board.

- (c) Whether he is the holder of a certificate under this Act or not, who practises or carries on business as an optometrist or optician in any other manner than from a permanent place of business without having first obtained the permission of and a license from the Board to be issued upon such terms and conditions as the regulations may from time to time prescribe, and notwithstanding that he is the holder of a municipal license as a peddler or transient trader, or
- (d) Whether he is the holder of a certificate under this Act or not, who, except in cases of replacement or duplication, sells or offers to sell by mail, or sells or offers to sell through an agent or travelling salesman, or prescribes by mail or through an agent or travelling salesman, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or
- (e) Whether he is the holder of a certificate under this Act or not, who causes to be printed or published or distributed any false or misleading advertisement with respect to the sale of any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye

Penalties.

shall be guilty of an offence and shall incur a penalty of not more than \$100 or less than \$10 for the first offence, and not more than \$500 or less than \$25 for the second offence.

Application of Rev. Stat., c. 121.

- (2) *The Summary Convictions Act* shall apply to offences under this Act.

Rev. Stat., c. 215, s. 10, repealed.

5. Section 10 of *The Optometry Act* is repealed and the following substituted therefor:

Exemption from operation of Act.

- 10.—(a) Nothing in this Act shall be deemed to apply to a duly qualified medical practitioner registered under the laws of the Province of Ontario, or to any person, firm or corporation carrying on business in the Province of Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travel-

Section 4. Clause (d) is new and is aimed at what are known as Mail Order Houses.

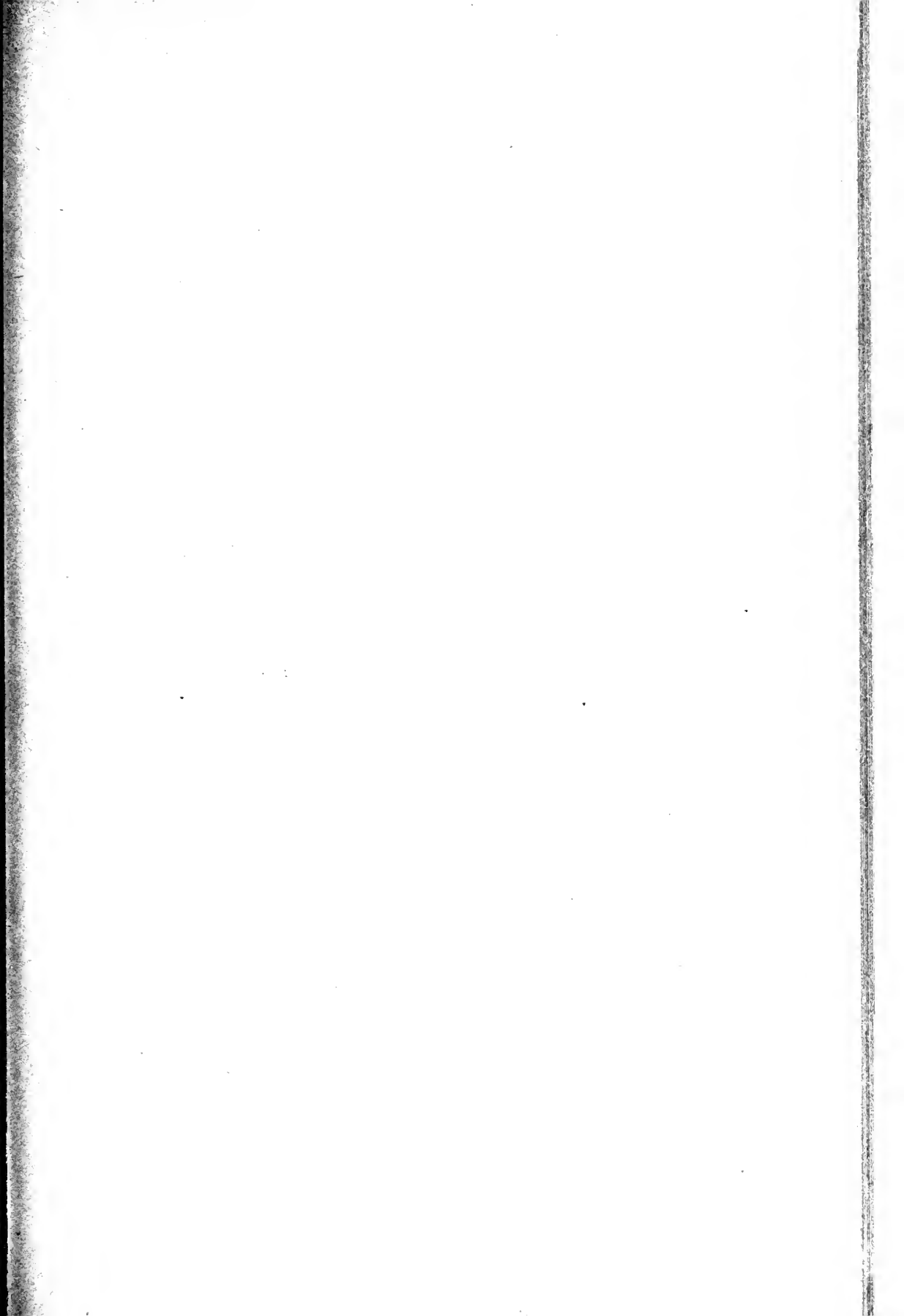
Section 5 exempts wholesale manufacturers as well as qualified medical practitioners from the operation of the Act and adds a provision protecting the unrestricted sale of coloured glasses and glasses used for protection purposes in any industry.

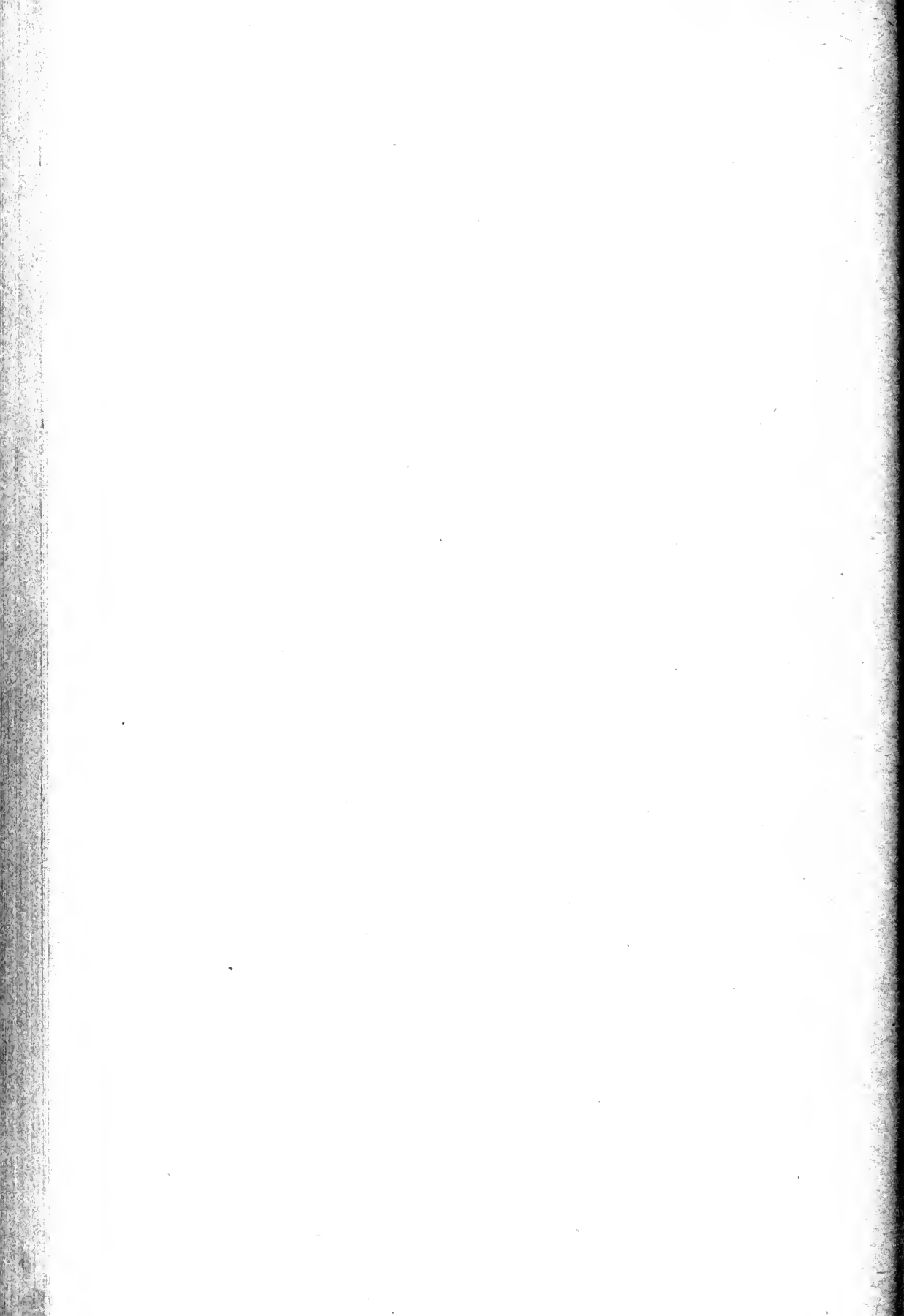
ling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

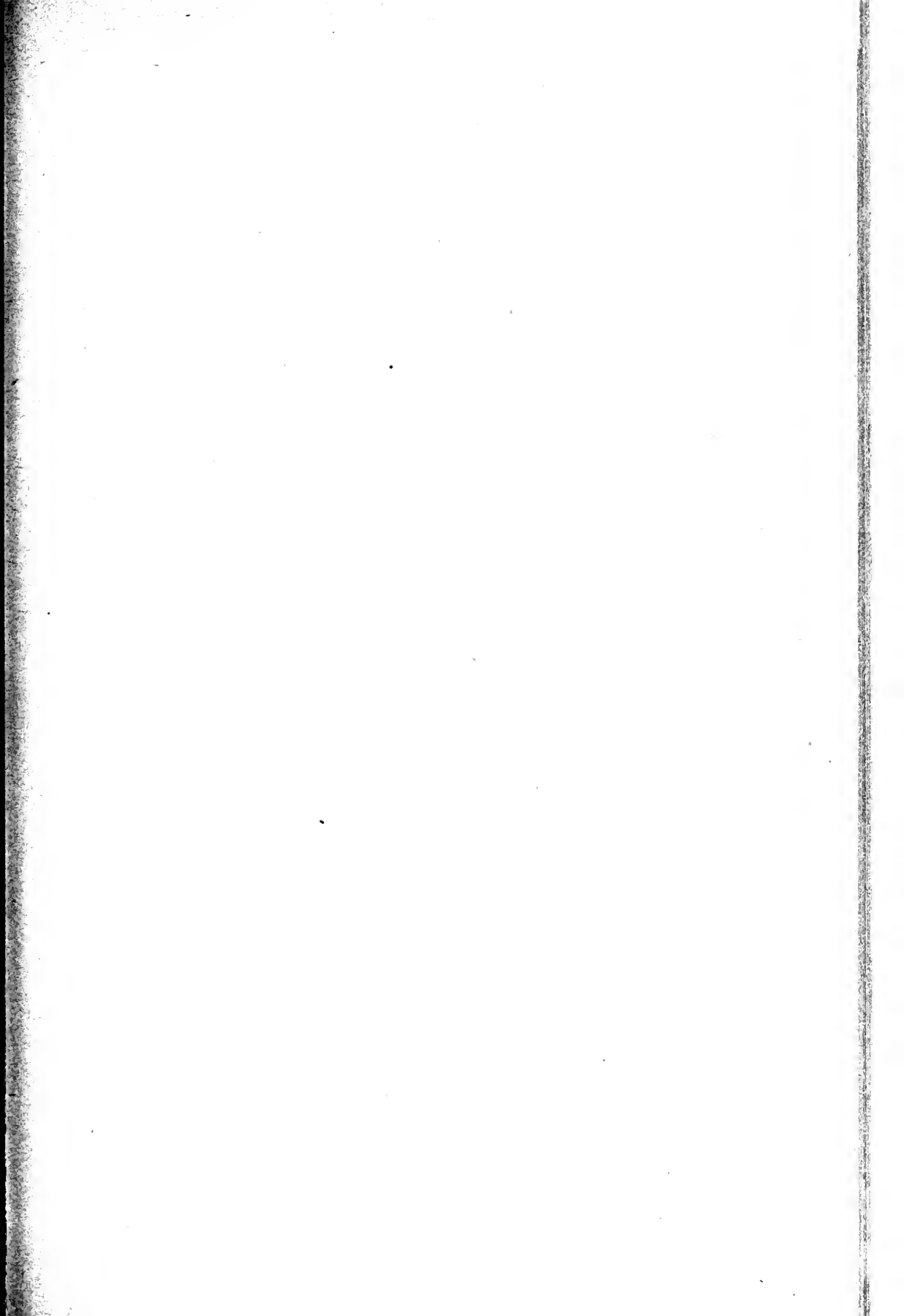
- (b) Nothing in this Act shall be deemed to prevent the unrestricted sale of protection glasses for industrial purposes, coloured glasses not embodying an ophthalmic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

Commence-
ment of
Act.

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







BILL.

An Act to amend The Optometry Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. PRICE.

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

BILL

An Act to amend The Legislative Assembly Act.

MR. FERGUSON.

No. 116.

1930.

BILL

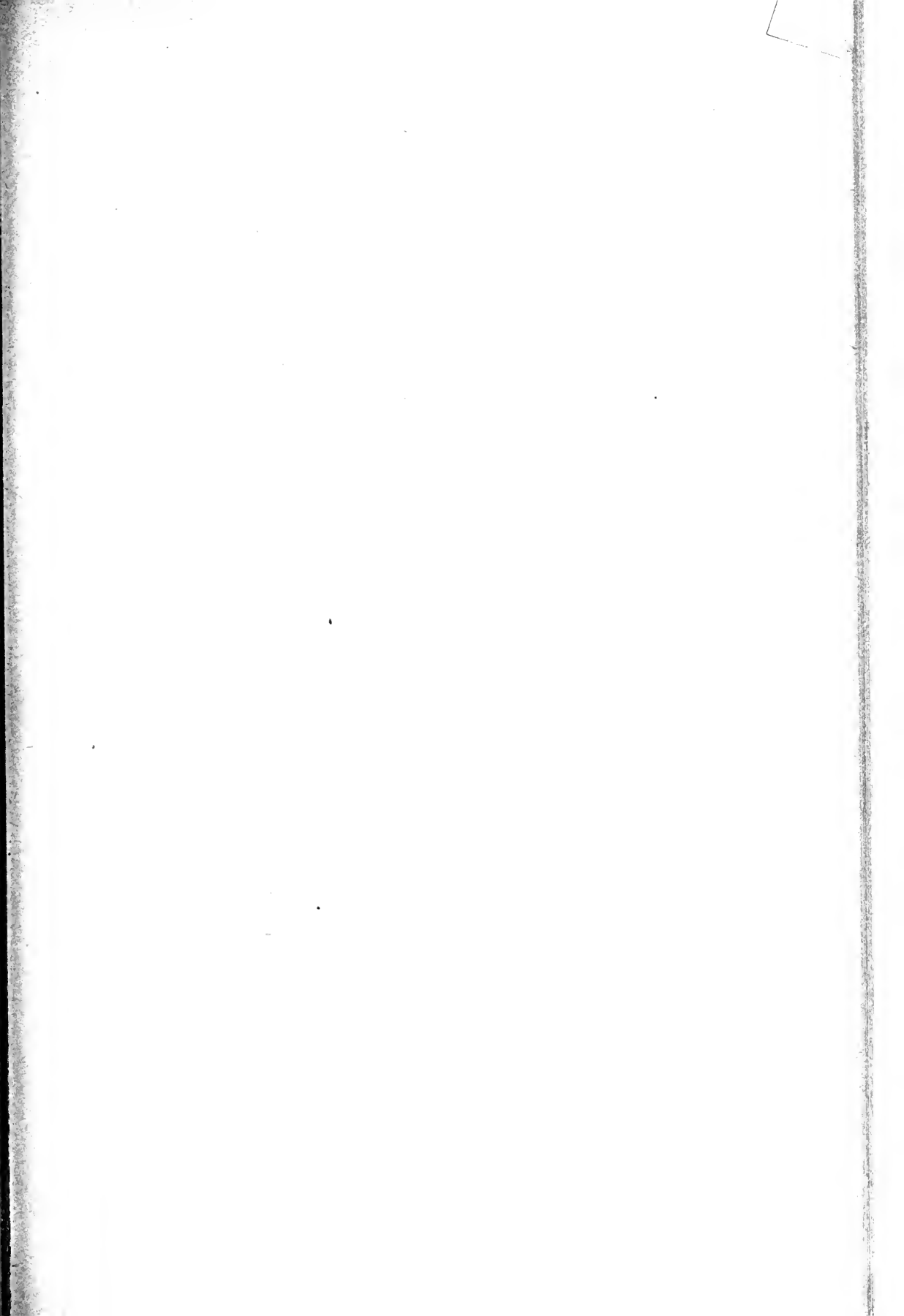
An Act to amend The Legislative Assembly Act.

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

Short title. **1.** This Act may be cited as *The Legislative Assembly Act, 1930.*

Rev. Stat.,
c. 12, s. 3,
amended. **2.** Section 3 of *The Legislative Assembly Act* is amended by striking out the word "four" in the first line and inserting in lieu thereof the word "five," so that the section will now read as follows:

Duration
of Assembly. **3.** Every Assembly shall continue for five years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor.



BILL.

An Act to amend The Legislative
Assembly Act.

1st Reading

March 7th, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

No. 116

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

BILL

An Act to amend The Legislative Assembly Act.

MR. FERGUSON.

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

No. 116.

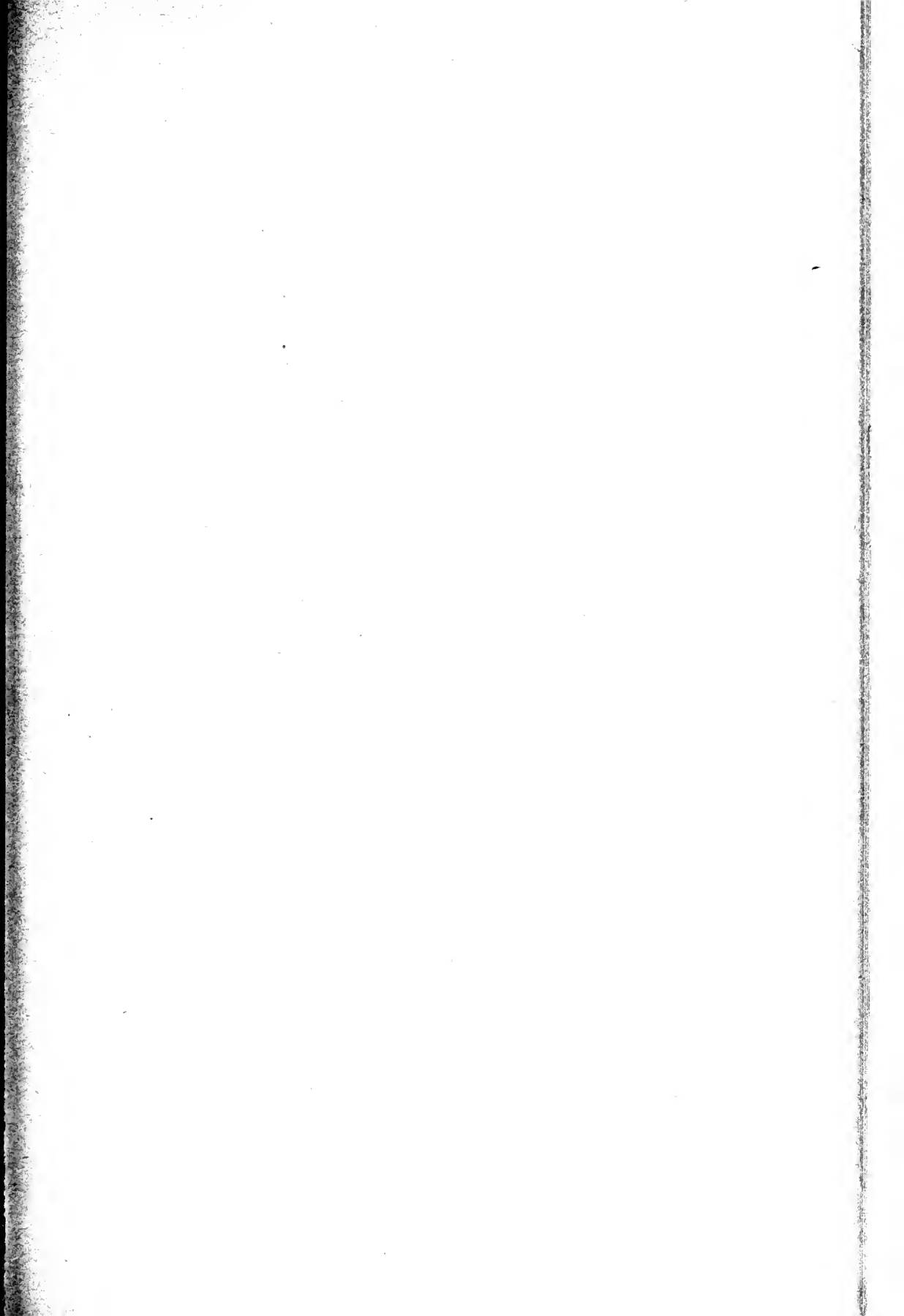
1930.

BILL

An Act to amend The Legislative Assembly Act.

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

- Short title. **1.** This Act may be cited as *The Legislative Assembly Act, 1930.*
- Rev. Stat.,
c. 12, s. 3,
amended. **2.** Section 3 of *The Legislative Assembly Act* is amended by striking out the word "four" in the first line and inserting in lieu thereof the word "five," so that the section will now read as follows:
- Duration
of Assembly. **3.** Every Assembly shall continue for five years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor.
- Rev. Stat.,
c. 12, s. 76,
repealed. **3.** Section 76 of *The Legislative Assembly Act* is repealed and the following substituted therefor:
- Special
indemnity
to Leader of
Opposition. 76.—(1) To the member recognized by the Speaker as occupying the position of Leader of the Opposition in the Legislative Assembly, there shall be payable over and above the sessional indemnity mentioned in section 70, an additional sessional indemnity of \$3,000.
- Retroactive
to 31st Oct.,
1929. (2) The amendment made by subsection 1 shall take effect as from the 31st day of October, 1929.
- Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL.

An Act to amend The Legislative
Assembly Act.

1st Reading

March 7th, 1930

2nd Reading

March 17th, 1930

3rd Reading

March 27th, 1930

MR. FERGUSON.

No. 117

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

BILL

An Act to amend The Highway Traffic Act.

MR. HENRY (East York).

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

No. 117.

1930.

BILL

An Act to amend The Highway Traffic Act.

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

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1930*.

Rev. Stat.,
c. 251, s. 9,
subs. 2a,
(1928,
c. 42, s. 2,
subs. 1),
repealed.

2.—(1) Subsection 2a of section 9 of *The Highway Traffic Act* as enacted by subsection 1 of section 2 of *The Highway Traffic Amendment Act, 1928*, is repealed and the following substituted therefor:

Clearance
lamps re-
quired on
wide
vehicles.

(2a) Whenever on a highway after dusk and before dawn every motor vehicle and every trailer having a width at any part in excess of eighty inches shall carry in addition to the lamps required by subsection 1 two clearance lamps on the left side of such vehicle, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light. The Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle. Any lamp or reflector so used shall be clearly visible at a distance of at least 200 feet from the front or rear as the case may be.

Rev. Stat.,
c. 251, s. 9,
subs. 5,
repealed.

(2) Subsection 5 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Bicycles and
tricycles.

(5) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, so placed as to be clearly visible to drivers of other vehicles.

EXPLANATORY NOTES.

Section 2.—(1) The present subsection of the Act provides for use of reflectors of a design approved by the Department both on front and rear of vehicles having a width in excess of eighty inches.

The amendment eliminates "design" and permits of use on back of vehicle only.

(2) The Act at the present time requires lights or reflectors on the rear of bicycles only. The amendment will require either a light or an approved reflector on the front as well as the rear of every bicycle.

Rev. Stat.,
c. 251, s. 9,
subs. 18,
cl. b,
amended.

(3) Clause *b* of subsection 18 of section 9 of *The Highway Traffic Act* is amended by striking out the words "of a design" in the second line thereof.

Rev. Stat.,
c. 251, s. 10,
subs. 1, cl. a,
repealed.

3. Clause *a* of subsection 1 of section 10 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 251, s. 11,
subs. 1,
repealed.

4. Subsection 1 of section 11 of *The Highway Traffic Act* is repealed and the following substituted therefor:

(1) Every motor vehicle shall be equipped with,—

Windshield
wiper.

(a) A device for cleaning rain, snow and other moisture from the windshield so constructed as to be controlled or operated by the chauffeur or operator;

Mirror.

(b) A mirror securely attached to and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear or of any vehicle approaching from the rear.

Rev. Stat.,
c. 251, s. 24,
amended.

5. Section 24 of *The Highway Traffic Act* is amended by adding thereto the following clause:

Persons or
property in
front seat.

(a) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be negligent driving within the meaning of this section.

Rev. Stat.,
c. 251, s. 31,
subs. 2,
repealed.

6. Subsection 2 of section 31 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Weight of
load during
March and
April.

(2) During the months of March and April commercial motor vehicles and trailers, other than public vehicles, operated over or upon any highway not within a city or separated town shall not be loaded in excess of the limits prescribed hereunder without obtaining a permit as provided by section 30:

(a) A vehicle equipped wholly or in part with solid tires shall not be loaded in excess of one-half the carrying capacity as registered with the Department.

(b) A vehicle equipped wholly with pneumatic tires, having a carrying capacity registered with the Department of three tons and not more than six tons, shall not be loaded in excess of three tons.

(3) The present subsection of the Act provides only for the approval of "design" of reflectors permitted to be used in lieu of lighted lamps on certain horse-drawn vehicles. The amendment eliminates reference to "design."

Section 3. The present section of the Act requires all vehicles equipped with four-wheel brakes to display a red triangular sign.

This is now claimed to be unnecessary.

Section 4. The present section of the Act requires every commercial vehicle only to be equipped with a mirror.

The amendment will require every motor vehicle to be equipped with a "windshield wiper" and also a rear vision "mirror."

Section 5. This is a new subsection limiting the persons or property in the front or driver's seat.

Section 6. The amendment sets out more specifically than the present Act the weight of load to be carried by commercial vehicles and trailers during the months of March and April.

- (c) A vehicle equipped wholly with pneumatic tires and having a registered carrying capacity in excess of six tons shall not be loaded in excess of one-half the capacity registered with the Department.

Rev. Stat.,
c. 251, s. 34,
subs. 1,
(1928, c. 42,
s. 5),
repealed.

7.—(1) Subsection 1 of section 34 of *The Highway Traffic Act* as amended by section 5 of *The Highway Traffic Act, 1928* is repealed and the following substituted therefor:

Name, etc. of
owner and
"maximum
load" to be
displayed on
vehicle.

- (1) Every commercial motor vehicle and every trailer drawn by it shall have attached to or painted on both sides of the body in a clearly visible position a sign showing the name and address of the owner and shall also have attached to both sides of the body a sign issued by the Department showing the gross weight allowed under the permit issued for the vehicle. Provided, however, that this section shall not apply to hearses, casket wagons, ambulances, police patrols, public vehicles and fire apparatus.

Rev. Stat.,
c. 251, s. 34
amended.

(2) Section 34 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Reflector.

- (1a) Every commercial motor vehicle and every trailer shall have securely attached to the back thereof within six inches of the left side of the body in such a position as to reflect the light from the headlights of a vehicle approaching from the rear a red reflector approved by the Department.

Rev. Stat.,
c. 251, s. 35,
subs. 1 and 2,
repealed.

8.—(1) Subsections 1 and 2 of section 35 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Right-of-
way.

- (1) Where two persons in charge of vehicles or on horse-back approach a crossroad or intersection, or enter an intersection, at the same time, the person to the right hand of the other vehicle or horseman shall have the right-of-way.

- (a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after affording a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision.

Full stop at
"through
highway."

- (2) The operator or driver of every vehicle shall immediately before entering or crossing a through highway bring the vehicle to a full stop,—

Section 7.—(1) The present section of the Act requires gross weight plates to be displayed on commercial vehicles.

The amendment requires the name and address of the owner also to be displayed.

(2) This is a new subsection requiring commercial vehicles and trailers to have in addition to usual rear light a red reflector on back thereof.

Section 8.—(1) It is intended to repeal the present subsection of the Act relating to right-of-way and substitute the proposed sections which have been re-arranged.

(2) This is a new subsection to prevent two persons riding on an ordinary bicycle.

(a) The driver or operator of any vehicle who has come to a full stop as required above, upon entering the through highway, as well as drivers or operators of vehicles on such through highway, shall be subject to the usual right-of-way rule prescribed in subsection 1 of this section and applicable to vehicles at intersections.

(b) "Through highway" shall mean any highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department.

Rev. Stat.,
c. 251, s. 35,
amended.

(2) Section 35 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Persons
on bicycle.

(8a) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon.

Rev. Stat.,
c. 251, s. 54,
subs. 1,
repealed.

9. Subsection 1 of section 54 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 251, s. 58,
subs. 3,
repealed.

10. Subsection 3 of section 58 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Evidence.

(3) A copy of any writing, paper, or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or Registrar of Motor Vehicles under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature.

Rev. Stat.,
c. 251, s. 61,
amended.

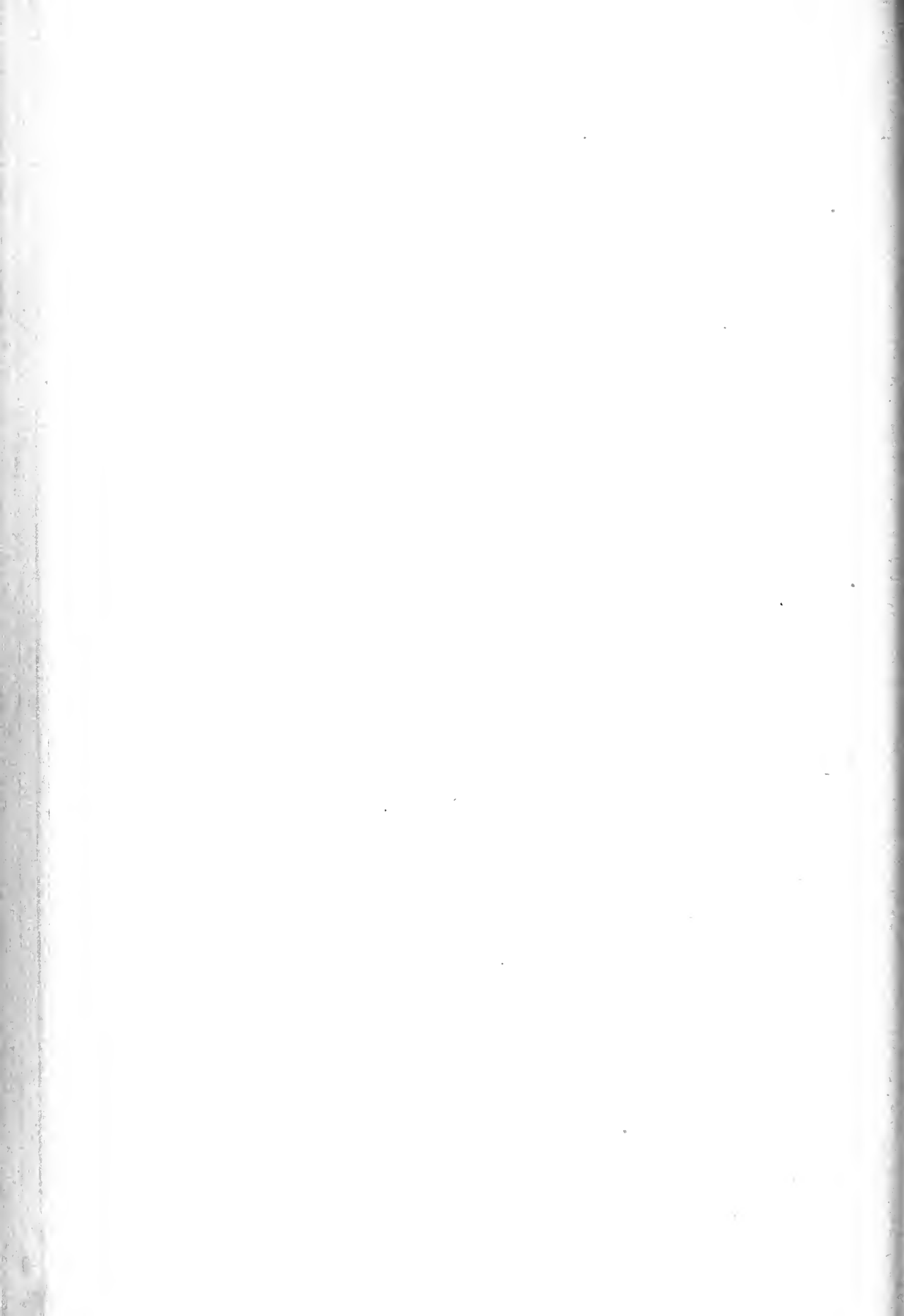
11. Section 61 of *The Highway Traffic Act* is amended by adding after the word "chauffeur" in the second line the words "or operator."

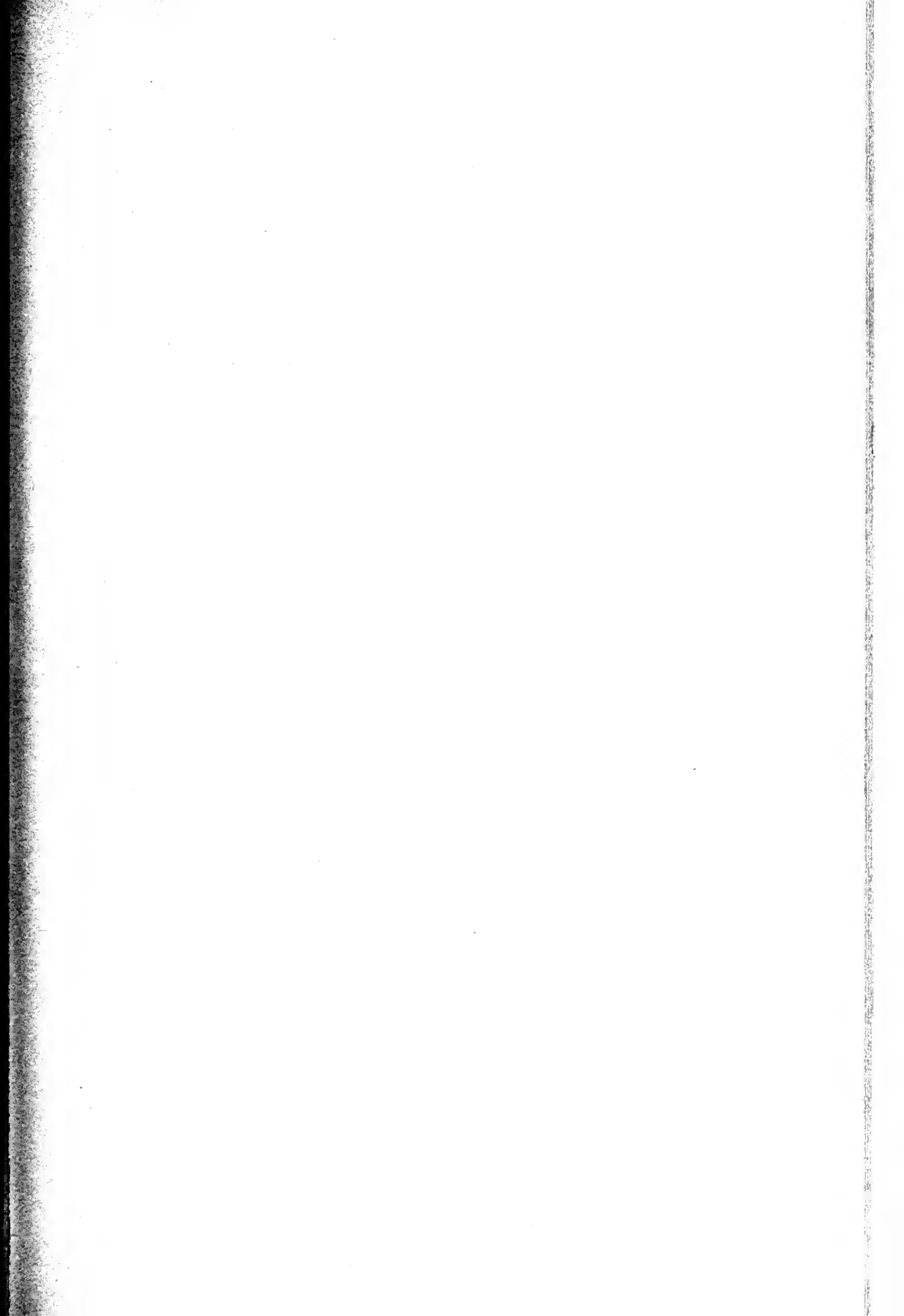
Section 9. The repeal of the present subsection of the Act is necessary in view of the transfer of the force of Traffic Officers from Department of Highways to the Attorney-General's Department.

Section 10. The present subsection provides for the acceptance as evidence of a certified copy of a conviction only.

The amendment provides that a certified copy of all documents filed in the Department may be received in evidence in all courts.

Section 11. The present section dealing with penalty for any chauffeur operating a motor vehicle while his license or permit is suspended is amended to apply to operators as well.





BILL.

An Act to amend The Highway Traffic Act.

1st Reading

March 12th, 1930.

2nd Reading

3rd Reading

MR. HENRY (East York).

No. 117

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

BILL

An Act to amend The Highway Traffic Act.

MR. HENRY (East York).

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

BILL

An Act to amend The Highway Traffic Act.

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

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1930* (No. 2.)

Rev. Stat.,
c. 251, s. 9,
subs. 2a,
(1928,
c. 42, s. 2,
subs. 1),
repealed.

2.—(1) Subsection 2a of section 9 of *The Highway Traffic Act* as enacted by subsection 1 of section 2 of *The Highway Traffic Amendment Act, 1928*, is repealed and the following substituted therefor:

Clearance
lamps re-
quired on
wide
vehicles.

(2a) Whenever on a highway after dusk and before dawn every motor vehicle and every trailer having a width at any part in excess of eighty inches shall carry in addition to the lamps required by subsection 1 two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light. The Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle. Any lamp or reflector so used shall be clearly visible at a distance of at least 200 feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle.

Rev. Stat.,
c. 251, s. 9,
subs. 5,
repealed.

(2) Subsection 5 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Bicycles and
tricycles.

(5) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, so placed as to be clearly visible to drivers of other vehicles.

(3) Clause *b* of subsection 18 of section 9 of *The Highway Traffic Act* is amended by striking out the words "of a design" in the second line thereof. Rev. Stat., c. 251, s. 9, subs. 18, cl. b, amended.

3. Clause *a* of subsection 1 of section 10 of *The Highway Traffic Act* is repealed. Rev. Stat., c. 251, s. 10, subs. 1, cl. a, repealed.

4. Subsection 1 of section 11 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 11, subs. 1, repealed.

(1) Every motor vehicle shall be equipped with,—

- (a) A device for cleaning rain, snow and other moisture from the windshield so constructed as to be controlled or operated by the chauffeur or operator; Windshield wiper.
- (b) A mirror securely attached to and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear or of any vehicle approaching from the rear. Mirror.

5. Section 24 of *The Highway Traffic Act* is amended by adding thereto the following clause: Rev. Stat., c. 251, s. 24 amended.

- (a) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be negligent driving within the meaning of this section. Persons or property in front seat.

6. Subsection 2 of section 31 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 31, subs. 2, repealed.

- (2) During the months of March and April commercial motor vehicles and trailers, other than public vehicles, operated over or upon any highway not within a city or separated town shall not be loaded in excess of the limits prescribed hereunder without obtaining a permit as provided by section 30: Weight of load during March and April.
- (a) A vehicle equipped wholly or in part with solid tires shall not be loaded in excess of one-half the carrying capacity as registered with the Department.
- (b) A vehicle equipped wholly with pneumatic tires, having a carrying capacity registered with the Department of three tons and not more than six tons, shall not be loaded in excess of three tons.

- (c) A vehicle equipped wholly with pneumatic tires and having a registered carrying capacity in excess of six tons shall not be loaded in excess of one-half the capacity registered with the Department.

Rev. Stat.,
c. 251, s. 34,
subs. 1,
(1928, c. 42,
s. 5),
repealed.

Name, etc. of
owner and
"maximum
load" to be
displayed on
vehicle.

7.—(1) Subsection 1 of section 34 of *The Highway Traffic Act* as amended by section 5 of *The Highway Traffic Act, 1928* is repealed and the following substituted therefor:

- (1) Every commercial motor vehicle and every trailer drawn by it shall have attached to or painted on both sides of the body in a clearly visible position a sign showing the name and address of the owner and shall also have attached to both sides of the body a sign issued by the Department showing the gross weight allowed under the permit issued for the vehicle. Provided, however, that this section shall not apply to hearses, casket wagons, ambulances, police patrols, public vehicles and fire apparatus.

Rev. Stat.,
c. 251, s. 34
amended.

(2) Section 34 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Reflector.

- (1a) Every commercial motor vehicle and every trailer shall have securely attached to the back thereof within six inches of the left side of the body in such a position as to reflect the light from the headlights of a vehicle approaching from the rear a red reflector approved by the Department.

Rev. Stat.,
c. 251, s. 35,
subs. 1 and 2,
repealed.

8.—(1) Subsections 1 and 2 of section 35 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Right-of-
way.

- (1) Where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person to the right hand of the other vehicle or horseman shall have the right-of-way.

- (a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after affording a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision.

Full stop at
"through
highway."

- (2) The operator or driver of every vehicle shall immediately before entering or crossing a through highway bring the vehicle to a full stop,—

(a) The driver or operator of any vehicle who has come to a full stop as required above, upon entering the through highway, as well as drivers or operators of vehicles on such through highway, shall be subject to the usual right-of-way rule prescribed in subsection 1 of this section and applicable to vehicles at intersections.

(b) "Through highway" shall mean any highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department.

(2) Section 35 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 251, s. 35, amended.

(8a) No person riding on a bicycle designed for carrying Persons on bicycle. one person only shall carry any other person thereon.

9. Subsection 1 of section 38 of *The Highway Traffic Act* is amended by adding thereto the following clause: Rev. Stat., c. 251, s. 38, subs. 1, amended.

(a) This subsection shall extend and apply to any animal which is led or driven on a highway by a person on foot and to such person on foot.

10. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 251, amended.

41a. The owner of a motor vehicle shall be liable for loss Liability for loss or damage. or damage sustained by any person by reason of negligence in the operation of such motor vehicle on a highway unless such motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle not being the owner shall be liable to the same extent as such owner.

11. Subsection 1 of section 53 of *The Highway Traffic Act* is amended by striking out the word "six" in the fourth line, Rev. Stat., c. 251, s. 53, subs. 1, amended. and inserting in lieu thereof the word "twelve."

12. Subsection 4 of section 53 of *The Highway Traffic Act* is repealed. Rev. Stat., c. 251, s. 53, subs. 4, repealed.

13. Subsection 1 of section 54 of *The Highway Traffic Act* is repealed. Rev. Stat., c. 251, s. 54, subs. 1, repealed.

Rev. Stat.,
c. 251, s. 58,
subs. 3,
repealed.

14. Subsection 3 of section 58 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Evidence.

- (3) A copy of any writing, paper, or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or Registrar of Motor Vehicles under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature.

Rev. Stat.,
c. 251, s. 61,
amended.

15. Section 61 of *The Highway Traffic Act* is amended by adding after the word "chauffeur" in the second line the words "or operator."

Commence-
ment of
Act.

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

NO. 117.
BILL.

An Act to amend The Highway Traffic Act.

1st Reading

March 12th, 1930.

2nd Reading

March 17th, 1930

3rd Reading

March 28th, 1930

MR. HENRY (East York).

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

BILL

An Act to amend The Municipal Act.

MR. STAPLES.

No. 118.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 411,
amended.

1. Section 411 of *The Municipal Act* is amended by adding to the heading thereof the words "and of towns having a population of not less than four thousand."

Rev. Stat.,
c. 233, s. 419,
par. 1,
repealed.

2. The first five lines of paragraph 1 of section 419 of *The Municipal Act* are repealed and the following substituted therefor:

Licensing,
regulating
junk shops,
etc.

1. For licensing, regulating, governing and controlling the location of junk shops, junk yards, second-hand shops and dealers in second-hand goods and for revoking the license.

EXPLANATORY NOTE.

Section 1. Under section 411 of the Act by-laws may be passed by the councils of cities for the appointment of commissioners of industries, and prohibiting the use of buildings for livery stables, shops, factories, laundries, etc., within defined areas.

The Bill makes this applicable to towns having a population of not less than 4,000.

Section 2. Under section 419 of the Act councils of cities, towns and townships bordering on a city having a population of not less than 100,000, and Boards of Commissioners of Police for cities, have power to license, regulate and govern junk shops, junk yards, second-hand shops, etc.

The Bill gives power to control the location of these shops and yards and to revoke the license.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 10th, 1930

2nd Reading

3rd Reading

MR. STAPLES.

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

BILL

An Act to amend The Municipal Act.

MR. MURPHY (St. Patrick).

No. 119.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233, s. 399,
par. 43,
amended.

1. Paragraph 43 of section 399 of *The Municipal Act* is amended by adding thereto the following clause:

Application
of by-law.

(a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

Rev. Stat.,
c. 233, s. 431,
par. 1,
amended.

2. Paragraph 1 of section 431 of *The Municipal Act* is amended by adding at the end thereof the words "and for revoking and cancelling the license."

Rev. Stat.,
c. 233, s. 431,
amended.

3. Section 431 of *The Municipal Act* is amended by adding thereto the following paragraph:

Licensing
"taxicab
brokers."

5. For licensing, regulating and governing taxicab brokers and for revoking and cancelling the license.

(a) For the purpose of this paragraph "taxicab broker" shall mean any person occupying a building, part of a building or place used as a taxicab office, who receives remuneration from owners or drivers of cabs for the use of his office or services in securing business for such owners or drivers.

EXPLANATORY NOTE.

Section 1. Under paragraph 43 of section 399 councils of urban municipalities have power to prohibit persons from importuning on the highway or in a public place, others to go to hotels and boarding houses.

The Bill enables the by-law to be made applicable to one or more highways or public places, or to any defined area.

Section 2. Under paragraph 1 of section 431 Boards of Police Commissioners in cities are empowered to pass by-laws licensing, regulating and governing cab drivers, teamsters, etc.

The Bill would give them the additional power to revoke or cancel the license.

Section 3. By this amendment Boards of Commissioners of Police of cities are given power to license, regulate and govern taxicab brokers and to revoke or cancel the license.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 10th, 1930

2nd Reading

3rd Reading

MR. MURPHY (St. Patrick).

No. 120.

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

BILL

An Act to amend The Municipal Act.

MR. HONEYWELL.

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

No. 120.

1930.

BILL

An Act to amend The Municipal Act.

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

Rev. Stat.,
c. 233 s. 422,
para. 4,
amended,

1. Paragraph 4 of section 422 of *The Municipal Act* is amended by adding after the word "dealer" in the fourth line, the following words: "and for licensing, regulating and governing bakers, butchers and other persons whose place of business is out of Ontario but who go from place to place or to a particular place in Ontario to make sales or deliveries of bread, meat or other commodities to any person other than to a retail dealer."

Licensing
butchers,
bakers, etc.

EXPLANATORY NOTE.

Section 1. The present paragraph 4 of section 422 of the Act empowers the councils of townships in unorganized territory, all townships bordering on a city having a population of not less than 100,000 of counties and towns and of cities having a population of less than 100,000 and Boards of Commissioners of Police of cities having a population of not less than 100,000 to license, regulate and govern persons, not being wholesale dealers residing in Ontario, who go from place to place or to some particular place to make sales or deliveries of fruits or garden produce to retail dealers.

The Bill extends this to the licensing, regulating and governing of bakers, butchers, and other persons whose place of business is out of Ontario but who go from place to place or to a particular place in Ontario to make sales or deliveries of bread, meat, etc. to any person other than a retail dealer.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 11th, 1930

2nd Reading

3rd Reading

MR. HONEYWELL.

