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

BILL

An Act to amend The Local Improvement Act.

MR. NESBITT.

No. 121.

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. 2,
amended.

1. Section 2 of *The Local Improvement Act* is amended by adding thereto the following subsection:

- (3) Where the work is the paving of a lane the council may include therein the widening of the lane by the acquisition of any reserve strip of land adjoining same and the construction of a portion of the pavement thereon.

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.

EXPLANATORY NOTE.

Section 1. Under section 2 of *The Local Improvement Act* the council of a corporation may undertake the opening, widening, extending, etc., of a street, which includes a lane, as a local improvement.

The Bill gives the council power where the work is the paving of a lane to widen the same by the acquisition of any reserve strip of land adjoining, and to construct a portion of the pavement thereon.

Section 2. Under *The Local Improvement Act* the council of the corporation of a municipality may pass by-laws providing for the issue of debentures to pay for the cost, or part of the cost, of a work undertaken under the Act.

The Bill provides that the special or general rate imposed by the by-law may be levied by the council as soon as the by-law is passed.

BILL.
An Act to amend The Local Improvement
Act.

1st Reading

March 11th, 1930

2nd Reading

3rd Reading

MR. NESBITT.

No. 121.

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

BILL

An Act to amend The Local Improvement Act.

MR. NESBITT.

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

No. 121.

1930.

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1. *The Local Improvement Act* is amended by adding thereto the following section:

Time special
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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.

EXPLANATORY NOTE.

Section 1. Under *The Local Improvement Act* the council of the corporation of a municipality may pass by-laws providing for the issue of debentures to pay for the cost, or part of the cost, of a work undertaken under the Act.

The Bill provides that the special or general rate imposed by the by-law may be levied by the council as soon as the by-law is passed.

NO. 2411

BILL.
An Act to amend The Local Improvement
Act.

1st Reading
March 11th, 1930

2nd Reading
March 17th, 1930

3rd Reading

MR. NESBITT.

(Reprinted as amended by the House.)

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

BILL

An Act to amend The Power Commission Act.

MR. COOKE.

No. 122.

1930.

BILL

An Act to amend The Power Commission 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 Power Commission Act, 1930.*

Rev. Stat.,
c. 57,
amended. **2.** *The Power Commission Act* is amended by adding thereto the following section:

Stabilization
Fund
Account. 11a.—(1) An account to be known as the "Stabilization Fund Account" shall be opened and maintained on the books of the commission and there shall annually be placed to the credit of such account

What to
be credited (a) an amount equal to ten cents per horse-power per annum on all electrical power or energy sold by the commission in Ontario, such amount to be deducted from the revenues of the commission.

(b) Interest at such rates as the commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Costs and
expenses
which may
be charged to
account. (2) Costs and expenses incurred by the commission which in the opinion of the commission are for the protection or advancement of the interests in the undertakings under its supervision or control and are not properly chargeable to any system or to any municipal corporation under contract with the commission may be charged by the commission to the Stabilization Fund Account.

Rev. Stat.,
c. 57, s. 14,
amended. **3.** Section 14 of *The Power Commission Act* as amended by section 2 of *The Power Commission Act, 1928*, is amended by adding thereto the following subsection:

EXPLANATORY NOTES.

Section 2. This provides for the establishment of a fund to enable the Commission to go into new territory and build up business. At present the rates must provide for the whole cost of supplying power.

Section 3. The Commission may have in its hands from time to time funds which are not applicable to any statutory purpose and under this section is authorized to hand such moneys over to the Treasury.

Repayments to Province out of funds in hands of commission

(1a) Notwithstanding anything in this Act, the commission may in addition to the repayments out of sinking fund provided for under subsection 1 make further repayments on account of the advances by the Province to the commission from time to time out of funds in its hands.

Rev. Stat., c. 57, s. 20, subs. 1, amended.

4. Subsection 1 of section 20 of *The Power Commission Act* is amended by adding thereto the following clauses:

Works in inter-provincial boundaries.

(bb) Acquire by purchase, lease or otherwise, lands, waters, water privileges, water powers and works upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the production and transmission of electrical power or energy, and enter into agreements with the Crown as representing such other province, or with any commission or department of the Government of such other province, or with any corporation or person interested in or affected by such works as to the terms and conditions upon which such works shall be carried on and any rights so acquired be exercised.

Acquiring shares in companies operating on such boundaries.

(bbb) Acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works.

Rev. Stat., c. 57, s. 20, subs. 1, amended.

5. Subsection 1 of section 20 of *The Power Commission Act* is amended by inserting the following clause:

Purchasing shares in companies.

(gg) Acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any incorporated company carrying on the business of developing, distributing or transmitting electrical power or energy and for the purposes of this Act the acquisition of such shares, or stock, or securities shall be an investment in works.

Rev. Stat., c. 57, s. 20, subs. 3 (1929, c. 20, s. 4), amended.

6. Subsection 3 of section 20 of *The Power Commission Act* as re-enacted by section 4 of *The Power Commission Act, 1929*, is amended by adding thereto the following clause:

Judge's powers on inquiry as to apportionment of costs of waterway improvement.

(a) The judge, upon an inquiry under this section, shall have the like powers as a judge sitting in court including the power to compel the attendance of

Section 4. Section 20 of *The Power Commission Act* is the section which describes the powers which may be exercised by the Commission when directed by the Lieutenant-Governor in Council. There is some doubt as to the power of the Commission under the Act as it stands to construct and operate works wholly or partly in another province, and situations have arisen where this is necessary. The second clause added (*bbb*) is to enable the Commission, if it sees fit and is authorized by the Lieutenant-Governor in Council, to purchase the shares or stock of power companies in the open market. At present there is power in the Act to purchase all the stock and securities of a company, but it is not clear that this extends to companies operating on an interprovincial boundary.

Section 5. This is complementary to other sections authorizing the purchase of shares. It is intended to enable the Commission from time to time to acquire stock in the open market or otherwise, when this can be done to the advantage of customer municipalities.

Section 6. Some years ago in one or two instances, works were constructed for the improvement of streams supplying water or power to municipal corporations. From time to time this provision has been amended so as to enable the cost of the work of the Commission in making the improvements to be adequately met and fairly apportioned among those benefitted by the work. Doubt having been expressed as to the powers of the judge while making inquiries for this purpose it has been thought advisable to expressly provide for power to hear evidence on oath and require the production of documents, etc.

witnesses, to hear evidence on oath and to require the production of books, papers, documents, matters and things and the order of the judge shall be enforceable in the manner provided by *The Judges' Orders Enforcement Act*.

Rev. Stat.,
c. 111.

Rev. Stat.,
c. 57,
amended.

7. *The Power Commission Act* is amended by adding thereto the following section:

Postpone-
ment of col-
lection of
costs and
charges for
works under
certain cir-
cumstances.

43a. Where the commission under an order of the Lieutenant-Governor in Council has been authorized to acquire lands or any other property, or to construct works for the purpose of developing, transmitting or distributing electrical power or energy

- (a) in territory without municipal organization, or
- (b) in territory within which the revenue from contracts entered into with municipal corporations and others is insufficient, at rates for power which the commission deems reasonable, to meet operating expenses, costs of maintenance and to provide interest and sinking fund upon the cost of the works, or
- (c) in territory where the commission has reported that it is advisable that works should be constructed or extended in anticipation of a future demand for power,

the Lieutenant-Governor in Council may authorize the commission to postpone the collection of costs and charges payable in respect of electrical power or energy supplied under contracts entered into with the commission or any part thereof, and to carry the whole or any part or parts of such costs and charges, with interest thereon, to a special suspense account for such period or periods as may be fixed by Order-in-Council, and after the expiration of such period or periods

- (a) to fix and determine the amount owing in respect of such costs and charges with accumulated interest thereon;
- (b) to charge such costs and charges, with accumulated interest thereon, or so much thereof as the commission shall deem just and equitable, to the capital costs of the works;

Section 7. This is a section designed to enable the Commission, with the authority of the Lieutenant-Governor in Council, to go on with works where the revenue therefrom cannot for some years be sufficient to meet the cost. It is supplementary to the new section 11*a*, one of the objects of which is to provide for these cases. The latter part of the section is intended to provide for the ultimate payment of the deficits so incurred.

- (c) to charge such costs and charges, with accumulated interest thereon, or so much thereof as the commission may deem just, as cost of power supplied by the commission;
- (d) If at any time the revenues received by the commission from operation of the works shall be sufficient, at rates for power deemed reasonable by the commission, to meet operating charges, costs of maintenance, interest and sinking fund, and provide a surplus—such surplus, or so much thereof as the commission may deem proper, shall be applied in reduction of any sums added to the capital costs of the works as provided for in clause (b) above;
- (e) If the revenues from such works be insufficient to meet operating charges, costs of maintenance and interest and sinking fund on the costs of the works, any deficits so arising may, if the commission shall so require, be charged and paid out of the stabilization fund account, but payment of any such amount out of the stabilization fund account shall in no way relieve any municipal corporation from its obligations under contract with the commission and the works shall be and remain vested in the commission until the amounts charged to the stabilization fund, with accumulated interest thereon, shall have been fully repaid in such fund.

Rev. Stat.,
c. 57, s. 56,
(1928, c. 19,
s. 3),
amended,

8. Section 56 of *The Power Commission Act* as re-enacted by section 3 of *The Power Commission Act, 1928*, is amended by adding thereto the following clause:

Cost
of power
to municipal-
ity.

- (d) An amount equal to ten cents per horse-power per annum on all electrical power or energy sold by the commission in Ontario, to be paid into the stabilization fund account provided for in section 11a.

Rev. Stat.,
c. 57, s. 82,
amended.

9. Section 82 of *The Power Commission Act* is amended by adding thereto the following subsections:

Powers
as to fixing
municipal
rates.

- (2) Notwithstanding anything in this Act contained, the commission may from time to time—when in its opinion it is in the interests of the municipal corporations under contract with the commission so to do—make orders fixing the rates to be charged

Section 8. This is to include in the cost of power to the municipalities the amount contributed by the municipality towards the ten cents per horse-power provided for in section 11a and which is to go towards the stabilization fund.

Section 9. This is to enable the Commission to fix the rates to be charged by any municipal corporation. At present the rates must be approved but the Commission has no power to fix them and they are regulated by the actual cost of supplying power. The new section will enable the Commission to fix the rates chargeable in any municipality, the object of this and other provisions of the Bill being to enable the Commission to procure and carry on business in the same manner as any other business concern.

by any municipal corporation or commission for electrical power or energy supplied by the commission;

Where amount collected proves insufficient.

- (3) In a municipality where the rates fixed by the commission under subsection 2 above prove insufficient to provide for the costs of supplying electrical power or energy in such municipality, the commission may charge the deficit to the stabilization fund account and may from time to time impose such terms as to repayment of the amount so charged together with interest thereon, or any part thereof, or may relieve the municipality from obligation to repay the same to such extent as to the commission may seem just and equitable.

By-laws, confirmed.

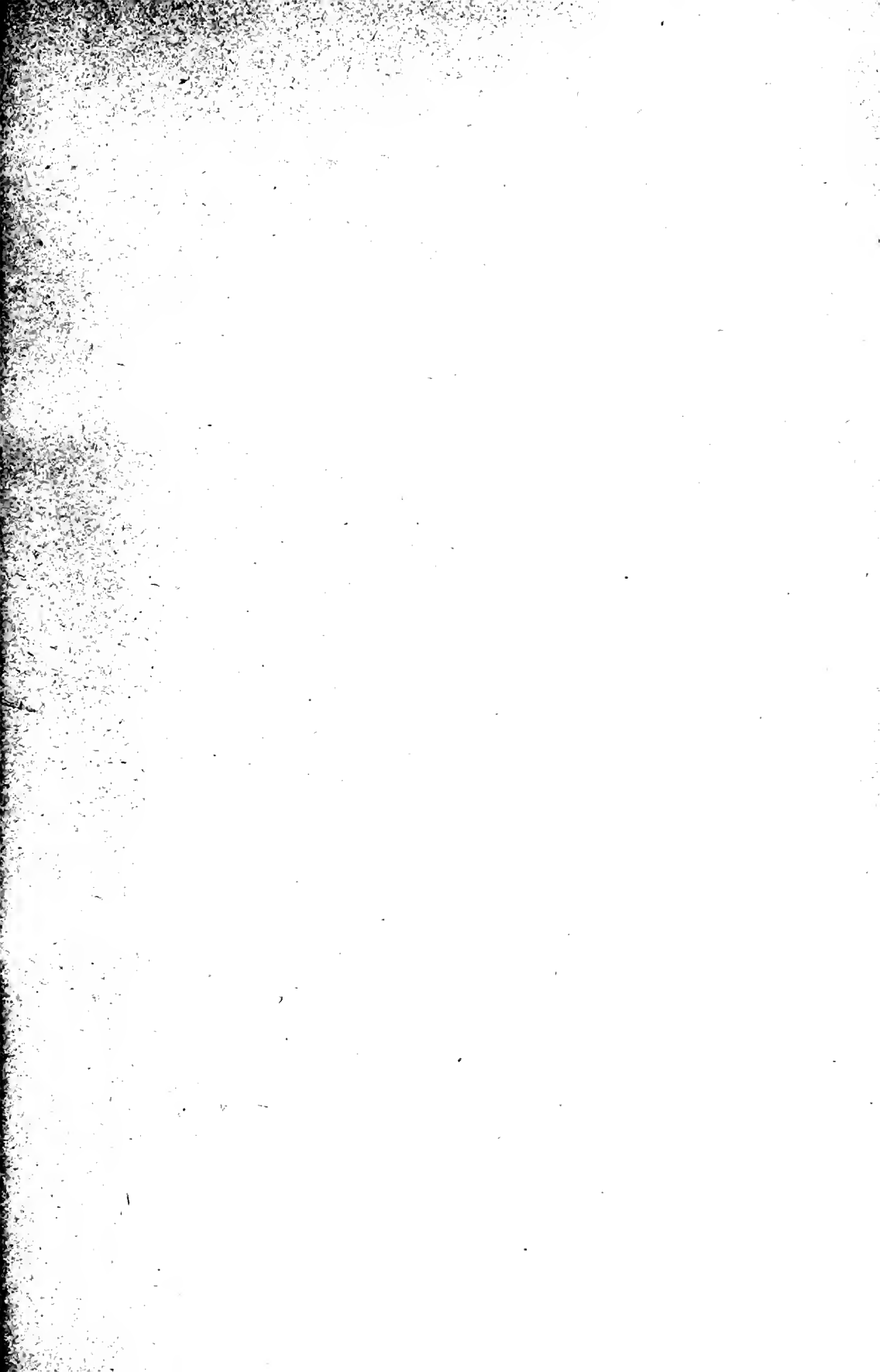
10. By-laws numbers 2915 and 2916 of the corporation of the city of Belleville; by-laws numbers 1948 and 1959 of the corporation of the city of Oshawa; by-law number 6581 of the corporation of the city of Ottawa; by-law number 2832 of the corporation of the city of Peterborough; by-law number 1806 of the corporation of the town of Lindsay; by-law number 1316 of the corporation of the town of Napanee; by-laws numbers 1409 and 1410 of the corporation of the town of Port Hope; by-laws numbers 790, 791, 796, 798 and 799 of the corporation of the town of Southampton; by-law number A 192 of the corporation of the village of Brighton; by-law number 676 of the corporation of the township of Adjala; by-law number 168 of the corporation of the township of Ameliasburg; by-laws numbers 1036 and 1042B of the corporation of the township of Bastard and Burgess South; by-law number 697 of the corporation of the united townships of Belmont and Methuen; by-law number 631 of the corporation of the township of Cartwright; by-law number 986 of the corporation of the township of Crosby South; by-law number 195 of the corporation of the township of Crowland; by-law number 588 of the corporation of the township of East Luther; by-law number 1038 of the corporation of the township of East Whitby; by-law number 1053 of the corporation of the township of East Zorra; by-law number 6 of 1929 of the corporation of the township of Egremont; by-law number 525 of the corporation of the township of Essa; by-law number 3342 of the corporation of the township of Étobicoke; by-law number 208 of the corporation of the township of Front of Escott; by-law number 859 of the corporation of the township of Front of Leeds and Lansdowne; by-law number 181 of the corporation of the township of Front of Yonge; by-law number 341 of the corporation of the township of Gosfield South; by-law number 5 of 1929 of the corporation of the township of Grey; by-law number 335 of the corporation of the township

Section 10. Is the usual section confirming by-laws passed during the preceding year.

of Hibbert; by-law number 409 of the corporation of the township of Hillier; by-law number 3 of 1929 of the corporation of the township of Howick; by-law number 680 of the corporation of the township of Kitley; by-law number 95 of the corporation of the township of Lochiel; by-law number 116B of the corporation of the township of Loughborough; by-law number 1040 of the corporation of the township of Manvers; by-law number 8 of 1929 of the corporation of the township of McKillop; by-law number 688 of the corporation of the township of Medorte; by-law number 12 of 1929 of the corporation of the township of Morris; by-law number 341 of the corporation of the township of Morrison; by-law number 335 of the corporation of the township of North Walsingham; by-law number 1198 of the corporation of the township of Orillia; by-law number 10 of 1929 of the corporation of the township of Osnabruck; by-law number 351 of the corporation of the township of Oxford; by-law number 6 of 1929 of the corporation of the township of Pittsburgh; by-law number 728 of the corporation of the township of Plantagenet North; by-law number 138 of the corporation of the township of Plantagenet South; by-law number 12 of 1929 of the corporation of the township of Portland; by-laws numbers 843, 849 and 854 of the corporation of the township of Rear of Leeds and Lansdowne; by-law number 724 of the corporation of the township of South Dumfries; by-law number 456 of the corporation of the township of South Grimsby; by-law number 6 of 1928 of the corporation of the township of Stanley; by-laws numbers 532 and 553 of the corporation of the township of Tossorontio; by-law number 130 of 1929 of the corporation of the township of Tuckersmith; by-law number 142 of the corporation of the township of West Ferris; by-law number 1124 of the corporation of the township of Yarmouth; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

Commence-
ment of
Act.

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



BILL.

An Act to amend The Power Commission
Act.

1st Reading

March 11th, 1930

2nd Reading

3rd Reading

MR. COOKE.

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

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

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c. 57,
amended. **2.** *The Power Commission Act* is amended by adding thereto the following section:

Stabilization
Fund
Account. 11a.—(1) An account to be known as the "Stabilization Fund Account" shall be opened and maintained on the books of the commission and there shall annually be placed to the credit of such account

What to
be credited (a) an amount equal to ten cents per horse-power per annum on all electrical power or energy sold by the commission in Ontario, such amount to be deducted from the revenues of the commission.

(b) Interest at such rates as the commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Costs and
expenses
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account. (2) Costs and expenses incurred by the commission which in the opinion of the commission are for the protection or advancement of the interests in the undertakings under its supervision or control and are not properly chargeable to any system or to any municipal corporation under contract with the commission may be charged by the commission to the Stabilization Fund Account.

Rev. Stat.,
c. 57, s. 14,
amended. **3.** Section 14 of *The Power Commission Act* as amended by section 2 of *The Power Commission Act, 1928*, is amended by adding thereto the following subsection:

EXPLANATORY NOTES.

Section 2. This provides for the establishment of a fund to enable the Commission to go into new territory and build up business. At present the rates must provide for the whole cost of supplying power.

Section 3. The Commission may have in its hands from time to time funds which are not applicable to any statutory purpose and under this section is authorized to hand such moneys over to the Treasury.

Repayments to Province out of funds in hands of commission

(1a) Notwithstanding anything in this Act, the commission may in addition to the repayments out of sinking fund provided for under subsection 1 make further repayments on account of the advances by the Province to the commission from time to time out of funds in its hands.

Rev. Stat., c. 57, s. 20, subs. 1, amended.

4. Subsection 1 of section 20 of *The Power Commission Act* is amended by adding thereto the following clauses:

Works in inter-provincial boundaries.

(bb) Acquire by purchase, lease or otherwise, lands, waters, water privileges, water powers and works upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the production and transmission of electrical power or energy, and enter into agreements with the Crown as representing such other province, or with any commission or department of the Government of such other province, or with any corporation or person interested in or affected by such works as to the terms and conditions upon which such works shall be carried on and any rights so acquired be exercised.

Acquiring shares in companies operating on such boundaries.

(bbb) Acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works.

Rev. Stat., c. 57, s. 20, subs. 1, amended.

5. Subsection 1 of section 20 of *The Power Commission Act* is amended by inserting the following clause:

Purchasing shares in companies.

(gg) Acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any incorporated company carrying on the business of developing, distributing or transmitting electrical power or energy and for the purposes of this Act the acquisition of such shares, or stock, or securities shall be an investment in works.

Rev. Stat., c. 57, s. 20, subs. 3 (1929, c. 20, s. 4), amended.

6. Subsection 3 of section 20 of *The Power Commission Act* as re-enacted by section 4 of *The Power Commission Act, 1929*, is amended by adding thereto the following clause:

Judge's powers on inquiry as to apportionment of costs of waterway improvement.

(a) The judge, upon an inquiry under this section, shall have the like powers as a judge sitting in court including the power to compel the attendance of

Section 4. Section 20 of *The Power Commission Act* is the section which describes the powers which may be exercised by the Commission when directed by the Lieutenant-Governor in Council. There is some doubt as to the power of the Commission under the Act as it stands to construct and operate works wholly or partly in another province, and situations have arisen where this is necessary. The second clause added (*bbb*) is to enable the Commission, if it sees fit and is authorized by the Lieutenant-Governor in Council, to purchase the shares or stock of power companies in the open market. At present there is power in the Act to purchase all the stock and securities of a company, but it is not clear that this extends to companies operating on an interprovincial boundary.

Section 5. This is complementary to other sections authorizing the purchase of shares. It is intended to enable the Commission from time to time to acquire stock in the open market or otherwise, when this can be done to the advantage of customer municipalities.

Section 6. Some years ago in one or two instances, works were constructed for the improvement of streams supplying water or power to municipal corporations. From time to time this provision has been amended so as to enable the cost of the work of the Commission in making the improvements to be adequately met and fairly apportioned among those benefitted by the work. Doubt having been expressed as to the powers of the judge while making inquiries for this purpose it has been thought advisable to expressly provide for power to hear evidence on oath and require the production of documents, etc.

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Rev. Sta.,
c. 111.

Rev. Stat.,
c. 57,
amended.

7. *The Power Commission Act* is amended by adding thereto the following section:

Postpone-
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works under
certain cir-
cumstances.

43a. Where the commission under an order of the Lieutenant-Governor in Council has been authorized to acquire lands or any other property, or to construct works for the purpose of developing, transmitting or distributing electrical power or energy

- (a) in territory without municipal organization, or
- (b) in territory within which the revenue from contracts entered into with municipal corporations and others is insufficient, at rates for power which the commission deems reasonable, to meet operating expenses, costs of maintenance and to provide interest and sinking fund upon the cost of the works, or
- (c) in territory where the commission has reported that it is advisable that works should be constructed or extended in anticipation of a future demand for power,

the Lieutenant-Governor in Council may authorize the commission to postpone the collection of costs and charges payable in respect of electrical power or energy supplied under contracts entered into with the commission or any part thereof, and to carry the whole or any part or parts of such costs and charges, with interest thereon, to a special suspense account for such period or periods as may be fixed by Order-in-Council, and after the expiration of such period or periods

- (a) to fix and determine the amount owing in respect of such costs and charges with accumulated interest thereon;
- (b) to charge such costs and charges, with accumulated interest thereon, or so much thereof as the commission shall deem just and equitable, to the capital costs of the works;

Section 7. This is a section designed to enable the Commission, with the authority of the Lieutenant-Governor in Council, to go on with works where the revenue therefrom cannot for some years be sufficient to meet the cost. It is supplementary to the new section 11*a*, one of the objects of which is to provide for these cases. The latter part of the section is intended to provide for the ultimate payment of the deficits so incurred.

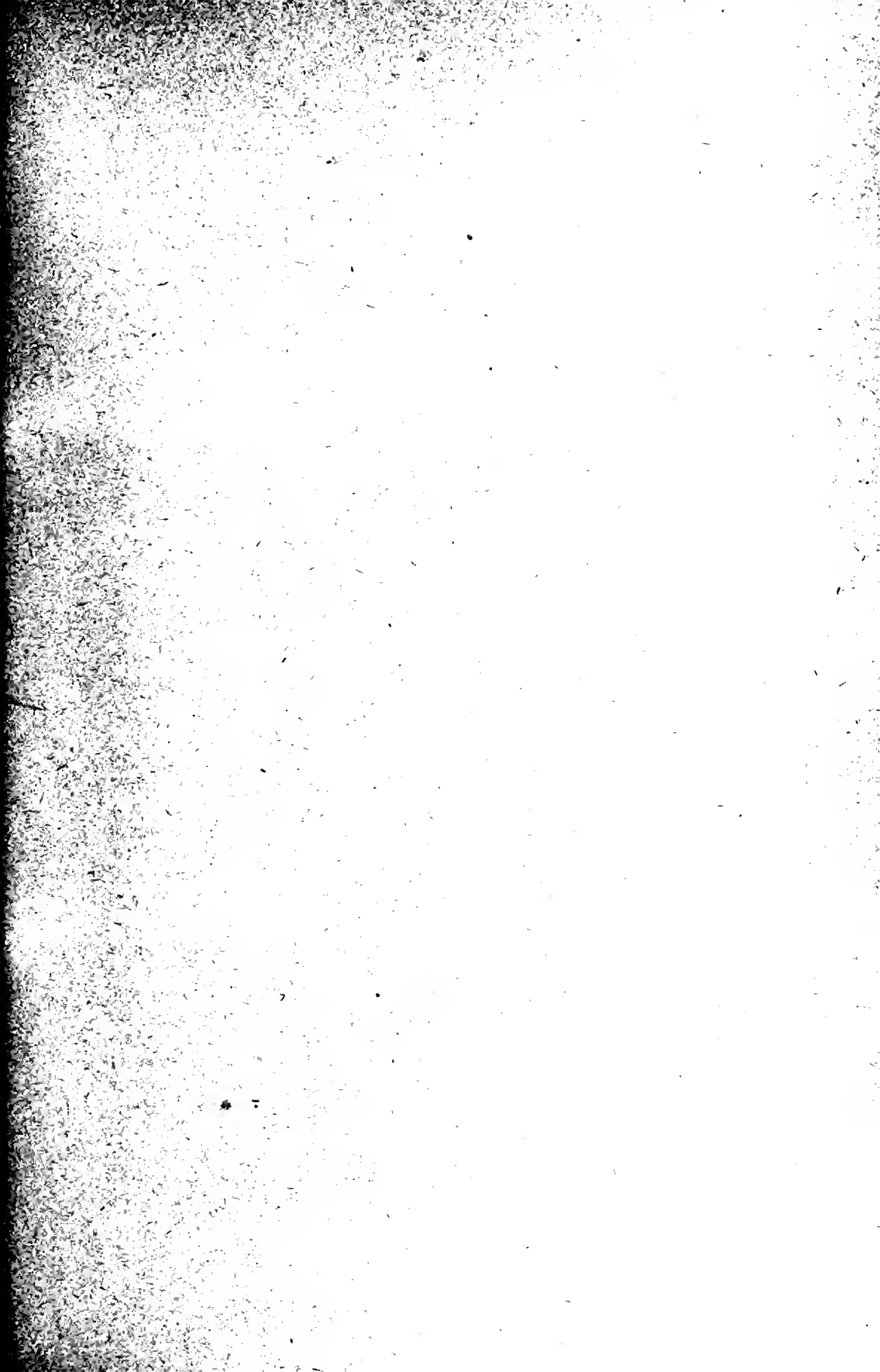
- (c) to charge such costs and charges, with accumulated interest thereon, or so much thereof as the commission may deem just, as cost of power supplied by the commission;
- (d) If at any time the revenues received by the commission from operation of the works shall be sufficient, at rates for power deemed reasonable by the commission, to meet operating charges, costs of maintenance, interest and sinking fund, and provide a surplus—such surplus, or so much thereof as the commission may deem proper, shall be applied in reduction of any sums added to the capital costs of the works as provided for in clause (b) above;
- (e) If the revenues from such works be insufficient to meet operating charges, costs of maintenance and interest and sinking fund on the costs of the works, any deficits so arising may, if the commission shall so require, be charged and paid out of the stabilization fund account, but payment of any such amount out of the stabilization fund account shall in no way relieve any municipal corporation from its obligations under contract with the commission and the works shall be and remain vested in the commission until the amounts charged to the stabilization fund, with accumulated interest thereon, shall have been fully repaid in such fund.

Rev. Stat.,
c. 57,
amended.

§ 8. *The Power Commission Act* is amended by adding thereto the following section:

Granting of
franchises
by municip-
alities
under con-
tract with
Commission
prohibited.


44a.—(1) Where a municipal corporation has heretofore entered into or hereafter enters into a contract with the Commission to take power, either at the time of entering into the contract or, at any time thereafter, exclusively from the Commission, the municipal corporation shall not grant to any corporation or person any right or franchise to erect or lay down poles, wires, conduits or any other structures or works for the distribution of electrical power or energy in the municipality, either for the use of the municipal corporation or the inhabitants generally, or of any particular person, and every such right or franchise and every agreement therefor granted or entered into with or without the assent of the electors shall be null and void.



Proceedings for ascertaining rights where franchise claimed.

- (2) Where it is alleged that any individual or corporation has erected or laid down upon, over or under any street or other highway in a municipality, any poles, wires, conduits or other structures or works for the transmission or distribution of electrical power or energy without the consent of the municipal corporation lawfully given under a by-law of the council thereof, or is continuing to maintain or use any such structures or works upon, over or under any such street or highway without lawful authority, the Lieutenant-Governor in Council upon the complaint of the municipal corporation or of any ratepayer, or of the Commission, may direct an enquiry by the Railway and Municipal Board or by a commission composed of two judges of the Supreme Court, and the Board or commission may enquire into the matter, and if, as a result of the enquiry it is found that such structures or works are upon, over or under any street or highway without lawful authority, the Board or Commission may order the removal of all such poles, wires, conduits or other structures upon such notice and upon such terms and conditions as the Board or commission may deem just or reasonable, and an order made by a commission under this subsection may be filed with the Registrar of the Supreme Court and shall have the same force and effect and be enforceable in the like manner as a judgment of the Supreme Court,—

When work to be deemed unlawful upon the highway

- (a) Any such structure or work shall be deemed to be upon, over or under any street or highway without lawful authority where no such right or franchise is found to have existed or where the term for which the right or franchise was originally granted has expired, or where such right or franchise was not granted by by-law in compliance with the statutes relating thereto, and no such right or franchise shall be deemed to have been acquired by lapse of time or by any express or implied acquiescence on the part of the municipal corporation or of any other municipal corporation, company or individual formerly owning or controlling such street or highway or the lands included therein. 

Rev. Stat.,
c. 57, s. 56,
(1928, c. 19,
s. 3),
amended,

9. Section 56 of *The Power Commission Act* as re-enacted by section 3 of *The Power Commission Act, 1928*, is amended by adding thereto the following clause:

Section 9. This is to include in the cost of power to the municipalities the amount contributed by the municipality towards the ten cents per horse-power provided for in section 11a and which is to go towards the stabilization fund.

Cost of power to municipality.

- (d) An amount equal to ten cents per horse-power per annum on all electrical power or energy sold by the commission in Ontario, to be paid into the stabilization fund account provided for in section 11a.

Rev. Stat., c. 57, s. 82, amended.

10. Section 82 of *The Power Commission Act* is amended by adding thereto the following subsections:

Powers as to fixing municipal rates.

- (2) Notwithstanding anything in this Act contained, the commission may from time to time—when in its opinion it is in the interests of the municipal corporations under contract with the commission so to do—make orders fixing the rates to be charged by *the corporation or commission of any municipality having a population of less than 200,000* for electrical power or energy supplied by the commission;

Where amount collected proves insufficient.

- (3) In a municipality where the rates fixed by the commission under subsection 2 above prove insufficient to provide for the costs of supplying electrical power or energy in such municipality, the commission may charge the deficit to the stabilization fund account and may from time to time impose such terms as to repayment of the amount so charged together with interest thereon, or any part thereof, or may relieve the municipality from obligation to repay the same to such extent as to the commission may seem just and equitable.

Rev. Stat., c. 57, s. 97, subs. 2, amended.

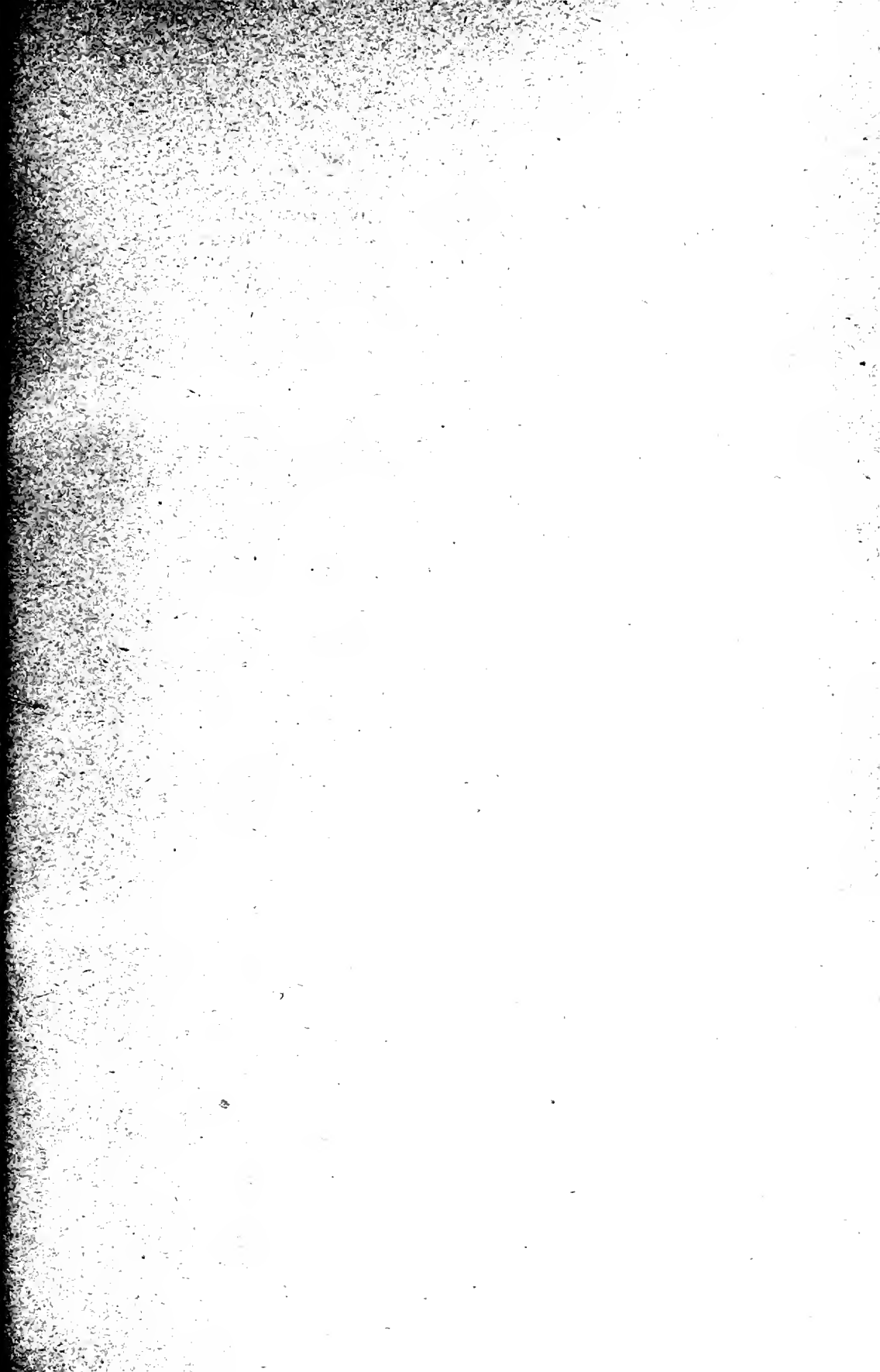
11. Subsection 2 of section 97 of *The Power Commission Act* is amended by striking out the words "one hundred thousand" in the first line, and inserting in lieu thereof the words "sixty thousand," and by striking out the words "may, if the council of the city by by-law so declares" in the eighth line and inserting in lieu thereof the word "shall."

By-laws, confirmed.

12. By-laws numbers 2915 and 2916 of the corporation of the city of Belleville; by-laws numbers 1948 and 1959 of the corporation of the city of Oshawa; by-law number 6581 of the corporation of the city of Ottawa; by-law number 2832 of the corporation of the city of Peterborough; by-law number 1806 of the corporation of the town of Lindsay; by-law number 1316 of the corporation of the town of Napanee; by-laws numbers 1409 and 1410 of the corporation of the town of Port Hope; by-laws numbers 790, 791, 796, 798 and 799 of the corporation of the town of Southampton; by-law number A 192 of the corporation of the village of Brighton; by-law number 676 of the corporation of the township of Adjala; by-law number 168 of the corporation of the township of Ameliasburg; by-laws numbers 1036 and 1042B of the cor-

Section 10. This is to enable the Commission to fix the rates to be charged by any municipal corporation. At present the rates must be approved but the Commission has no power to fix them and they are regulated by the actual cost of supplying power. The new section will enable the Commission to fix the rates chargeable in any municipality, the object of this and other provisions of the Bill being to enable the Commission to procure and carry on business in the same manner as any other business concern.

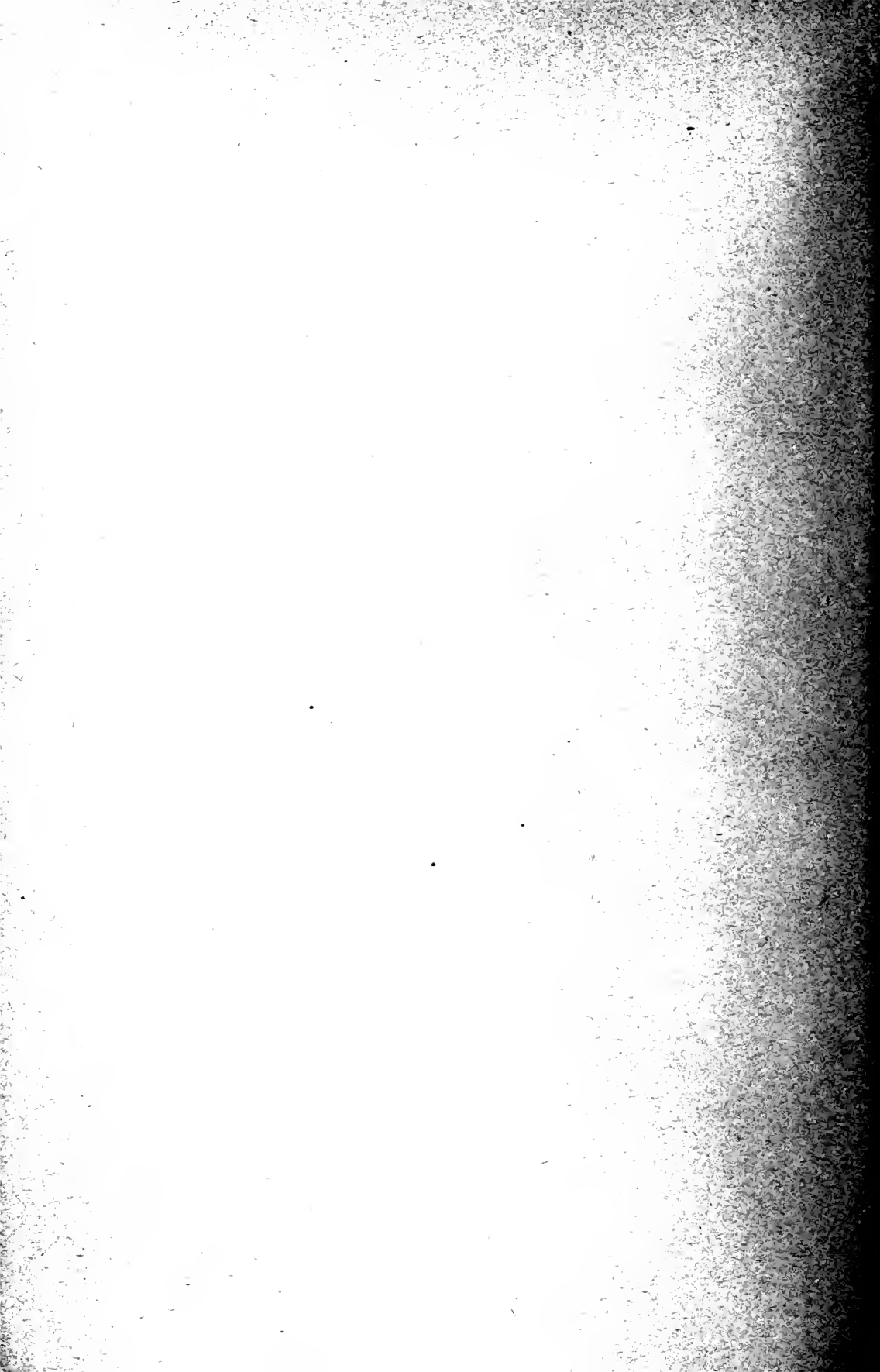
poration of the township of Bastard and Burgess South; by-law number 697 of the corporation of the united townships of Belmont and Methuen; by-law number 631 of the corporation of the township of Cartwright; by-law number 986 of the corporation of the township of Crosby South; by-law number 195 of the corporation of the township of Crowland; by-law number 588 of the corporation of the township of East Luther; by-law number 1038 of the corporation of the township of East Whitby; by-law number 1053 of the corporation of the township of East Zorra; by-law number 6 of 1929 of the corporation of the township of Egremont; by-law number 525 of the corporation of the township of Essa; by-law number 3342 of the corporation of the township of Etobicoke; by-law number 208 of the corporation of the township of Front of Escott; by-law number 859 of the corporation of the township of Front of Leeds and Lansdowne; by-law number 181 of the corporation of the township of Front of Yonge; by-law number 341 of the corporation of the township of Gosfield South; by-law number 5 of 1929 of the corporation of the township of Grey; by-law number 335 of the corporation of the township of Hibbert; by-law number 409 of the corporation of the township of Hillier; by-law number 3 of 1929 of the corporation of the township of Howick; by-law number 680 of the corporation of the township of Kitley; by-law number 95 of the corporation of the township of Lochiel; by-law number 116B of the corporation of the township of Loughborough; by-law number 1040 of the corporation of the township of Manvers; by-law number 8 of 1929 of the corporation of the township of McKillop; by-law number 688 of the corporation of the township of Medorte; by-law number 12 of 1929 of the of the corporation of the township of Morris; by-law number 341 of the corporation of the township of Morrison; by-law number 335 of the corporation of the township of North Walsingham; by-law number 1198 of the corporation of the township of Orillia; by-law number 10 of 1929 of the corporation of the township of Osnabruck; by-law number 351 of the corporation of the township of Oxford; by-law number 6 of 1929 of the corporation of the township of Pittsburgh; by-law number 728 of the corporation of the township of Plantagenet North; by-law number 138 of the corporation of the township of Plantagenet South; by-law number 12 of 1929 of the corporation of the township of Portland; by-laws numbers 843, 849 and 854 of the corporation of the township of Rear of Leeds and Lansdowne; by-law number 724 of the corporation of the township of South Dumfries; by-law number 456 of the corporation of the township of South Grimsby; by-law number 6 of 1928 of the corporation of the township of Stanley; by-laws numbers 532 and 553 of the corporation of the township of Tossorontio; by-law number 130 of 1929 of the corporation of the township of Tuckersmith; by-law number 142 of the corporation of the township of West Ferris;



by-law number 1124 of the corporation of the township of Yarmouth; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

Commence-
ment of
Act.

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





BILL.

An Act to amend The Power Commission
Act.

1st Reading

March 11th, 1930

2nd Reading

March 20th, 1930

3rd Reading

MR. COOKE.

*(Reprinted with suggested amendments for
consideration by Committee of
the Whole House).*

No. 122

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

BILL

An Act to amend The Power Commission Act.

MR. COOKE.

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

No. 122.

1930.

BILL

An Act to amend The Power Commission 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 Power Commission Act, 1930.*

Rev. Stat.,
c. 57,
amended. **2.** *The Power Commission Act* is amended by adding thereto the following section:

Stabilization
Fund
Account. 11a.—(1) An account to be known as the "Stabilization Fund Account" shall be opened and maintained on the books of the Commission and there shall annually be placed to the credit of such account,—

What to
be credited (a) an amount equal to ten cents per horse-power per annum on all electrical power or energy sold by the Commission in Ontario, such amount to be deducted from the revenues of the Commission,—

(b) Interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Costs and
expenses
which may
be charged to
account. (2) Costs and expenses incurred by the Commission which in the opinion of the Commission are for the protection or advancement of the interests in the undertakings under its supervision or control and are not properly chargeable to any system or to any municipal corporation under contract with the Commission may be charged by the Commission to the Stabilization Fund Account.

Rev. Stat.,
c. 57, s. 14,
amended. **3.** Section 14 of *The Power Commission Act* as amended by section 2 of *The Power Commission Act, 1928*, is amended by adding thereto the following subsection:

(1a) Notwithstanding anything in this Act, the Commission may in addition to the repayments out of sinking fund provided for under subsection 1 make further repayments on account of the advances by the Province to the Commission from time to time out of funds in its hands.

Repayments to Province out of funds in hands of Commission.

4. Subsection 1 of section 20 of *The Power Commission Act* is amended by inserting clause (aa) after clause (a) and by inserting clauses (bb) and (bbb) after clause (b):

Rev. Stat., c. 57, s. 20, subs. 1, amended.

(aa) Acquire by purchase the whole or any part of the property, assets and undertaking, of Dominion Power and Transmission Company Limited, including shares held or owned by said company in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to maintain and operate any*property or properties so acquired.

To acquire Dominion Power and Transmission Company Limited.

(bb) Acquire by purchase, lease or otherwise, lands, waters, water privileges, water powers and works upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the production and transmission of electrical power or energy, and enter into agreements with the Crown as representing such other province, or with any commission or department of the Government of such other province, or with any corporation or person interested in or affected by such works as to the terms and conditions upon which such works shall be carried on and any rights so acquired be exercised.

Works in inter-provincial boundaries.

(bbb) Acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works.

Acquiring shares in companies operating on such boundaries.

5. Subsection 1 of section 20 of *The Power Commission Act* is amended by inserting the following clause:

Rev. Stat., c. 57, s. 20, subs. 1, amended.

(gg) Acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any incorporated company carrying on the business of developing, distributing or transmitting

Purchasing shares in companies.

electrical power or energy and for the purposes of this Act the acquisition of such shares, or stock, or securities shall be an investment in works.

Rev. Stat.,
c. 57, s. 20,
subs. 3
(1929, c. 20,
s. 4),
amended.

6. Subsection 3 of section 20 of *The Power Commission Act* as re-enacted by section 4 of *The Power Commission Act, 1929*, is amended by adding thereto the following clause:

Judge's
powers on
inquiry as to
apportionment
of costs
of waterway
improvement.

(a) The judge, upon an inquiry under this section, shall have the like powers as a judge sitting in court including the power to compel the attendance of witnesses, to hear evidence on oath and to require the production of books, papers, documents, matters and things and the order of the judge shall be enforceable in the manner provided by *The Judges' Orders Enforcement Act*.

Rev. Stat.,
c. 111.

7. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 57,
amended.

Postpone-
ment of col-
lection of
costs and
charges for
works under
certain cir-
cumstances.

43a. Where the Commission under an order of the Lieutenant-Governor in Council has been authorized to acquire lands or any other property, or to construct works for the purpose of developing, transmitting or distributing electrical power or energy

(a) in territory without municipal organization; or

(b) in territory within which the revenue from contracts entered into with municipal corporations and others is insufficient, at rates for power which the Commission deems reasonable, to meet operating expenses, costs of maintenance and to provide interest and sinking fund upon the cost of the works, or

(c) in territory where the Commission has reported that it is advisable that works should be constructed or extended in anticipation of a future demand for power,

the Lieutenant-Governor in Council may authorize the Commission to postpone the collection of costs and charges payable in respect of electrical power or energy supplied under contracts entered into with the Commission or any part thereof, and to carry the whole or any part or parts of such costs and charges, with interest thereon, to a special suspense account for such period or periods as may be fixed

by Order-in-Council, and after the expiration of such period or periods

- (a) to fix and determine the amount owing in respect of such costs and charges with accumulated interest thereon;
- (b) to charge such costs and charges, with accumulated interest thereon, or so much thereof as the Commission shall deem just and equitable, to the capital costs of the works;
- (c) to charge such costs and charges, with accumulated interest thereon, or so much thereof as the Commission may deem just, as cost of power supplied by the commission;
- (d) If at any time the revenues received by the Commission from operation of the works shall be sufficient, at rates for power deemed reasonable by the commission, to meet operating charges, costs of maintenance, interest and sinking fund, and provide a surplus—such surplus, or so much thereof as the Commission may deem proper, shall be applied in reduction of any sums added to the capital costs of the works as provided for in clause (b) above;
- (e) If the revenues from such works be insufficient to meet operating charges, costs of maintenance and interest and sinking fund on the costs of the works, any deficits so arising may, if the Commission shall so require, be charged and paid out of the stabilization fund account, but payment of any such amount out of the stabilization fund account shall in no way relieve any municipal corporation from its obligations under contract with the Commission and the works shall be and remain vested in the Commission until the amounts charged to the stabilization fund, with accumulated interest thereon, shall have been fully repaid in such fund.

8. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 57,
amended.

44a.—(1) Where a municipal corporation has heretofore entered into or hereafter enters into a contract with the Commission to take power, either at the time of entering into the contract or, at any time thereafter,

Granting of franchises by municipalities under contract with Commission prohibited.

exclusively from the Commission, the municipal corporation shall not grant to any corporation or person any right or franchise to erect or lay down poles, wires, conduits or any other structures or works for the distribution of electrical power or energy in the municipality, either for the use of the municipal corporation or the inhabitants generally, or of any particular person, and every such right or franchise and every agreement therefor granted or entered into with or without the assent of the electors shall be null and void.

Proceedings for ascertaining rights where franchise claimed.

- (2) Where it is alleged that any individual or corporation has erected or laid down upon, over or under any street or other highway in a municipality, any poles, wires, conduits or other structures or works for the transmission or distribution of electrical power or energy without the consent of the municipal corporation lawfully given under a by-law of the council thereof, or is continuing to maintain or use any such structures or works upon, over or under any such street or highway without lawful authority, the Lieutenant-Governor in Council upon the complaint of the municipal corporation or of any ratepayer, or of the Commission, may direct an enquiry by the Railway and Municipal Board or by a commission composed of two judges of the Supreme Court, and the Board or commission may enquire into the matter, and if, as a result of the enquiry it is found that such structures or works are upon, over or under any street or highway without lawful authority, the Board or Commission may order the removal of all such poles, wires, conduits or other structures upon such notice and upon such terms and conditions as the Board or commission may deem just or reasonable, and an order made by a commission under this subsection may be filed with the Registrar of the Supreme Court and shall have the same force and effect and be enforceable in the like manner as a judgment of the Supreme Court,—

When work to be deemed unlawfully upon the highway

- (a) Any such structure or work shall be deemed to be upon, over or under any street or highway without lawful authority where no such right or franchise is found to have existed or where the term for which the right or franchise was originally granted has expired, or where such right or franchise was not granted by by-law in compliance with the statutes relating thereto, and no such right

or franchise shall be deemed to have been acquired by lapse of time or by any express or implied acquiescence on the part of the municipal corporation or of any other municipal corporation, company or individual formerly owning or controlling such street or highway or the lands included therein.

9. Section 56 of *The Power Commission Act* as re-enacted by section 3 of *The Power Commission Act, 1928*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 57, s. 56,
(1928, c. 19,
s. 3),
amended,

(d) An amount equal to ten cents per horse-power per annum on all electrical power or energy sold by the commission in Ontario, to be paid into the stabilization fund account provided for in section 11a.

Cost
of power
to municip-
ality.

10. Section 82 of *The Power Commission Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 57, s. 82,
amended.

(2) Notwithstanding anything in this Act contained, the commission may from time to time—when in its opinion it is in the interests of the municipal corporations under contract with the commission so to do—make orders fixing the rates to be charged by the corporation or commission of any municipality having a population of less than 200,000 for electrical power or energy supplied by the commission;

Powers
as to fixing
municipal
rates.

(3) In a municipality where the rates fixed by the commission under subsection 2 above prove insufficient to provide for the costs of supplying electrical power or energy in such municipality, the commission may charge the deficit to the stabilization fund account and may from time to time impose such terms as to repayment of the amount so charged together with interest thereon, or any part thereof, or may relieve the municipality from obligation to repay the same to such extent as to the commission may seem just and equitable.

Where
amount
collected
proves in-
sufficient.

11. Subsection 2 of section 97 of *The Power Commission Act* is amended by striking out the words "one hundred thousand" in the first line, and inserting in lieu thereof the words "sixty thousand," and by striking out the words "may, if the council of the city by by-law so declares" in the eighth line and inserting in lieu thereof the word "shall."

Rev. Stat.,
c. 57, s. 97,
subs. 2
amended.

12. By-laws numbers 2915 and 2916 of the corporation of the city of Belleville; by-laws numbers 1948 and 1959 of the corporation of the city of Oshawa; by-law number 6581 of the

By-laws,
confirmed.

corporation of the city of Ottawa; by-law number 2832 of the corporation of the city of Peterborough; by-law number 1806 of the corporation of the town of Lindsay; by-law number 1316 of the corporation of the town of Napanee; by-laws numbers 1409 and 1410 of the corporation of the town of Port Hope; by-laws numbers 790, 791, 796, 798 and 799 of the corporation of the town of Southampton; by-law number A 192 of the corporation of the village of Brighton; by-law number 676 of the corporation of the township of Adjala; by-law number 168 of the corporation of the township of Ameliasburg; by-laws numbers 1036 and 1042B of the corporation of the township of Bastard and Burgess South; by-law number 697 of the corporation of the united townships of Belmont and Methuen; by-law number 631 of the corporation of the township of Cartwright; by-law number 986 of the corporation of the township of Crosby South; by-law number 195 of the corporation of the township of Crowland; by-law number 588 of the corporation of the township of East Luther by-law number 1038 of the corporation of the township of East Whitby; by-law number 1053 of the corporation of the township of East Zorra; by-law number 6 of 1929 of the corporation of the township of Egremont; by-law number 525 of the corporation of the township of Essa; by-law number 3342 of the corporation of the township of Etobicoke; by-law number 208 of the corporation of the township of Front of Escott; by-law number 859 of the corporation of the township of Front of Leeds and Lansdowne; by-law number 181 of the corporation of the township of Front of Yonge; by-law number 341 of the corporation of the township of Gosfield South; by-law number 5 of 1929 of the corporation of the township of Grey; by-law number 335 of the corporation of the township of Hibbert; by-law number 409 of the corporation of the township of Hillier; by-law number 3 of 1929 of the corporation of the township of Howick; by-law number 680 of the corporation of the township of Kitley; by-law number 95 of the corporation of the township of Lochiel; by-law number 116B of the corporation of the township of Loughborough; by-law number 1040 of the corporation of the township of Manvers; by-law number 8 of 1929 of the corporation of the township of McKillop; by-law number 688 of the corporation of the township of Medorte; by-law number 12 of 1929 of the corporation of the township of Morris; by-law number 341 of the corporation of the township of Morrison; by-law number 335 of the corporation of the township of North Walsingham; by-law number 1198 of the corporation of the township of Orillia; by-law number 10 of 1929 of the corporation of the township of Osnabruck; by-law number 351 of the corporation of the township of Oxford; by-law number 6 of 1929 of the corporation of the township of Pittsburgh; by-law number 728 of the corporation of the township of Plantagenet North; by-law number 138 of the corporation of the township of

Plantagenet South; by-law number 12 of 1929 of the corporation of the township of Portland; by-laws numbers 843, 849 and 854 of the corporation of the township of Rear of Leeds and Lansdowne; by-law number 724 of the corporation of the township of South Dumfries; by-law number 456 of the corporation of the township of South Grimsby; by-law number 6 of 1928 of the corporation of the township of Stanley; by-law number 1088 of the corporation of the township of Toronto; by-laws numbers 532 and 553 of the corporation of the township of Tossorontio; by-law number 130 of 1929 of the corporation of the township of Tuckersmith; by-law number 142 of the corporation of the township of West Ferris; by-law number 1124 of the corporation of the township of Yarmouth; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

13. 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 Power Commission Act.

1st Reading

March 11th, 1930

2nd Reading

March 20th, 1930

3rd Reading

March 27th, 1930

MR. COOKE.

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

BILL

An Act to amend The Liquor Control Act.

MR. PRICE.

No. 123.

1930.

BILL

An Act to amend The Liquor Control 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 Liquor Control Act, 1930*.

Rev. Stat.,
c. 257, s. 33,
amended.

2. Section 33 of *The Liquor Control Act* is amended by inserting at the commencement of the said section the words "Except as provided by this Act and the regulations," so that the section will now read as follows:

Sealing
package,
etc.

33. Except as provided by this Act and the regulations, no liquor shall be sold to any purchaser except in a package sealed with the official seal as prescribed by this Act and such package shall not be opened on the premises of a Government store.

Rev. Stat.,
c. 257, s. 42,
subs. 1,
repealed.

3. Subsection 1 of section 42 of *The Liquor Control Act* is repealed and the following substituted therefor:

Place where
liquor may
be kept by
holder of
permit.

(1) Liquor purchased by any person pursuant to a permit held by him, may be kept, had, given or consumed only in the residence in which he resides, except as otherwise provided by this Act and the regulations.

Rev. Stat.,
c. 257, s. 64,
amended.

4. Section 64 of *The Liquor Control Act* as amended by section 10 of *The Liquor Control Act, 1928*, is further amended by adding thereto the following subsection:

Sale of
alcoholic
compounds
prohibited.

(8) Except as otherwise expressly provided in this Act, no person shall, within Ontario, have in his possession sell or keep for sale any compound, mixture or preparation whether in solid or liquid form to which the addition of water or any other liquid or any substance will produce intoxicating liquor.

Rev. Stat.,
c. 257, s. 72,
subs. 2,
repealed.

5. Subsection 2 of section 72 of *The Liquor Control Act* is repealed and the following substituted therefor:

EXPLANATORY NOTES.

Section 2. All liquor sold through Government stores must be sealed with the official seal.

Section 79 of *The Liquor Control Act* excepts native wine from the necessity of being sealed.

This amendment is simply to make section 33 conform with section 79.

Section 3. Section 42, subsection 1 is generally known as the "having" section. It formerly read as follows:

42.—(1) Liquor purchased by any person pursuant to a permit held by him may be kept, had, given and consumed, only in the residence in which he resides, except as otherwise provided by this Act, and the regulations made thereunder.

Some magistrates have held that in order to constitute an offence under this section that the consuming must take place with the "keeping," "having" or "giving." This amendment changes the conjunction "and" to "or" to put the matter beyond doubt, so that a person may be committing an offence against this section if he has or consumes liquor in an unlawful place.

Section 4. Attempts have been made from time to time by merchants in foreign countries to introduce for sale in Ontario, substances in solid form to which the addition of water produces an intoxicating beverage. Most of these products appear to come from Germany.

This amendment is drafted against the "having" or "sale" of these products by any person in Ontario.

Section 5. It is intended to place the sale of native wine on a permit basis.

Possession.

- (2) Except as expressly provided by this Act and by the regulations, no person shall have or keep any liquor within Ontario which has not been purchased from a Government vendor or from a physician as provided by section 56.

Rev. Stat.,
c. 257, s. 74,
repealed.

6. Section 74 of *The Liquor Control Act* as amended by section 7 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor:

Sale by
vendors and
other
officials.

- 74.—(1) No person authorized to sell liquor in accordance with the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

Permit
issuers.

- (2) No official or person authorized to issue permits under this Act shall issue more than one permit for the purchase of liquor under this Act to any one individual.

False and
fictitious
permits.

- (3) No person authorized to issue permits under the provisions of this Act shall issue any permit,—

(a) to any person who is disqualified under the provisions of this Act and the Regulations to make application for such permit;

(b) to any person furnishing any false or fictitious particulars in his application for such permit.

Furnishing
liquor on
illegal
permit.

- (4) No person authorized to sell liquor in accordance with the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor to any permit-holder whose permit has not been acquired in accordance with the provisions of this Act and the regulations.

Rev. Stat.,
c. 257, s. 79,
repealed.

7. Section 79 of *The Liquor Control Act* is repealed and the following substituted therefor:

Liquor
which
may be
consumed.

79. Except in the case of wine used for sacramental purposes or in any religious ceremony and as provided by this Act and the regulations, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from

This section as it now stands, prohibits any one from having any liquor, except native wine, which has not been bought from a Government store.

This amendment omits the words "other than Native Wine" and qualifies the general prohibition in regard to native wine by making it subject to the regulations which the Board may impose.

It is intended that the Board will pass regulations dealing with the sale and purchase of native wine on a permit.

Section 6. This section as it now stands, is drafted against illegal sale by vendors, their servants, etc.

Subsection 1 is amended by making it applicable to vendors, warehousemen, inspectors, etc.

This section deals only with illegal sales by Board employees and must not be confused with the general selling section which applies to other people.

Subsection 2 is unchanged.

Subsection 3 prohibits the illegal issue of permits by any permit issuer.

Subsection 4 extends the word "Vendor" to include any person authorized to sell liquor in accordance with the Act.

Section 7. Section 79 as it now stands, takes out of the general operation of the Act the entire question of native wine so that it is not necessary to purchase it on a permit, neither is it necessary to have the container or package sealed with the Government seal.

This amendment takes away this exception as to native wine, and the result of the amendment will be that the Board will have to operate the sale, purchase and consumption of native wine by regulation.

which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

Rev. Stat.,
c. 257, s. 80,
subs. 1,
repealed.

8. Subsection 1 of section 80 of *The Liquor Control Act* as amended by section 11 of *The Liquor Control Act, 1928*, is repealed and the following substituted therefor:

Liquor to
be sealed.

(1) Except in the case of,—

- (a) liquor imported by the Government, or by the Board; or
- (b) sacramental or other wines used for religious purposes; or
- (c) liquor had or kept under the provisions of section 61, no liquor shall be kept or had by any person in Ontario unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained is, while containing that liquor, sealed with the official seal prescribed under this Act.

Rev. Stat.,
c. 257, s. 88,
amended.

9. Section 88 of *The Liquor Control Act* as amended by section 8 of *The Liquor Control Act, 1929*, is further amended by adding thereto the following subsection:

Possession
of false or
fictitious
permit.

- (4) Except as provided by this Act and the regulations, no person shall within Ontario have or keep in his possession, a false or fictitious permit purporting to authorize the purchase of liquor or beer or a permit of which he is not the holder.

Rev. Stat.,
c. 257, s. 91,
amended.

10. Section 91 of *The Liquor Control Act* as amended by section 9 of *The Liquor Control Act, 1929*, is further amended by adding thereto the following subsection:

Duty of
hotel
proprietor.

- (5) If the owner or proprietor of any hotel, or his clerk, servant or agent finds any individual permit on the hotel premises, or any part thereof, he shall deliver the same within twenty-four hours to the nearest vendor for transmission to the Board.

Rev. Stat.,
c. 257, s. 94,
subs. 1,
amended.

11. Subsection 1 of section 94 of *The Liquor Control Act* is repealed and the following substituted therefor:

Sale of
native
wine.

- (1) Subject to any regulations or restrictions which the Board may impose, manufacturers of native wines from grapes or cherries grown and produced in Ontario may sell, keep or offer for sale and deliver the same in such quantities as may be permitted by the Board for consumption in a private residence.

Section 8. This section as it now stands, provides for the necessity of an official seal on all liquor, but it excepts the question of native wine, and this amendment takes away this exception as the matter will be dealt with in the general regulations of native wine.

This amendment is made so that this section will conform with the general scheme to place native wine on a permit basis by regulation.

Section 9. This amendment is almost self explanatory.

Law enforcement officers have found people in possession of false and fictitious permits which have been used for illegal purposes.

This makes it an offence to be in possession of such a permit, or to be in possession of a permit of which the person is not the holder.

Section 10. This amendment places the duty upon hotel proprietors to turn into the Board any permits which they find on their premises after a guest has checked out. Abuses have been made of tourists' permits left in hotels.

Section 11. Section 94 of the Act takes native wine out of the general prohibitions of the Act. This amendment puts native wine on the same basis as liquor and gives the Board power to regulate its sale.

Rev. Stat.,
c. 257, s. 101,
subs. 2
(1929, c. 69,
s. 10),
repealed.

12. Subsection 2 of section 101 of *The Liquor Control Act* as re-enacted by section 10 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor:

Penalty for
offence as to
permits.

- (2) Every person who knowingly violates any of the provisions of subsections 2, 3 and 4 of section 74 shall be imprisoned for not less than six months nor more than twelve months.

Rev. Stat.,
c. 257, s. 103,
subs. 3
(1929, c. 69,
s. 11),
repealed.

13. Subsection 3 of section 103 of *The Liquor Control Act* as re-enacted by section 11 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor:

Penalties.

- (3) Everyone who violates any of the provisions of sections 34, 35, 42, 56, 58, 59, 60, subsection 2 of section 72 or sections 84, 88, 90, 91, 92 or subsection 4 of section 108 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months.

Rev. Stat.,
c. 257, s. 107,
amended.

14. Section 107 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Inference
from circum-
stances in
case of
hotels or
other
premises.

- (2) Upon proof of the fact that an offence against any of the provisions of this Act has been committed upon or in respect of any premises, or any portion thereof, by any person claiming to be agent, tenant or lessee of the owner or proprietor of such premises, or any such portion thereof, the justice trying the case shall have the right to draw inferences of fact from the agreement or lease between such person and such owner or proprietor and from the number of offences which have been committed against this Act upon or in respect of such premises, or any such portion thereof, and from the circumstances under which liquor is kept or dealt with upon such premises, or any such portion thereof, and if the justice is of opinion that the owner or proprietor had knowledge of the use of such premises, or such part thereof, in the committing of offences against this Act he may impose upon such owner or proprietor a penalty of not less than \$1,000 nor more than \$2,000 and in default of immediate payment thereof such owner or proprietor shall be imprisoned for not less than three months nor more than six months.

Rev. Stat.,
c. 257, s. 131,
amended.

15. Section 131 of *The Liquor Control Act* as amended by section 12 of *The Liquor Control Act, 1928*, is further amended by adding thereto the following subsection:

Section 12. This section provides penalties for the breach of any of the offences as contained in section 7 of the Bill.

Section 13. Section 103 is one of the penalty sections of the Act.

This amendment includes in this penalty section the offence of police obstruction. Formerly the penalty was only \$10.00 to \$100.00 and this amendment increases the penalty.

Section 14. In connection with hotels which persist in breaking the Act, the true owner (which is usually the proprietor) has a fictitious lease prepared in the name of some individual who will take the responsibility for the breach of the Act in the event of a conviction.

In cases which have been prosecuted, the real owner (the proprietor) has been allowed to go unpunished by reason of the fact that the Crown's case was cut short by the production of the fictitious lease.

This amendment provides that the justice trying the case may draw inferences of fact from the surrounding circumstances and may impose upon the proprietor the penalties provided by this section.

Section 15. This is self explanatory. Heretofore a difficulty has been encountered in proving in court the cancellation of a man's permit.

Certificate of cancellation of permit *prima facie* evidence.

- (3) In the prosecution of any person charged with an offence against this Act, the production of a certificate of cancellation of permit signed by any member of the Board, shall be *prima facie* evidence of the cancellation of the permit mentioned in such certificate.

Rev. Stat., c. 257, s. 138, subs. 3, repealed.

16.—(1) Subsection 3 of section 138 of *The Liquor Control Act* is repealed and the following substituted therefor:

“Judge,” meaning of.

- (3) The term “judge” as used in this Act shall mean the judge, junior judge or acting judge of the county or district court of a county or district.

(2) Subsection 11 of the said section 138 is repealed and the following substituted therefor:

Summons to be issued by judge.

- (11) Within thirty days from the service of the notice of appeal the judge shall, on the application of any appellant, grant a summons calling upon all parties to attend before him at his chambers on the day and hour named therein, when the hearing of the appeal will be proceeded with, provided, however, that if no such application is made within the said thirty days, the judge, upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

Commencement of Act.

17.—(1) This Act, except sections 5, 7, 8 and 11 shall come into force on the day upon which it receives the Royal Assent.

(2) Sections 5, 7, 8 and 11 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Section 16.—(1) The present subsection 3 of section 138 reads as follows:

(3) The term "judge" as used in this Act shall mean judge or acting judge of the county or district court of a county or district, and shall include a junior judge acting at the request or in the case of the illness or absence of the judge.

This amendment will facilitate the hearing of appeals by county or district court judges, in that the senior or junior judge in any county may act.

(2) Upon appeals to the county or district judge—if the appointment of the judge was not taken out within the fifteen days, it was difficult to have the appeal dismissed.

This amendment makes it compulsory for the judge to dismiss the appeal with costs, if the appointment is not taken out within the prescribed time, i.e. thirty days.

BILL.

An Act to amend The Liquor Control Act.

1st Reading

March 11th, 1930

2nd Reading

3rd Reading

MR. PRICE.

No. 123

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

BILL

An Act to amend The Liquor Control Act.

MR. PRICE.

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

No. 123.

1930.

BILL

An Act to amend The Liquor Control 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 Liquor Control Act, 1930*.

Rev. Stat.,
c. 257, s. 33,
amended.

2. Section 33 of *The Liquor Control Act* is amended by inserting at the commencement of the said section the words "Except as provided by this Act and the regulations," so that the section will now read as follows:

Sealing
package,
etc.

33. Except as provided by this Act and the regulations, no liquor shall be sold to any purchaser except in a package sealed with the official seal as prescribed by this Act and such package shall not be opened on the premises of a Government store.

Rev. Stat.,
c. 257, s. 42,
subs. 1,
repealed.

3. Subsection 1 of section 42 of *The Liquor Control Act* is repealed and the following substituted therefor:

Place where
liquor may
be kept by
holder of
permit.

(1) Liquor purchased by any person pursuant to a permit held by him, may be kept, had, given or consumed only in the residence in which he resides, except as otherwise provided by this Act and the regulations.

Rev. Stat.,
c. 257, s. 64,
amended.

4. Section 64 of *The Liquor Control Act* as amended by section 10 of *The Liquor Control Act, 1928*, is further amended by adding thereto the following subsection:

Sale of
alcoholic
compounds
prohibited.

(8) Except as otherwise expressly provided in this Act, no person shall, within Ontario, have in his possession sell* or keep for sale any compound, mixture or preparation whether in solid or liquid form to which the addition of water or any other liquid or any substance will produce intoxicating liquor.

Rev. Stat.,
c. 257, s. 72,
subs. 2,
repealed.

5. Subsection 2 of section 72 of *The Liquor Control Act* is repealed and the following substituted therefor:

- (2) Except as expressly provided by this Act and by the Possession. regulations, no person shall have or keep any liquor within Ontario which has not been purchased from a Government vendor or from a physician as provided by section 56.

6. Section 74 of *The Liquor Control Act* as amended by Rev. Stat., c. 257, s. 74, section 7 of *The Liquor Control Act, 1929*, is repealed and the repealed. following substituted therefor:

74.—(1) No person authorized to sell liquor in accordance Sale by vendors and other officials. with the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

(2) No official or person authorized to issue permits Permit issuers. under this Act shall issue more than one permit for the purchase of liquor under this Act to any one individual.

(3) No person authorized to issue permits under the False and fictitious permits. provisions of this Act shall issue any permit,—

(a) to any person who is disqualified under the provisions of this Act and the Regulations to make application for such permit;

(b) to any person furnishing any false or fictitious particulars in his application for such permit.

(4) No person authorized to sell liquor in accordance with Furnishing liquor on illegal permit. the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor to any permit-holder whose permit has not been acquired in accordance with the provisions of this Act and the regulations.

7. Section 79 of *The Liquor Control Act* is repealed and the Rev. Stat., c. 257, s. 79, following substituted therefor: repealed.

79. Except in the case of wine used for sacramental Liquor which may be consumed. purposes or in any religious ceremony and as provided by this Act and the regulations, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from

which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

Rev. Stat.,
c. 257, s. 80,
subs. 1,
repealed.

8. Subsection 1 of section 80 of *The Liquor Control Act* as amended by section 11 of *The Liquor Control Act, 1928*, is repealed and the following substituted therefor:

Liquor to
be sealed.

(1) Except in the case of,—

- (a) liquor imported by the Government, or by the Board; or
- (b) sacramental or other wines used for religious purposes; or
- (c) liquor had or kept under the provisions of section 61, no liquor shall be kept or had by any person in Ontario unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained is, while containing that liquor, sealed with the official seal prescribed under this Act.

Rev. Stat.,
c. 257, s. 88,
amended.

9. Section 88 of *The Liquor Control Act* as amended by section 8 of *The Liquor Control Act, 1929*, is further amended by adding thereto the following subsection:

Possession
of false or
fictitious
permit.

- (4) Except as provided by this Act and the regulations, no person shall within Ontario have or keep in his possession, a false or fictitious permit purporting to authorize the purchase of liquor or beer or a permit of which he is not the holder.

Rev. Stat.,
c. 257, s. 90,
subs. 2,
amended.

10. Subsection 2 of section 90 of *The Liquor Control Act* is repealed and the following substituted therefor:

Possession
of liquor
not acquired
under
permit.

- (2) A holder of an individual permit may have in his possession or consume in his residence, only the liquor acquired by him under his individual permit or had or acquired by him otherwise under the provisions of this Act or the regulations.

Rev. Stat.,
c. 257, s. 91,
amended.

11. Section 91 of *The Liquor Control Act* as amended by section 9 of *The Liquor Control Act, 1929*, is further amended by adding thereto the following subsection:

Duty of
hotel
proprietor.

- (5) If the owner or proprietor of any hotel, or his clerk, servant or agent finds any individual permit on the hotel premises, or any part thereof, he shall deliver the same within twenty-four hours to the nearest vendor for transmission to the Board.

Rev. Stat.,
c. 257, s. 94,
subs. 1,
amended.

12. Subsection 1 of section 94 of *The Liquor Control Act* is repealed and the following substituted therefor:

- (1) Subject to any regulations or restrictions which the Board may impose, manufacturers of native wines from grapes or cherries grown and produced in Ontario may sell, keep or offer for sale and deliver the same in such quantities as may be permitted by the Board for consumption in a private residence.

Sale of native wine.

13. Subsection 2 of section 101 of *The Liquor Control Act* as re-enacted by section 10 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor:

Rev. Stat., c. 257, s. 101, subs. 2 (1929, c. 69, s. 10), repealed.

- (2) Every person who knowingly violates any of the provisions of subsections 2, 3 and 4 of section 74 shall be imprisoned for not less than six months nor more than twelve months.

Penalty for offence as to permits.

14. Subsection 3 of section 103 of *The Liquor Control Act* as re-enacted by section 11 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor:

Rev. Stat., c. 257, s. 103, subs. 3 (1929, c. 69, s. 11), repealed.

- (3) Everyone who violates any of the provisions of sections 34, 35, 42, 56, 58, 59, 60, subsection 2 of section 72 or sections 84, 88, 90, 91, 92 or subsection 4 of section 108 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months.

Penalties.

15. Section 107 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Rev. Stat., c. 257, s. 107, amended.

- (2) Upon proof of the fact that an offence against any of the provisions of this Act has been committed upon or in respect of any premises, or any portion thereof, by any person claiming to be agent, tenant or lessee of the owner or proprietor of such premises, or any such portion thereof, the justice trying the case shall have the right to draw inferences of fact from the agreement or lease between such person and such owner or proprietor and from the number of offences which have been committed against this Act upon or in respect of such premises, or any such portion thereof, and from the circumstances under which liquor is kept or dealt with upon such premises, or any such portion thereof, and if the justice is of opinion that the owner or proprietor had knowledge of the use of such premises, or such part thereof, in the committing of offences against this Act he may impose upon such owner or proprietor a penalty of not less than \$1,000 nor more than \$2,000 and in default of immediate payment thereof such owner or proprietor shall be imprisoned for not less than three months nor more than six months.

Inference from circumstances in case of hotels or other premises.

Rev. Stat.,
c. 257, s. 131,
amended.

16. Section 131 of *The Liquor Control Act* as amended by section 12 of *The Liquor Control Act, 1928*, is further amended by adding thereto the following subsection:

Certificate
of cancella-
tion of
permit
prima facie
evidence.

- (3) In the prosecution of any person charged with an offence against this Act, the production of a certificate of cancellation of permit signed by any member of the Board, shall be *prima facie* evidence of the cancellation of the permit mentioned in such certificate.

Rev. Stat.,
c. 257, s. 138,
subs. 3,
repealed.

17.—(1) Subsection 3 of section 138 of *The Liquor Control Act* is repealed and the following substituted therefor:

“Judge,”
meaning of.

- (3) The term “judge” as used in this Act shall mean the judge, junior judge or acting judge of the county or district court of a county or district.

(2) Subsection 11 of the said section 138 is repealed and the following substituted therefor:

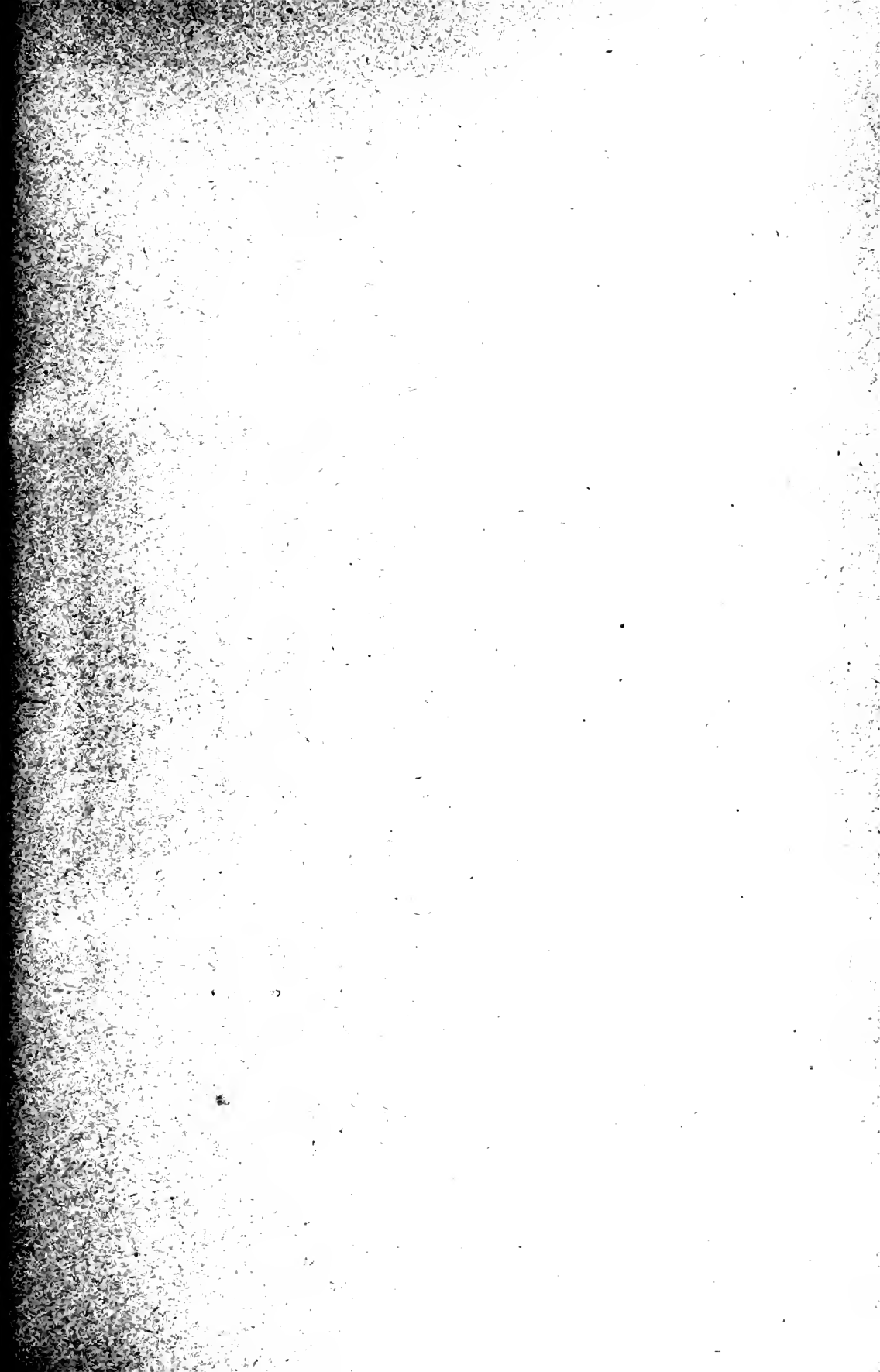
Summons
to be issued
by judge.

- (11) Within thirty days from the service of the notice of appeal the judge shall, on the application of any appellant, grant a summons calling upon all parties to attend before him at his chambers on the day and hour named therein, when the hearing of the appeal will be proceeded with, provided, however, that if no such application is made within the said thirty days, the judge, upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

Commence-
ment of
Act.

18.—(1) This Act, except sections 5, 7, 8 and 12 shall come into force on the day upon which it receives the Royal Assent.

(2) Sections 5, 7, 8 and 12 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.



BILL.

An Act to amend The Liquor Control Act.

1st Reading

March 11th, 1930

2nd Reading

March 14th, 1930

3rd Reading

March 25th, 1930

Mr. PRICE.

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

BILL

An Act respecting Contributory Negligence.

MR. FINLAYSON.

No. 124.

1930.

BILL

An Act respecting Contributory Negligence.

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 Negligence Act, 1930.*

Inter-pretation "action," "plaintiff," "defendant."

2. In this Act "action" shall include counter-claim, "plaintiff" shall include a defendant who counter-claims, and "defendant" shall include a plaintiff against whom a counter-claim is brought.

Extent of liability, remedy over.

3. In any action founded upon the fault or negligence of two or more persons the court shall determine the degree in which each of such persons is at fault or negligent, and where two or more persons are found liable they shall be jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each shall be liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent.

Plaintiff guilty of contributory negligence.

4. In any action for damages which is founded upon the fault or negligence of the defendant if fault or negligence is found on the part of the plaintiff which contributed to the damages, the court shall apportion the damages in proportion to the degree of fault or negligence found against the parties respectively.

Where parties to be deemed equally at fault.

5. If it is not practicable to determine the respective degrees of fault or negligence each shall be deemed to be equally at fault or negligent.

Adding party defendant.

6. Where a defendant desires to show that any person not already a party to the action is wholly or partially responsible for the damages claimed, he may obtain an order from the court in which the action is brought adding such person as a party defendant upon such terms as may be deemed just,

EXPLANATORY NOTES.

Section 2 takes the place of section 1 of the present Act and is augmented by the addition of the words "'action' shall include counter-claim." In other respects the section is the same.

Section 3 is new. While it covers the same subject matter, that is the distribution of damages, as section 2 of the present Act, it has been materially simplified and is much more comprehensive than the present section.

Section 4 is also new and deals with the question of contribution as between plaintiff and defendants but in a much more simplified manner.

Section 5 is almost identical with section 3 of the present Act except that further provision is made for cases where there are several defendants contributing toward the payment of damages.

Section 6 is entirely a new section and a most important addition to the present Act providing as it does a means for the court to add all such parties to the action as may be deemed necessary. This is not provided for in the present Act nor in other suggested Acts.

but the plaintiff shall not be made responsible for the costs of any person so added.

Jury to determine degrees of negligence of parties.

7. In any action tried with a jury, the degree of fault or negligence of the respective parties shall be a question of fact for the jury.

When plaintiff may be liable for costs.

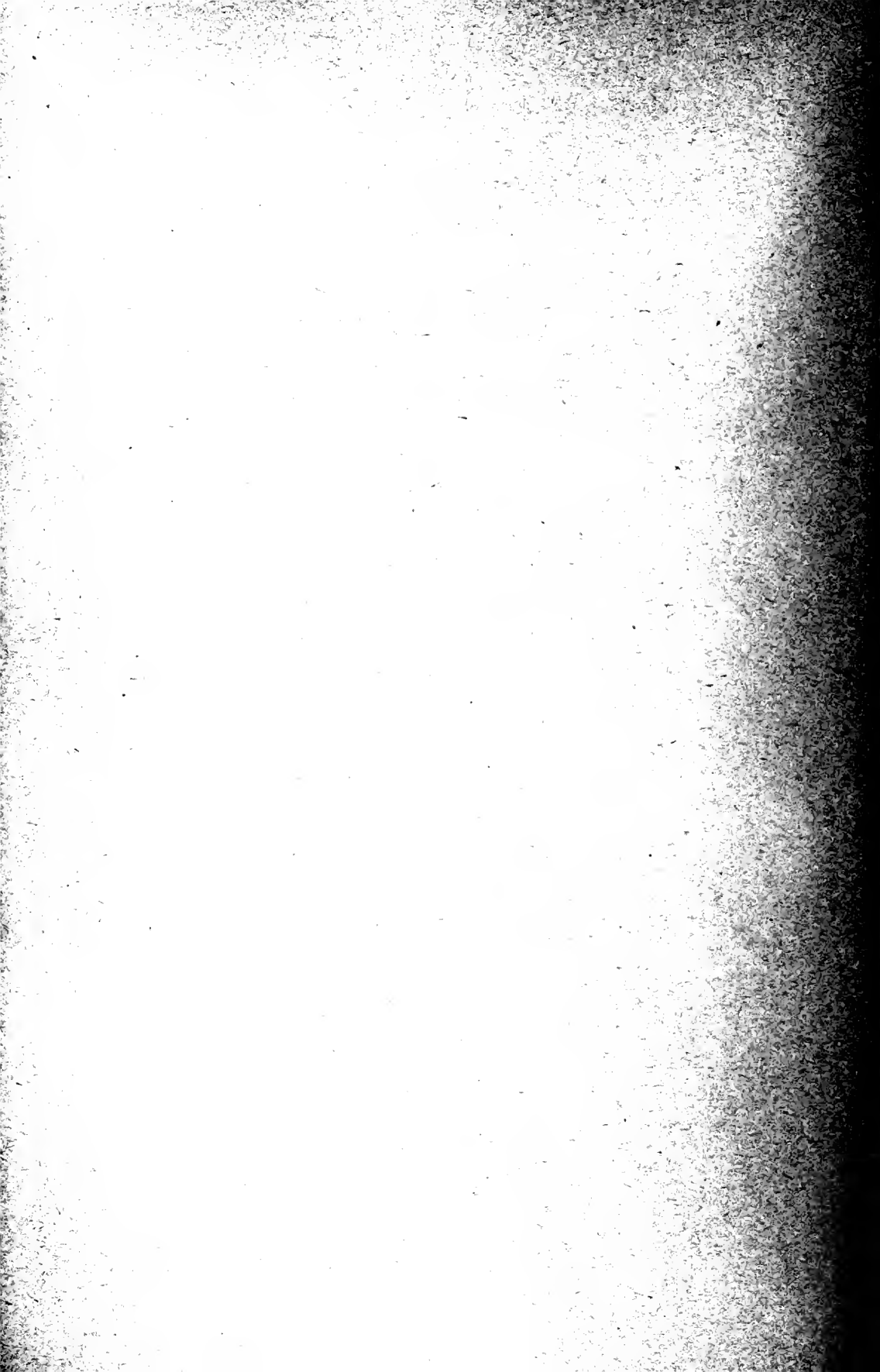
8. Where the damages are occasioned by the fault or negligence of more than one party, the court shall have power to direct that the plaintiff shall bear some portion of the costs if the circumstances render this just.

Rev. Stat., c. 103, repealed.

9. *The Contributory Negligence Act*, being chapter 103 of the Revised Statutes of 1927, is repealed.

Section 7 is a new section and one which has been enacted in similar Acts in other provinces and is also included in Bill 62 of 1929 as drafted by the Commissioners on Uniformity of Legislation.

Section 8 is also new leaving the question of costs in the discretion of the court with full power to direct what proportion, if any, the plaintiff shall bear, having regard to the degree of fault in which he may be found liable.



BILL.
An Act respecting Contributory
Negligence.

1st Reading

March 11th, 1930

2nd Reading

3rd Reading

MR. FINLAYSON.

No. 124

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

BILL

An Act respecting Contributory Negligence.

MR. FINLAYSON.

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

No. 124.

1930.

BILL

An Act respecting Contributory Negligence.

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 Negligence Act, 1930*.

Inter-pretation
"action,"
"plaintiff,"
"defendant."

2. In this Act "action" shall include counter-claim, "plaintiff" shall include a defendant who counter-claims, and "defendant" shall include a plaintiff against whom a counter-claim is brought.

Extent of liability,—remedy over.

3. In any action founded upon the fault or negligence of two or more persons the court shall determine the degree in which each of such persons is at fault or negligent, and where two or more persons are found liable they shall be jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each shall be liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent.

Plaintiff guilty of contributory negligence.

4. In any action for damages which is founded upon the fault or negligence of the defendant if fault or negligence is found on the part of the plaintiff which contributed to the damages, the court shall apportion the damages in proportion to the degree of fault or negligence found against the parties respectively.

Where parties to be deemed equally at fault.

5. If it is not practicable to determine the respective degree of fault or negligence as between any parties to an action, such parties shall be deemed to be equally at fault or negligent.

Adding party defendant.

6. Whenever it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant upon such terms as may be deemed just.

7. In any action tried with a jury, the degree of fault or negligence of the respective parties shall be a question of fact for the jury. Jury to determine degrees of negligence of parties.

8. Where the damages are occasioned by the fault or negligence of more than one party, the court shall have power to direct that the plaintiff shall bear some portion of the costs if the circumstances render this just. When plaintiff may be liable for costs.

9. *The Contributory Negligence Act*, being chapter 103 of the Revised Statutes of 1927, is repealed. of Rev. Stat., c. 103, repealed.

BILL.

An Act respecting Contributory
Negligence.

1st Reading

March 11th, 1930

2nd Reading

March 14th, 1930

3rd Reading

March 25th, 1930

MR. FINLAYSON.

No. 125

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

BILL

An Act to amend The Local Improvement Act.

MR. BAIRD.

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

No. 125.

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. 1,
cl. *w*,
amended.

1. The clause lettered *w* in section 1 of *The Local Improvement Act* is amended by adding at the end thereof the words "and may where the council of the municipality decides that it is convenient to do so, include two or more lanes, streets, alleys, parks, squares, public drives and public places."

Rev. Stat.,
c. 235, s. 2,
cl. *c*,
amended.

2. The clause lettered *c* in subsection 1 of section 2 of *The Local Improvement Act* is amended by inserting after the word "constructing" the words "or acquiring."

Rev. Stat.,
c. 235, s. 2,
cl. *d*,
amended.

3. The clause lettered *d* in subsection 1 of section 2 of *The Local Improvement Act* is amended by inserting the word "acquiring" after the word "constructing" in the first line.

Rev. Stat.,
c. 235, s. 2,
cl. *e*,
amended.

4. The clause lettered *e* in subsection 1 of section 2 of *The Local Improvement Act* is amended by inserting the word "acquiring" after the word "constructing" in the first line.

EXPLANATORY NOTE.

Section 1. Clause *w* of section 1 of *The Local Improvement Act* defines "street" as including a lane, an alley, a park, a square and public drive, and a public place or a part of any of them.

The Bill proposes where the council of a municipality decides that it is convenient to do so that the definition shall include two or more lanes, streets, etc.

Section 2. Clause *c* of subsection 1 of section 2 gives power to the council of the corporation to undertake as a local improvement the construction of a bridge as part of a street.

The Bill proposes to permit the acquiring of a bridge also.

Section 3. Clause *d* of subsection 1 of section 2 gives power to the municipality to undertake as a local improvement the constructing, enlarging, or extending of a sewer.

The Bill proposes to permit the acquiring of a sewer also.

Section 4. Clause *d* of subsection 1 of section 2 gives power to the municipality to construct, enlarge and extend a watermain.

The Bill proposes to give power to acquire a watermain.

BILL.

An Act to amend The Local Improvement Act.

1st Reading

March 12th, 1930

2nd Reading

3rd Reading

Mr. BAIRD.

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

BILL

An Act to amend The Children's Protection Act.

MR. BAIRD.

No. 126.

1930.

BILL

An Act to amend The Children's Protection 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 Children's Protection Act, 1930*.

Rev. Stat.,
c. 279, s. 7,
subs. 4
(1928,
c. 46, s. 3),
amended. **2.** Subsection 14 of section 7 of *The Children's Protection Act* as enacted by subsection 3 of section 3 of *The Children's Protection Act, 1928*, is amended by inserting the words "one week's" before the word "notice" in the fourth line.

EXPLANATORY NOTE.

Section 2. Subsection 14 of section 7 of *The Children's Protection Act* was enacted in 1928 and provided that a municipal corporation shall not be liable for maintenance of a neglected child, etc., until the corporation has received notice in writing of the intention to apply to the judge for an order declaring that the child was properly a resident of the municipality.

No length of notice is required by the statute and it frequently happens in practice that sufficient notice is not given to enable the enquiries to be made to ascertain the residence of the child.

The provision for a week's notice would appear to be proper and allow time for making the necessary enquiries before the application is made to the Juvenile Court Judge.

An Act to amend The Children's
Protection Act.

1st Reading

March 12th, 1930

2nd Reading

3rd Reading

MR. BAIRD.

No. 126.

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

BILL

An Act to amend The Children's Protection Act.

MR. BAIRD.

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

No. 126.

1930.

BILL

An Act to amend The Children's Protection 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 Children's Protection Act, 1930.*

Rev. Stat. c. 279, s. 4, amended. **2.** Section 4 of *The Children's Protection Act* is amended by adding thereto the following subsections:

Provision for joint erection shelters.

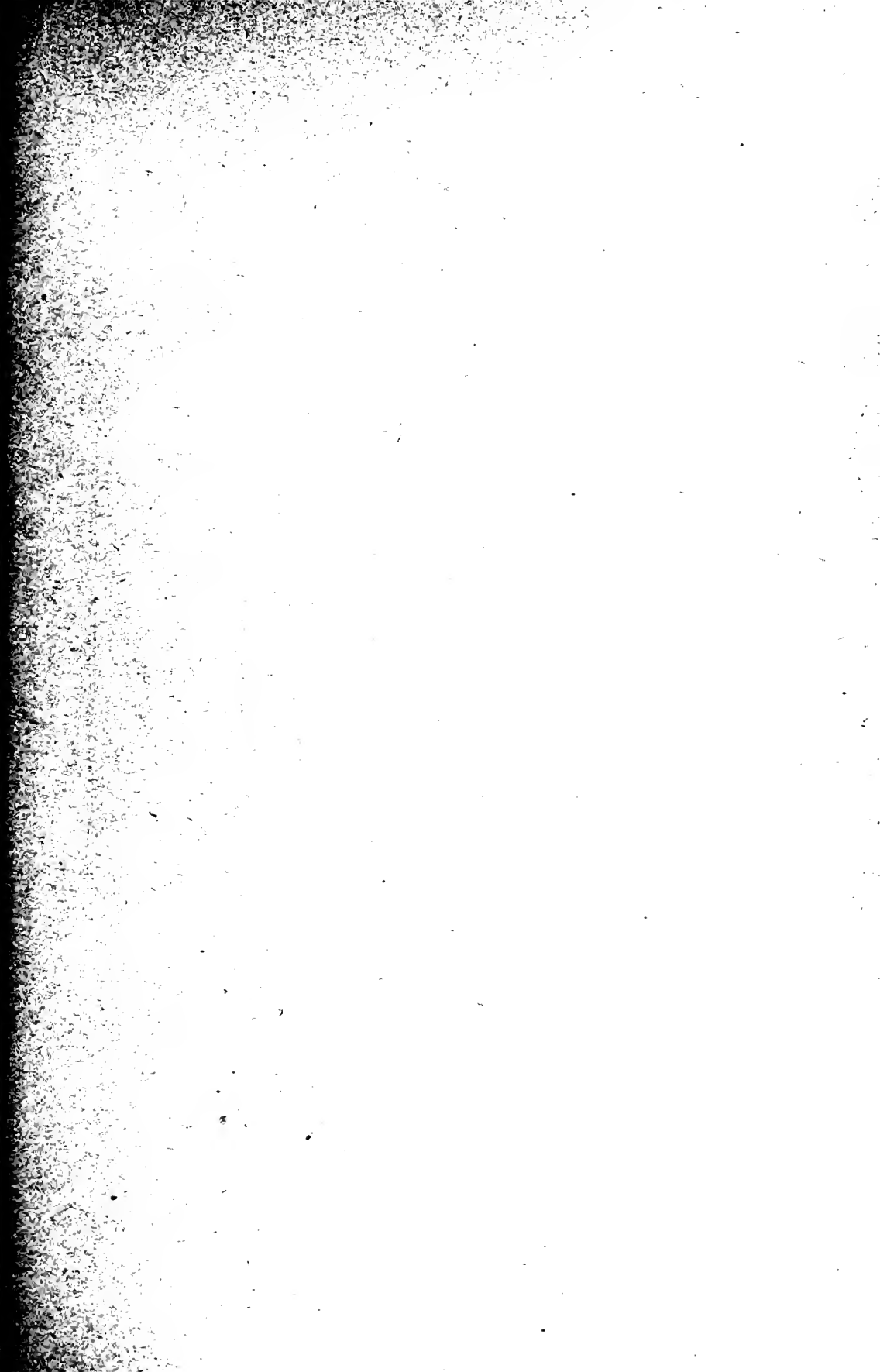
(5) The corporation of a county and any cities and separated towns in the county or any two or more of them may, with the approval of the Minister, enter into an agreement to acquire a site for and erect and maintain thereon one or more joint temporary homes or shelters, and in such case it shall not be necessary for a county or a city to comply with the provisions of subsection 1.

Borrowing on debentures to pay cost or share of cost of building.

(6) The council of a county or a city for the purpose of subsection 1, and the council of a county, a city or separated town for the purposes of subsection 5, may, without the assent of the electors, borrow money by the issue of debentures payable within a period of fifteen years from the issue thereof, to meet the cost of, or its share of the cost of providing or acquiring a site for and erecting such temporary homes or shelters.

Rev. Stat., c. 279, s. 7, subs. 4 (1928, c. 46, s. 3), amended.

3. Subsection 14 of section 7 of *The Children's Protection Act* as enacted by subsection 3 of section 3 of *The Children's Protection Act, 1928*, is amended by inserting the words "two days" before the word "notice" in the fourth line.



An Act to amend The Children's
Protection Act.

1st Reading

March 12th, 1930

2nd Reading

March 25th, 1930

3rd Reading

March 28th, 1930

Mr. BAIRD.

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

BILL

An Act to amend The Municipal Act.

MR. WILSON (East Windsor).

No. 127.

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. 408,
par. 1,
amended,

1. Paragraph 1 of section 408 of *The Municipal Act* is amended by inserting the words "owners and" after the word "draymen," in the second line thereof.

EXPLANATORY NOTE.

By paragraph 1 of section 408 of *The Municipal Act*, by-laws may be passed by the councils of towns and villages for licensing, regulating and governing teamsters, carters, draymen, drivers of cabs, motor and other vehicles for hire.

The Bill would extend this to apply to the owners of cabs, motor and other vehicles.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 12th, 1930

2nd Reading

3rd Reading

MR. WILSON (East Windsor)

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

BILL

An Act to amend The Assessment Act.

MR. MARTIN (Brantford)

No. 128.

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. 112,
subs. 1,
amended.

1. Subsection 1 of section 112 of *The Assessment Act* is amended by striking out the words "Provided that where the person taxed, or such owner, is not in possession, goods and chattels on the land not belonging to the person taxed, or to such owner, shall not be subject to seizure; and the possession by the tenant of the said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him," and by inserting in lieu thereof the words "Provided that possession by the tenant of the said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him."

Rev. Stat.,
c. 238, s. 112,
subs. 2, par. 3,
amended.

2. Paragraph 3 of subsection 2 of section 112 of *The Assessment Act* is amended by striking out the words "in the possession of the person taxed" in the first and second lines and inserting in lieu thereof the words "upon the premises of the person taxed."



BILL.

An Act to amend The Assessment Act.

1st Reading

March 12th, 1930

2nd Reading

3rd Reading

MR. MARTIN (Brantford).

No. 129

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

BILL

An Act to amend The Hospitals and Charitable Institutions Act.

MR. STRICKLAND.

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

No. 129.

1930.

BILL

An Act to amend The Hospitals and Charitable Institutions 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. 359, s. 21,
amended,

1. Section 21 of *The Hospitals and Charitable Institutions Act* is amended by adding thereto the following subsection:

When time
not to be
counted.

(4a) In the computation of time under subsection 3 the time during which the person was an inmate of a correctional or charitable institution or any home or institution for custodial or other care, supervision or maintenance, shall not be counted.

EXPLANATORY NOTE.

As the law stands at present when an indigent person is admitted to any hospital receiving aid under this Act the corporation of the county, city or separated town in which he is a resident at the time of his admission shall be liable to pay the charges for his treatment.

“Residence” has been defined to mean the actual residence within such county, etc., for a period of three months within the five months next prior to the admission to the hospital.

The Bill proposes that the time during which a person was an inmate of any correctional or charitable institution or any home shall not be counted.

BILL.

An Act to amend The Hospitals and Charitable Institutions Act.

1st Reading

March 12th, 1930

2nd Reading

3rd Reading

MR. STRICKLAND.

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

BILL

An Act to improve the Quality of Dairy Products.

MR. MARTIN (Norfolk).

No. 130.

1930.

BILL

An Act to improve the Quality of Dairy Products.

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 Dairy Products Act, 1930*.
- Interpreta- **2.** In this Act,—
tion,
- “Cheese (a) “Cheese factory” shall mean the place to which the
factory.” milk from the herds of five or more persons is brought
for the purpose of being manufactured into cheese
for public sale;
- “Creamery.” (b) “Creamery” shall mean the place to which milk or
cream from the herds of five or more persons is
brought for the purpose of being manufactured into
butter or is made into butter for public sale;
- “Inspector.” (c) “Inspector” shall mean inspector appointed under
The Milk, Cheese and Butter Act, or this Act;
- “Minister.” (d) “Minister” shall mean Minister of Agriculture;
- “Patron.” (e) “Patron” shall mean one who habitually sells milk
or cream at a plant;
- “Plant.” (f) “Plant” shall mean and include a cheese factory or
butter manufactory, condensed milk factory, cream-
ery, milk powder factory, milk or cream shipping
or receiving stations and any other premises where
milk and cream are received to be manufactured
into cheese or butter or for sale or shipment or
distribution for human consumption;
- “Regula- (g) “Regulations” shall mean regulations made under
tions.” the authority of this Act.

EXPLANATORY NOTES.

At the present time *The Dairy Products Act* provides that all milk and cream shall be paid for on a butter fat basis, with the exception of milk and cream sold for human consumption. It is now proposed to remove this exception and this is the effect of the present Act. This is accomplished by striking out what was formerly section 18 of *The Dairy Products Act*, which provided the exemption for milk and cream used for human consumption.

It is further necessary to change the definition clause. The main change is adopting the word, "plant" instead of the word "factory," and defining "plant" as including premises where milk or cream is received "for sale or shipment or distribution for human consumption." The word "factory" is then changed in several sections where it occurred, to the word "plant," and as this involved a considerable number of changes it was thought preferable to pass a new Act with these changes duly made. While, therefore, this is a complete Act, the changes involved are merely those outlined.

Section 2, Definition Clause is new. (f) "plant" replaces (a) "factory" in present Act. The other subsections are renumbered accordingly. "Plant" is changed to include premises where milk or cream is received for sale or shipment or distribution for human consumption.

Site or location for factory.

3.—(1) A building shall not be erected, rebuilt or reconstructed for use as a cheese factory or creamery on any site or location without the permission in writing of the Director of Dairying.

Specifications for new factory.

(2) Such building, rebuilding or reconstructing shall be in accordance with the conditions following:

- (a) The foundation shall be substantially constructed of stone or concrete.
- (b) The floors shall be of concrete or suitable tile.
- (c) The outlets for waste water shall be properly trapped and the waste water from these outlets shall be conducted to septic tanks, cesspools or underground drains or sewers in such a manner that the surroundings of the factory shall be at all times clean and sanitary.
- (d) The inside of all walls and all partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting.
- (e) The ceilings of the work rooms shall be not less than ten feet from the surface of the floor.

Whey tanks,— installation of.

(3) The tanks for containing whey, buttermilk and skim-milk shall be installed in such a manner that they can be emptied readily and kept clean and sanitary.

Permission to operate new factory.

(4) A new or reconstructed cheese factory or creamery shall not be operated until permission therefor has been given in writing by the Minister.

Report of inspector before permission given.

(5) The permission for the erection, rebuilding or reconstructing of a cheese factory or creamery or for the commencement of operations therein shall not be granted until such factory has been inspected by an inspector and he has reported that such permission may properly be given.

Minister may order closing of unsanitary premises.

4.—(1) Upon the report of an inspector that any cheese factory or creamery is not in a satisfactory sanitary condition or lacks proper equipment for the manufacture or collection of dairy products, or that unsanitary conditions exist in or about the premises, the Minister may order the same to be closed forthwith and they shall be kept closed until the Minister certifies upon the report of the inspector that they have been put into a satisfactory sanitary condition and properly equipped for the manufacture or collection of dairy products.

Section 3 is the same as present Section 2, except that subsection (4) and (5) are made to read "cheese factory or creamery" instead of merely "factory."

Section 4 is the same as present Section 3, with the exception that "factory" is changed to "cheese factory or creamery" as this section only refers to such plants and not to plants in general.

Basis of payment for milk and cream. **5.**—(1) All milk and cream received at a plant shall be paid for,—

(a) on the basis of its fat content as determined by the Babcock test; or

(b) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheesemaking only.

Measuring fat content of milk.

(2) In determining the fat content of cream supplied to a plant the measuring pipette shall have a capacity of 17.6 c.c. officially stamped.

Measuring fat content of cream.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh 9 or 18 grams.

Grading cream at a creamery.

6. All cream used in the manufacture of butter shall be graded at a creamery and payment for the cream shall be based on such grades.

Basis of grading cream for butter.

7. For the purpose of determining standards of grades of cream for butter-making purposes at a creamery the basis of grading shall be:

(a) Special grade.

(b) First grade.

(c) Second grade.

(d) Off grade.

Pasteurizing cream.

8. All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes.

Certificate of qualification required.

9. At every cheese factory, creamery, condensed milk factory and milk powder factory, the selecting of milk, the grading of cream and the manufacturing of cheese and butter shall be performed or supervised by the holder of a certificate of qualification granted under the provisions of section 10.

Graded certificates.

10. Certificates of qualification shall be granted annually as follows:

(a) First-class certificates to cheesemakers and to buttermakers.

Section 5 is the same as present Section 4, with the exception that "factory" is changed to "plant" so that this section is made to cover milk for human consumption. This change is made in subsections (1), (2) and (3).

Sections 6, 7 and 8 are the same as present Sections 5, 6 and 7.

Section 9 is the same as present Section 8, with the exception that "condensed milk factory and milk powder factory" are added after the word "creamery" in the first line.

Section 10 is the same as present section 9, with the exception of adding the words "milk and" before the words "cream graders" in clause (d).

- (b) Second-class certificates to cheesemakers and to buttermakers.
- (c) Permit certificates to cheesemakers and to buttermakers.
- (d) Certificates to milk and cream testers and to milk and cream graders.

Granting certificates.

11. Certificates shall be granted by the Minister on the recommendation of the Director of Dairying.

Cancelling or suspending certificates.

12. The Minister may on the recommendation of the Director of Dairying cancel or suspend any certificate on the ground that the holder is not complying with this Act and the regulations.

Reinstatement.

13. A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying.

Pasteurizing whey.

14. When the whey at any plant is returned in the patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition.

Packages and brands.

15. The Minister may with the consent of the Lieutenant-Governor in Council make regulations fixing the size, shape and specifications of packages used in the shipment of butter and cheese, and defining and limiting any brand or lettering to be placed thereon.

Inspectors, powers and duties of.

16.—(1) The Minister may appoint inspectors to carry out the provisions of this Act and any inspector so appointed shall at all reasonable hours have free access and admission to all plants or other premises where milk or cream is collected for sale or shipment or manufacture or for distribution for human consumption, or to milk and cream in transit on wagons, trains or other conveyances at collecting stations, railroad stations, express offices, in storage or wherever found, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test.

(2) It shall be the duty of the inspector and he shall have authority,

- (a) to weigh, test and take such quantities as may reasonably be required as samples of any lot of milk or cream or milk products for the purpose of testing the same;
- (b) to examine and test samples of milk or cream kept for re-test at a plant;

Sections 11, 12 and 13 are the same as present sections 10, 11 and 12.

Section 14 is the same as section 13 in the present Act with the exception that the word "plant" replaces the word "factory" in the first line.

Section 15 is the same as present section 14.

Section 16 is the same as the present section 15, with the exception that the word "plants" replaces the word "factories" in the fourth line and the words "or for distribution for human consumption" are added after the word "manufacture" in the fifth line.

The word "plant" also replaces the word "factory" in the last line of clause (b) of subsection 2 and in the second line of clause (e) of subsection 2.

(c) to examine the records of receipts of milk and cream, of all Babcock tests made at a plant and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily.

Access to reports.

(3) Any inspector shall have access to all plant reports necessary in the performance of his duty.

Obstructing, penalty.

(3) Any person obstructing any inspector in the performance of his duty shall be liable to a penalty of not less than \$25 nor more than \$100.

Regulations.

17. For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council on the recommendation of the Minister may make such regulations as may be deemed necessary, advisable or convenient for carrying out the provisions of this Act.

Penalty.

18. Every person who violates any of the provisions of this Act, or any regulation made thereunder, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat, or who pays for milk or cream used in the manufacture of butter or cheese or for distribution for human consumption, on any basis other than those stated in this Act and the regulations, shall be liable to a penalty of not less than \$50 nor more than \$200.

Application of Rev. Stat., c. 121.

19. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 267, repealed.

20. *The Dairy Products Act*, being chapter 267 of the Revised Statutes of 1927, is repealed.

Commencement of Act.

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

Section 17 is the same as present section 16.

Section 18 is the same as present section 17 with the exception that the words "milk or" are added after the word "for" in the fifth line and the words "or cheese or for distribution for human consumption" after the word "butter" in the fifth line.

Section 18 of the old Act, which exempted milk or cream sold or offered for sale for human consumption, is eliminated.

Section 19 is the same as present section 19.

Sections 20 and 21 are self explanatory.

BILL.

An Act to improve the Quality of
Dairy Products.

1st Reading

March 12th, 1930

2nd Reading

3rd Reading

MR. MARTIN (Norfolk).

No. 130

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

BILL

An Act to improve the Quality of Dairy Products.

MR. MARTIN (Norfolk).

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

No. 130.

1930.

BILL

An Act to improve the Quality of Dairy Products.

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 Dairy Products Act, 1930*.

Interpreta- 2. In this Act,—
tion,

"Cheese, (a) "Cheese factory" shall mean the place to which the
factory." milk from the herds of five or more persons is brought
for the purpose of being manufactured into cheese
for public sale;

"Creamery." (b) "Creamery" shall mean the place to which milk or
cream from the herds of five or more persons is
brought for the purpose of being manufactured into
butter or is made into butter for public sale;

"Inspector." (c) "Inspector" shall mean inspector appointed under
The Milk, Cheese and Butter Act, or this Act;

"Minister." (d) "Minister" shall mean Minister of Agriculture;

"Patron." (e) "Patron" shall mean one who habitually sells milk
or cream at a plant;

"Plant." (f) "Plant" shall mean and include a cheese factory or
butter manufactory, condensed milk factory, cream-
ery, milk powder factory, milk or cream shipping
or receiving stations and any other premises where
milk and cream are received to be manufactured
into cheese or butter or for sale or shipment or
distribution for human consumption;

"Regula- (g) "Regulations" shall mean regulations made under
tions." the authority of this Act.

3.—(1) A building shall not be erected, rebuilt or reconstructed for use as a cheese factory or creamery on any site or location without the permission in writing of the Director of Dairying. Site or location for factory.

(2) Such building, rebuilding or reconstructing shall be in accordance with the conditions following: Specifications for new factory.

- (a) The foundation shall be substantially constructed of stone or concrete.
- (b) The floors shall be of concrete or suitable tile.
- (c) The outlets for waste water shall be properly trapped and the waste water from these outlets shall be conducted to septic tanks, cesspools or underground drains or sewers in such a manner that the surroundings of the factory shall be at all times clean and sanitary.
- (d) The inside of all walls and all partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting.
- (e) The ceilings of the work rooms shall be not less than ten feet from the surface of the floor.

(3) The tanks for containing whey, buttermilk and skim-milk shall be installed in such a manner that they can be emptied readily and kept clean and sanitary. Whey tanks,— installation of.

(4) A new or reconstructed cheese factory or creamery shall not be operated until permission therefor has been given in writing by the Minister. Permission to operate new factory.

(5) The permission for the erection, rebuilding or reconstructing of a cheese factory or creamery or for the commencement of operations therein shall not be granted until such factory has been inspected by an inspector and he has reported that such permission may properly be given. Report of inspector before permission given.

4.—(1) Upon the report of an inspector that any cheese factory or creamery is not in a satisfactory sanitary condition or lacks proper equipment for the manufacture or collection of dairy products, or that unsanitary conditions exist in or about the premises, the Minister may order the same to be closed forthwith and they shall be kept closed until the Minister certifies upon the report of the inspector that they have been put into a satisfactory sanitary condition and properly equipped for the manufacture or collection of dairy products. Minister may order closing of unsanitary premises.

Basis of payment for milk and cream.

5.—(1) All milk and cream received at a plant shall be paid for,—

- (a) on the basis of its fat content as determined by the Babcock test; or
- (b) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheesemaking only.

Measuring fat content of milk.

(2) In determining the fat content of milk supplied to a plant the measuring pipette shall have a capacity of 17.6 c.c. officially stamped.

Measuring fat content of cream.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh 9 or 18 grams.

Grading cream at a creamery.

6. All cream used in the manufacture of butter shall be graded at a creamery and payment for the cream shall be based on such grades.

Basis of grading cream for butter.

7. For the purpose of determining standards of grades of cream for butter-making purposes at a creamery the basis of grading shall be:

- (a) Special grade;
- (b) First grade;
- (c) Second grade;
- (d) Off grade.

Pasteurizing cream.

8. All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes.

Certificate of qualification required.

9. At every plant the selecting, grading, or rejecting of milk, the grading of cream, the weighing, sampling and testing of milk and cream, the manufacturing of cheese and butter shall be performed or supervised by the holder of a permit or certificate of qualification granted under the provisions of section 10.

Graded certificates.

10. Certificates of qualification shall be granted annually as follows:

- (a) First-class certificates to cheesemakers and to buttermakers;

- (b) Second-class certificates to cheesemakers and to buttermakers;
- (c) Permit certificates to cheesemakers and to buttermakers;
- (d) Certificates to milk and cream testers and to milk and cream graders.

11. Certificates shall be granted by the Minister on the recommendation of the Director of Dairying. Granting certificates.

12. The Minister may on the recommendation of the Director of Dairying cancel or suspend any certificate on the ground that the holder is not complying with this Act and the regulations. Cancelling or suspending certificates.

13. A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying. Reinstatement.

14. When the whey at any plant is returned in the patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition. Pasteurizing whey.

15. The Minister may with the consent of the Lieutenant-Governor in Council make regulations fixing the size, shape and specifications of packages used in the shipment of butter and cheese, and defining and limiting any brand or lettering to be placed thereon. Packages and brands.

16.—(1) The Minister may appoint inspectors to carry out the provisions of this Act and any inspector so appointed shall at all reasonable hours have free access and admission to all plants or other premises where milk or cream is collected for sale or shipment or manufacture or for distribution for human consumption, or to milk and cream in transit on wagons, trains or other conveyances at collecting stations, railroad stations, express offices, in storage or wherever found, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test. Inspectors, powers and duties of.

(2) It shall be the duty of the inspector and he shall have authority,

- (a) to weigh, test and take such quantities as may reasonably be required as samples of any lot of milk or cream or milk products for the purpose of testing the same;
- (b) to examine and test samples of milk or cream kept for re-test at a plant;

(c) to examine the records of receipts of milk and cream, of all Babcock tests made at a plant and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily.

Access to reports.

(3) Any inspector shall have access to all plant reports necessary in the performance of his duty.

Obstructing, penalty.

(3) Any person obstructing any inspector in the performance of his duty shall be liable to a penalty of not less than \$25 nor more than \$100.

Regulations.

17. For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council on the recommendation of the Minister may make such regulations as may be deemed necessary, advisable or convenient for carrying out the provisions of this Act.

Penalty.

18. Every person who violates any of the provisions of this Act, or any regulation made thereunder, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat, or who pays for milk or cream used in the manufacture of butter or cheese or for distribution for human consumption, on any basis other than those stated in this Act and the regulations, shall be liable to a penalty of not less than \$50 nor more than \$200.

Application of Rev. Stat., c. 121.

19. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 267, repealed.

20. *The Dairy Products Act*, being chapter 267 of the Revised Statutes of 1927, is repealed.

Commencement of Act.

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

BILL.

An Act to improve the Quality of
Dairy Products.

1st Reading

March 12th, 1930

2nd Reading

March 19th, 1930

3rd Reading

March 25th, 1930

Mr. MARTIN (Norfolk).

No. 131

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

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. PRICE.

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

BILL

An Act to amend The Loan and Trust Corporations 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 Loan and Trust Corporations Act, 1930.*

Rev. Stat. c. 223, s. 3 (2), amended. **2.** Subsection 2 of section 3 of *The Loan and Trust Corporations Act* is amended by adding the following clause:

Transfer of shares.

(k) They shall provide that no transfer of shares of the company may be made which has the effect of reducing the number of shareholders to less than twenty-five.

Rev. Stat. c. 223, s. 17 (3), repealed. **3.** Subsection 3 of section 17 of *The Loan and Trust Corporations Act* is repealed.

Rev. Stat. c. 223, s. 18 (5), repealed. **4.** Subsection 5 of section 18 of *The Loan and Trust Corporations Act* is repealed.

5. *The Loan and Trust Corporations Act* is further amended by adding thereto the following section:

Quarterly returns of deposits and securities allocated.

18a.—(1) Every trust company receiving deposits in the manner authorized by subsection 3 of section 18 shall make a sworn return to the Registrar, quarterly on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits, and showing all securities including loans made upon securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 4 of section 18, as the said amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return, so ear-marked and definitely set aside.

EXPLANATORY NOTE.

Section 2. As the Act now stands a new loan or trust company, when applying for letters patent, must have at least twenty-five subscribers, but there is no provision requiring the number of shareholders to be continued at not less than that number. This amendment is for the purpose of prohibiting transfers of shares which would have the effect of reducing the number of shareholders to less than twenty-five.

Sections 3, 4 and 5. This amendment is made to clarify and effect minor changes in the requirements of the Act relating to quarterly returns of trust companies.

The subsections proposed to be repealed read as follows:—

“(3) A sworn return shall be made to the Registrar quarterly on the fifteenth days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing all such securities, loans upon securities and cash, if any, as the same stood at the end of the last preceding month and stating that the same have been ear-marked and definitely set aside in respect of moneys received by the company for guaranteed investment as set out in subsection 1 of section 16. 1921, c. 61, s. 3.

“(5) Every trust company receiving deposits in the manner authorized by subsection 3 shall make a sworn return to the Registrar quarterly on the fifteenth days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits and showing all securities and cash ear-marked and definitely set aside as provided in subsection 4, and stating that the same were at the date mentioned in such return so ear-marked and definitely set aside and showing the amount of cash on hand and on deposit and the amount of debentures, bonds, stock or other securities of or guaranteed by the Dominion of Canada and of or guaranteed by any province of Canada, less any incumbrances thereon and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada less any incumbrances thereon, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the Government, Government guaranteed or municipal securities, hereinbefore in this subsection mentioned as the said amounts stood at the end of the last preceding month and stating that the same were at the date mentioned in such return, on hand and available for depositors.”

Quarterly
returns of
Guaranteed
Funds and
Securities
allocated.

- (2) Every trust company receiving funds for guaranteed investment as mentioned in subsection 1 of section 16 shall make a sworn return to the Registrar quarterly on the 15th day of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such funds, and showing all securities, including loans on securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 2 of section 17, as the said amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return, so ear-marked and definitely set aside.

Quarterly
returns by
trust com-
panies as to
deposits and
liquid
securities
available.

- (3) Every trust company receiving deposits in the manner authorized by subsection 3 of section 18 shall make a sworn return to the Registrar quarterly, on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the registrar, showing the amount of such deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by the Dominion of Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities hereinbefore in this subsection mentioned, as the said amounts stood at the end of the last preceding month, and including in such statement all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it as guaranteed investments under the provisions of subsection 2 of section 17, or subsection 4 of section 18, and stating that the same were at the date mentioned in such return on hand and available for depositors.

1929, c. 54,
s. 5,
amended.

6. Subsection 2 of section 28a of *The Loan and Trust Corporations Act* as enacted by section 5 of chapter 54 of the 1929 Statutes, is amended by striking out the word "corporation" in the second line, and inserting in lieu thereof the words "trust company."

Section 6. This amendment is necessary to correct an error in the legislation of 1929, when the expression "corporation," which includes a loan corporation, was used in place of "trust company."

7. Section 148 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Annual inspection of registered corporations.

148.—(1) The Registrar shall visit personally or cause a duly qualified member of his staff to visit at least once annually the head office of each corporation registered under this Act, and he shall verify the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with all the provisions of this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision.

Further inspection.

(2) Where the Registrar deems it necessary and expedient to make a further examination into the affairs of a corporation and so reports to the Minister, the Minister may in his discretion instruct the Registrar to visit or cause any duly qualified member of his staff to visit any branch office or offices of the corporation to inspect and examine into its affairs and to make such further inquiries as the Minister may require.

Material to be furnished on inspection.

(3) For the purpose of an examination, the corporation shall prepare and submit to the Registrar such statements with respect to its business, finances or other affairs of the corporation, in addition to the statement mentioned in this Act, as the Registrar may require, and the officers, agents and servants of the corporation shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power.

Production of books at head office or elsewhere as Registrar may direct.

(4) In order to facilitate the examination of the books and records of a corporation, the corporation may be required by the Registrar with the approval of the Minister, to produce the said books and records at the head office or chief office of the corporation in Ontario, or at such other convenient place as the Registrar may direct.

Examination under oath.

(5) The Registrar or any person authorized by the Minister may examine under oath the officers, agents or servants of the corporation for the purpose of obtaining any information which he deems necessary for the purpose of such examination.

Section 7. This amendment is made with a view to amplifying the provisions of the Act respecting the inspection of registered corporations by the Registrar and his staff, making them uniform where desirable with the comparable provisions in *The Insurance Act*. The only new feature is the authority to inspect branch offices upon the instructions of the Minister.

Section 148 proposed to be repealed, reads as follows:—

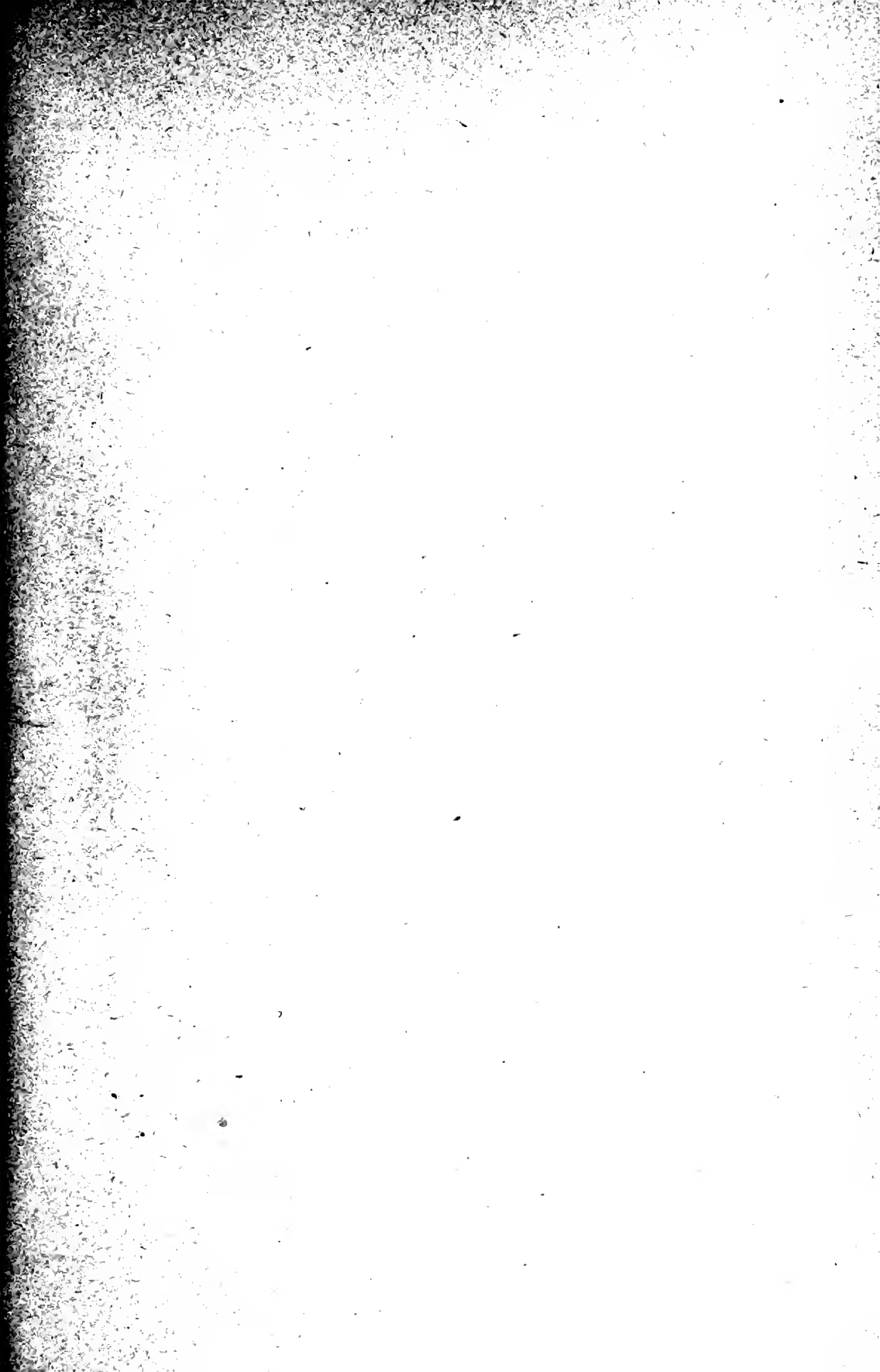
“(1) The Registrar shall visit personally, or cause a duly qualified member of his staff to visit, at least once in each year the head office of each corporation registered under this Act, and examine carefully the statements of the condition and affairs of each such corporation and report thereon to the Minister as to all matters requiring his attention and decision.

“(2) For the purpose of such examination, the corporation shall prepare and submit to the Registrar such statement or statements with respect to its business, finances or other affairs of the corporation, in addition to the statement mentioned in any of the sections or subsections of this Act, as the Registrar may require, and the officers, agents and servants of the corporation shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power.

“(3) The Registrar may examine under oath the officers, agents or servants of the corporation for the purpose of obtaining any information which he deems necessary for the purpose of such examination. 1921, c. 61, s. 11, *part.*”

Expense
of further
inspection.

- (6) Where an examination is made of any branch or other office of a corporation situated outside of Ontario, under the authority of subsection 2 hereof, the corporation shall pay the account of the Department in connection with such examination upon the certificate of the Registrar approved by the Minister.



BILL.

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

March 13th, 1930

2nd Reading

3rd Reading

Mr. PRICE.

No. 131

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

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. PRICE.

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

No. 131

1930.

BILL

An Act to amend The Loan and Trust Corporations 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 Loan and Trust Corporations Act, 1930.*

Rev. Stat. c. 223, s. 3, subs. 2, amended. **2.** Subsection 2 of section 3 of *The Loan and Trust Corporations Act* is amended by adding the following clause:

Transfer of shares.

(k) They shall provide that no transfer of shares of the company may be made which has the effect of reducing the number of shareholders to less than twenty-five.

Rev. Stat. c. 223, s. 17, subs. 3, repealed. **3.** Subsection 3 of section 17 of *The Loan and Trust Corporations Act* is repealed.

Rev. Stat. c. 223, s. 18, subs. 5, repealed. **4.** Subsection 5 of section 18 of *The Loan and Trust Corporations Act* is repealed.

5. *The Loan and Trust Corporations Act* is further amended by adding thereto the following section:

Quarterly returns of deposits and securities allocated.

18a.—(1) Every trust company receiving deposits in the manner authorized by subsection 3 of section 18 shall make a sworn return to the Registrar, quarterly on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits, and showing all securities including loans made upon securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 4 of section 18, as the said amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return, so ear-marked and definitely set aside.

- (2) Every trust company receiving funds for guaranteed investment as mentioned in subsection 1 of section 16 shall make a sworn return to the Registrar quarterly on the 15th day of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such funds, and showing all securities, including loans on securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 2 of section 17, as the said amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return, so ear-marked and definitely set aside. Quarterly returns of guaranteed funds and securities allocated.
- (3) Every trust company receiving deposits in the manner authorized by subsection 3 of section 18 shall make a sworn return to the Registrar quarterly, on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the registrar, showing the amount of such deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by the Dominion of Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities hereinbefore in this subsection mentioned, as the said amounts stood at the end of the last preceding month, and including in such statement all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it as guaranteed investments under the provisions of subsection 2 of section 17, or subsection 4 of section 18, and stating that the same were at the date mentioned in such return on hand and available for depositors. Quarterly returns by trust companies as to deposits and liquid securities available.

6. Subsection 2 of section 28a of *The Loan and Trust Corporations Act* as enacted by section 5 of chapter 54 of the 1929 Statutes, is amended by striking out the word "corporation" in the second line, and inserting in lieu thereof the words "trust company." Rev. Stat., c. 223, s. 28a, subs. 2, (1929, c. 54, s. 5) amended.

Rev. Stat.,
c. 223,
amended. **7.** *The Loan and Trust Corporations Act* is amended by adding thereto the following section:

Prohibition
against act-
ing as in-
surance
agent.

36a.—(1) No registered corporation, and no director, officer or employee thereof, either personally or on behalf of such corporation, and no other company the majority of the capital stock of which is owned or controlled by such corporation, its shareholders, directors, officers or employees, shall, either directly or indirectly, transact the business of or act as insurance agent or broker within the meaning of *The Insurance Act*, or exercise pressure upon any borrower or mortgagor to place insurance for the security of such corporation, in or through any particular agency or brokerage office; provided that nothing herein contained shall prevent such corporation from stipulating in its contract of loan that any required insurance must be effected with an approved insurer.

Rev. Stat.,
c. 222.

Exception.

(2) Subsection 1 shall not apply to the director of a registered corporation who can satisfy the Superintendent of Insurance that the business of insurance is his major occupation.

Rev. Stat.,
c. 223, s. 148,
repealed.

8. Section 148 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

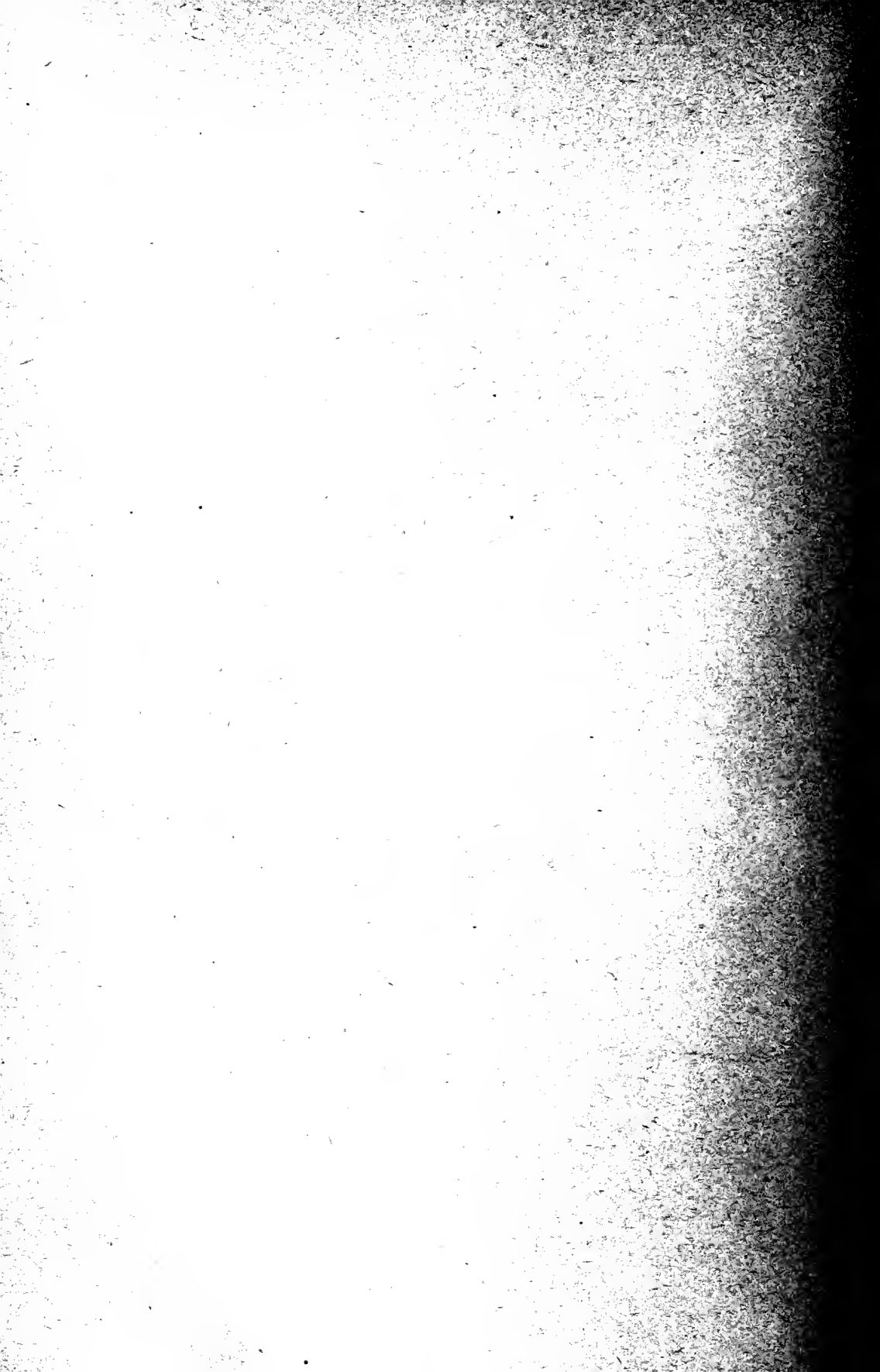
Annual
inspection of
registered
corporations.

148.—(1) The Registrar shall visit personally or cause a duly qualified member of his staff to visit at least once annually the head office of each corporation registered under this Act, and he shall verify the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with all the provisions of this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision.

Further
inspection.

(2) Where the Registrar deems it necessary and expedient to make a further examination into the affairs of a corporation and so reports to the Minister, the Minister may in his discretion instruct the Registrar to visit or cause any duly qualified member of his staff to visit any branch office or offices of the corporation to inspect and examine into its affairs and to make such further inquiries as the Minister may require.

- (3) For the purpose of an examination, the corporation shall prepare and submit to the Registrar such statements with respect to its business, finances or other affairs of the corporation, in addition to the statement mentioned in this Act, as the Registrar may require, and the officers, agents and servants of the corporation shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power. Material to be furnished on inspection.
- (4) In order to facilitate the examination of the books and records of a corporation, the corporation may be required by the Registrar with the approval of the Minister, to produce the said books and records at the head office or chief office of the corporation in Ontario, or at such other convenient place as the Registrar may direct. Production of books at head office or elsewhere as Registrar may direct.
- (5) The Registrar or any person authorized by the Minister may examine under oath the officers, agents or servants of the corporation for the purpose of obtaining any information which he deems necessary for the purpose of such examination. Examination under oath.
- (6) Where an examination is made of any branch or other office of a corporation situated outside of Ontario, under the authority of subsection 2 hereof, the corporation shall pay the account of the Department in connection with such examination upon the certificate of the Registrar approved by the Minister. Expense of further inspection.
- 9.** Section 7 of this Act shall come into force on the day upon which it receives the Royal Assent. Commencement of section 7.





BILL.

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

March 13th, 1930

2nd Reading

March 19th, 1930

3rd Reading

March 28th, 1930

MR. PRICE.

No. 132

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

BILL

An Act to amend The Insurance Act.

MR. PRICE

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

No. 132.

1930.

BILL

An Act to amend The Insurance 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 Insurance Act, 1930*.

Rev. Stat.,
c. 222,
amended.

2. *The Insurance Act* is amended by adding thereto the following section:

Record of
automobile
premiums
and costs.

69a.—(1) Every licensed insurer which carries on in Ontario the business of automobile insurance shall prepare and file annually with the Superintendent, or with such statistical agency as he may designate, a record of its automobile insurance premiums, and of its loss and expense costs in Ontario, in such form and manner, and according to such system of classification, as he may approve.

Com-
pilation of
data,—
expense,

(2) The Superintendent may require any agency so designated to compile the data so filed in such form as he may approve; and the expense of making such compilation shall be apportioned among the insurers whose data is compiled by such agency by the Superintendent who shall certify in writing the amount due from each insurer and the same shall be payable by the insurer to such agency forthwith.

Application,
s. 69, subs. 2,
3 and 5.

(3) The provisions of subsections 2, 3 and 5 of section 69 shall apply *mutatis mutandis* to the provisions of this section.

Rev. Stat.,
s. 70, subs. 7,
amended.

3. Subsection 7 of section 70 of *The Insurance Act* is amended by striking out the words "which are more than three months overdue" in the second and third lines and substituting therefor the words "in respect of business written prior to the 1st day of October in the next preceding calendar year" and by adding after the word "unpaid" in the fourth line the words "capital or" so that the subsection will now read as follows:

EXPLANATORY NOTES.

Section 2. This amendment is recommended by the Hon. Mr. Justice Hodgins and fully explained in his interim report.

Section 3. This amendment is to remove doubt as to the meaning of the expression "three months overdue" and to prohibit joint stock insurance companies showing subscribed but unpaid capital as an asset.

Certain agents' balances, un-authorized securities, etc., must not show as assets.

- (7) The statement shall not show as assets the unpaid balances owing by agents or other insurers in respect of business written prior to the 1st day of October in the next preceding calendar year, or bills receivable on account of the same, or unpaid capital or premium on subscribed shares of capital stock, or investment in office furnishings or equipment, nor shall such statements include as assets any investments not authorized by any special or general Act to which the insurer is subject.

Rev. Stat., c. 222, s. 71, amended.

4. Section 71 of *The Insurance Act* is amended by adding after the word "Superintendent" in the third line the words "or a balance sheet or other statement in form differing from the form prescribed by the regulations" so that the section will now read as follows:

Published statements.

71. A statement purporting to show the financial condition of an insurer differing from the financial condition shown by the statement filed with the Superintendent, or a balance sheet or other statement in form differing from the form prescribed by the regulations, shall not be published or circulated, and every insurer publishing such a statement shall be guilty of an offence.

Rev. Stat., c. 222, s. 84, repealed.

5. Section 84 of *The Insurance Act* as amended by section 10 of *The Insurance Act, 1929* is repealed and the following substituted therefor:

Contents of policy.

84. Every policy shall contain the name and address of the insurer, the name, address, occupation or business of the insured, the name of the person to whom the insurance money is payable, the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

Rev. Stat., c. 222, s. 85, subs. 1, repealed.

6. Section 85 of *The Insurance Act* is repealed.

Rev. Stat., c. 222, s. 95, subs. 2, amended.

7. Subsection 2 of section 95 of *The Insurance Act* is amended by striking out the words "and insuring any manufacturing or mercantile risk" in the second and third lines, so that the subsection will now read as follows:

Fire policy may cover other risks

- (2) An insurer licensed under this Act for the transaction of fire insurance may either by the same or by a separate contract insure the same risk against loss or damage arising from defects in or injuries to sprinklers or other fire-extinguishing apparatus, or arising from tornado or windstorm.

Section 4. As the provision now stands, there is no effective machinery to prohibit the circulation within the province of misleading financial statements. The amendment would authorize the Lieutenant-Governor in Council to prescribe the form in which balance sheets and other financial statements must be published.

Section 5. Section 84 now reads as follows:—

“It shall be lawful for an insurer to contract to indemnify an insured against financial loss occasioned by reason of liability to a third person whether or not the loss has been caused by the insured through negligence or while violating the provisions of any municipal by-law or any Act of this Legislature.”

This section is unnecessary, if the amendments to *The Highway Traffic Act* recommended in the interim report of the Hon. Mr. Justice Hodgins are enacted, and should be repealed.

The new section has nothing to do with the subject matter of the section proposed to be repealed. The new section would make applicable to insurance contracts generally, provisions now applicable only to fire insurance policies (section 97), life insurance policies (section 123), automobile insurance policies (section 173) and accident and sickness insurance policies (section 186).

Section 6. The section proposed to be repealed now reads as follows:

85.—(1) In any case in which a person insured against liability for injury or damage to persons or property of others has failed to satisfy a judgment obtained by a claimant for such injury or damage and an execution against the insured in respect thereof is returned unsatisfied, such execution creditor shall have a right of action against the insurer to recover an amount not exceeding the face amount of the policy or the amount of the judgment in the same manner and subject to the same equities as the insured would have if the said judgment had been satisfied.

(2) When an action is brought against any person in respect of any matter against which he has been insured and the insurer conducts the defence, if the insurer at any time before the statement of defence is filed, files a notice in the office in which the proceedings are being carried on, stating that it is defending the action on behalf of the defendant, the judge shall, if costs are awarded against the plaintiff, direct the same to be paid to the insurer and, if costs are awarded to the plaintiff, direct the same to be paid by the insurer.

(3) The notice shall form part of the record but the fact that the defendant is insured shall not be communicated to the jury during the course of the trial.

Subsection (1) is unnecessary if the amendments to *The Highway Traffic Act*, proposed in the interim report of the Hon. Mr. Justice Hodgins, are adopted, and should be repealed.

Subsections (2) and (3) were enacted before the decision of the Supreme Court of Canada in *Armand vs. Carr* (1927) S.C.R. 348, and should be repealed.

Section 7. This amendment is recommended by the Association of Superintendents of Insurance of the Provinces of Canada, and is designed to broaden the powers of fire insurance companies insuring other than mercantile or manufacturing risks.

Rev. Stat.,
c. 222, s. 207,
cl. b,
amended.

8. Clause *b* of section 207 of *The Insurance Act* is amended by inserting after the word "benefit" in the fifth line the words "or a double indemnity accident benefit" and by striking out the figures "\$5,000" in the fifth line and substituting therefor the figures "\$10,000" so that the clause will now read as follows:

- (b) If it insures or indemnifies against contingencies other than sickness, accident, disability, or death, or funeral expenses, or if the sum or sums payable on the death of any one person, other than a funeral benefit or a double indemnity accident benefit, exceed in all \$10,000; or

Rev. Stat.,
c. 222, s. 208,
cl. e,
repealed

9. Clause *e* of section 208 of *The Insurance Act* is repealed and the following substituted therefor:

- (e) A corporation which undertakes or offers to undertake contracts of insurance prohibited by section 207.

Rev. Stat.,
c. 222, s. 256,
subs. 12,
amended.

10.—(1) Subsection 12 of section 256 of *The Insurance Act* is amended by adding at the end thereof the following words, "but may not act as agent or broker directly, or indirectly through a broker licensed for business with unlicensed insurers under section 259 or otherwise, in dealing with unlicensed insurers," so that the subsection will now read as follows:

Authority
of agents.

- (12) The holder of a license under this section as agent for insurance other than life insurance may, during the term and validity of his license, act as agent for any licensed insurer within the limits prescribed by his license, and may act as an insurance broker in dealing with licensed insurers without other or additional licenses, but may not act as agent or broker directly, or indirectly through a broker licensed for business with unlicensed insurers under section 259 or otherwise, in dealing with unlicensed insurers.

Rev. Stat.,
c. 222, s. 256,
amended.

(2) The said section 256 is further amended by adding thereto the following subsection:

Licensing
of railway
ticket agents.

- 15a. Notwithstanding anything contained in this section, licenses may be issued to railway ticket agents, authorizing them to act as agents for railway accident and such other classes of insurance as may be approved, under and subject to such regulations as the Lieutenant-Governor in Council may prescribe.

Section 8. This section should be read with section 9 (*post*).

The purpose of the amendment is to empower fraternal societies to issue mortuary certificates for as high as \$10,000 and to exempt societies granting double indemnity accident benefits from that limit. The Dominion Insurance Act was amended in 1929, raising the limit contained therein from \$5,000 to \$10,000.

Section 9. The clause proposed to be repealed conflicts with clause *b* of section 207 amended by section 8 (*ante*). The proposed new clause removes any possibility of conflict.

Section 10.—(1) The object of the amendment is to prohibit agents or brokers, who are not licensed to transact business with unlicensed insurers under section 259, doing business with unlicensed insurers, either directly, or through a broker. See section 11 (*post*).

(2) Insurers writing railway accident ticket policies have for many years issued these policies through railway ticket agents. These ticket agents do not act as general insurance agents and special regulations are necessary to authorize their so acting and to provide for their licensing.

Rev. Stat.,
c. 222, s. 259,
amended.

11. Section 259 of *The Insurance Act* is amended by adding thereto the following subsection:

Prohibition
against
accepting
business
from agents
and brokers.

10a. A licensee under this section shall accept applications for insurance with unlicensed insurers only from the insured or another licensee under this section and shall not receive any such application from, or pay or allow compensation or anything of value in respect of such applications to, an agent or broker not licensed under this section, and any contract of insurance with an unlicensed insurer made by or through any agent or broker not licensed under this section shall be deemed to be unlawfully made within the meaning of section 262.

Rev. Stat.,
c. 222,
amended.

12. *The Insurance Act* is amended by adding thereto the following section:

Superin-
tendent em-
powered to
order rate
adjustment.

275a.—(1) It shall be the duty of the Superintendent, after due notice and a hearing before him, to order an adjustment of the rates for automobile insurance, whenever it is found by him that any such rates are excessive, inadequate, unfairly discriminatory, or otherwise unreasonable.

Appeal to
Appellate
Division,
S.C.O.

(2) Any order made under this section shall not take effect for a period of ten days after its date, and shall be subject to appeal within that time by any insured, insurer or rating bureau, in the manner provided by section 12 of this Act and, in the event of an appeal, the order of the Superintendent shall not take effect pending the disposition of the appeal.

Attorney
General to
be heard.

(3) The Attorney General shall be served with notice of any such appeal and shall be entitled to be heard by counsel upon the hearing thereof.

Penalty.

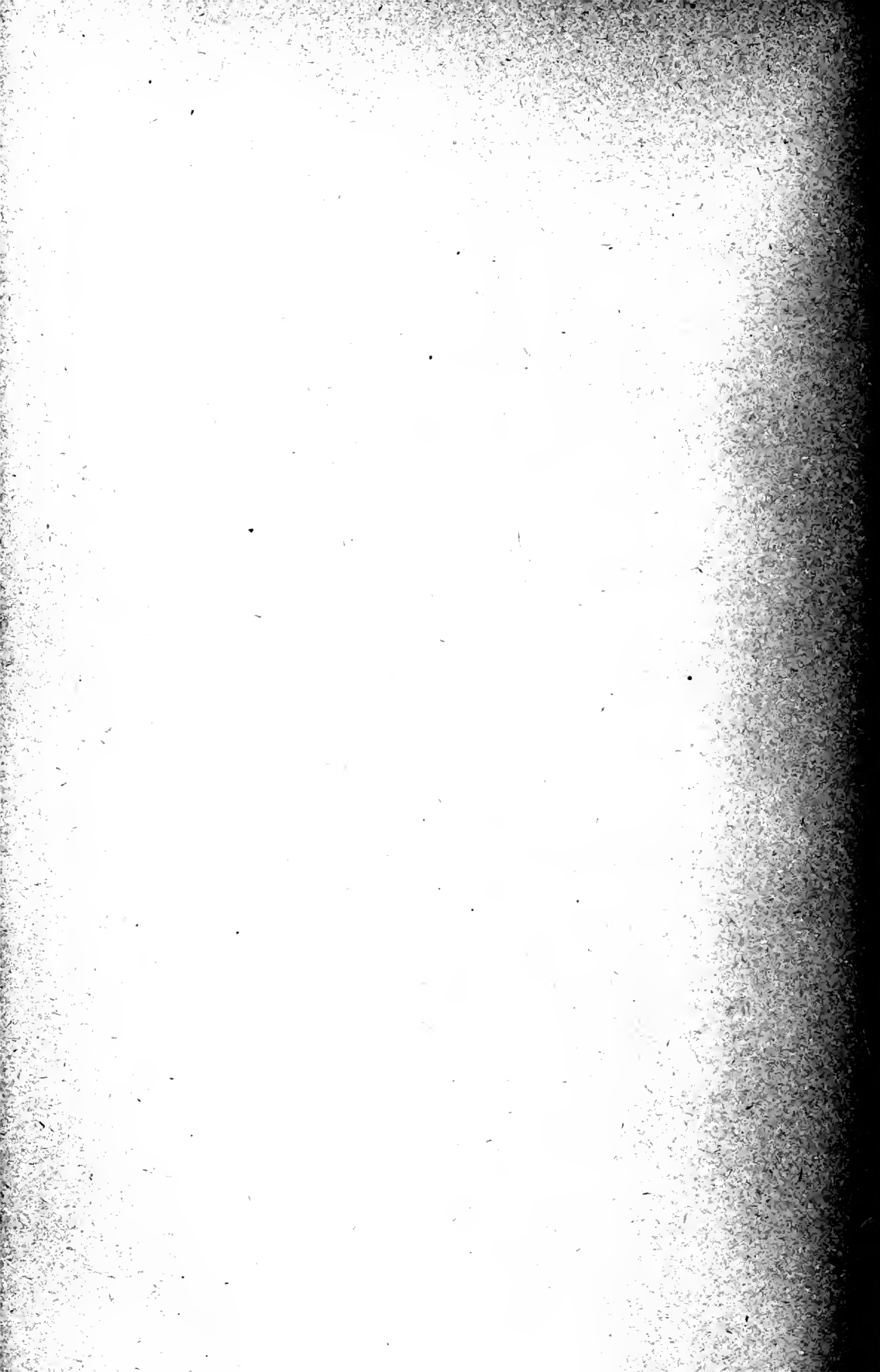
(4) Any rating bureau, insurer or other person failing to comply with any provision of such order shall be guilty of an offence.

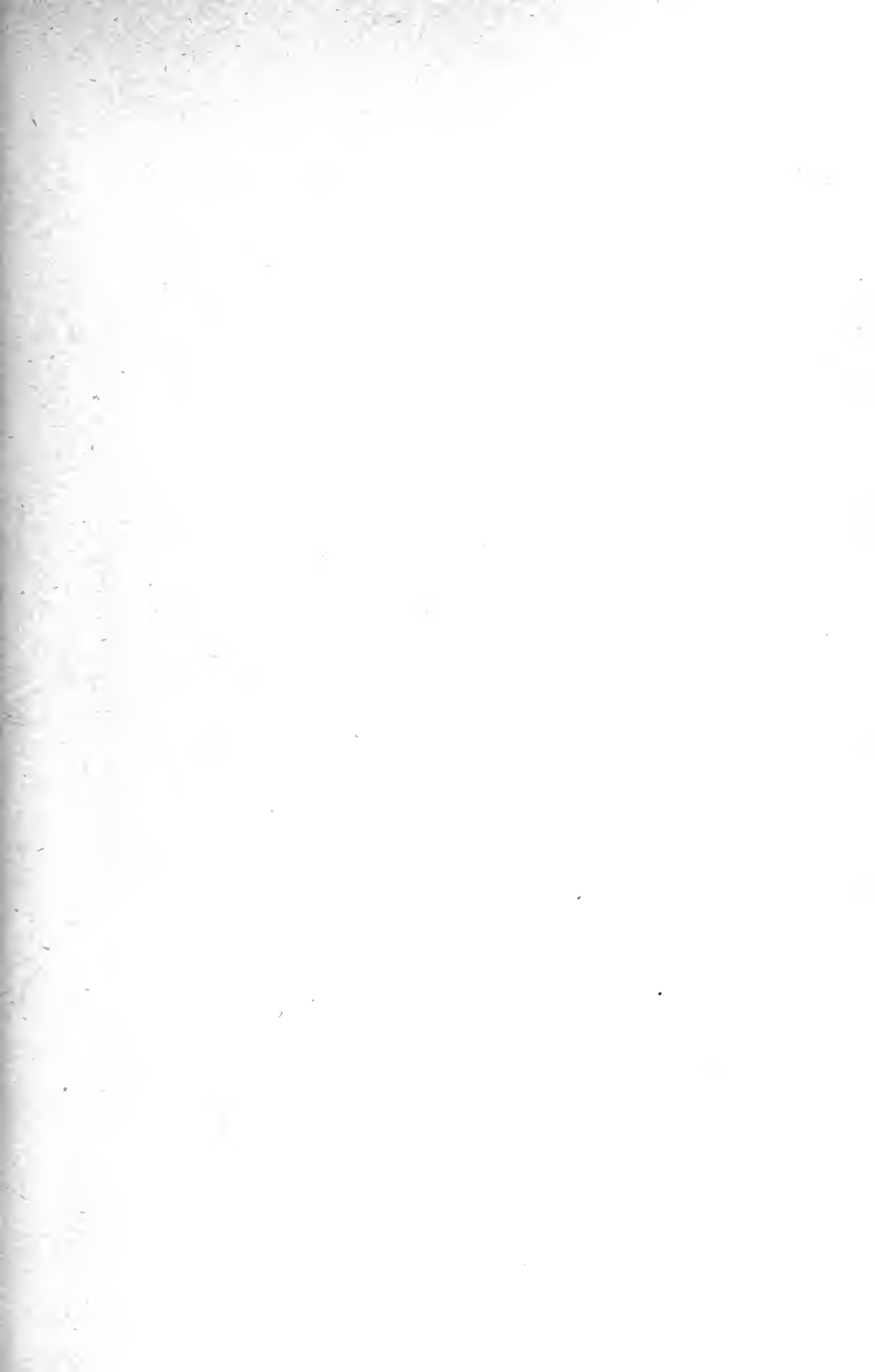
Commence-
ment of
Act.

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

Section 11. The proposed new subsection will prohibit special brokers licensed for business with unlicensed insurers accepting business from other agents or brokers who are not so licensed. See section 10 (1) *ante*.

Section 12. This amendment is recommended in the interim report of the Hon. Mr. Justice Hodgins and is fully explained therein.





BILL.

An Act to amend The Insurance Act.

1st Reading

March 13th, 1930

2nd Reading

3rd Reading

MR. PRICE.

No. 132

1ST SESSION, 18TH LEGISLATURE, ONTARIO
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TORONTO
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No. 132.

1930.

BILL

An Act to amend The Insurance 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 Insurance Act, 1930*.

Rev. Stat.,
c. 222
amended.

2. *The Insurance Act* is amended by adding thereto the following section:

Record of
automobile
premiums
and costs.

69a.—(1) Every licensed insurer which carries on in Ontario the business of automobile insurance shall prepare and file when required with the Superintendent, or with such statistical agency as he may designate, a record of its automobile insurance premiums, and of its loss and expense costs in Ontario, in such form and manner, and according to such system of classification, as he may approve.

Com-
pilation of
data,—
expense,

(2) The Superintendent may require any agency so designated to compile the data so filed in such form as he may approve; and the expense of making such compilation shall be apportioned among the insurers whose data is compiled by such agency by the Superintendent who shall certify in writing the amount due from each insurer and the same shall be payable by the insurer to such agency forthwith.

Application,
s. 69, subs. 2,
3 and 5.

(3) The provisions of subsections 2, 3 and 5 of section 69 shall apply *mutatis mutandis* to the provisions of this section.

Rev. Stat.,
s. 70, subs. 7,
amended.

3. Subsection 7 of section 70 of *The Insurance Act* is amended by striking out the words "which are more than three months overdue" in the second and third lines and substituting therefor the words "in respect of business written prior to the 1st day of October in the next preceding calendar year" and by adding after the word "unpaid" in the fourth line the words "capital or" so that the subsection will now read as follows:

- (7) The statement shall not show as assets the unpaid balances owing by agents or other insurers in respect of business written prior to the 1st day of October in the next preceding calendar year, or bills receivable on account of the same, or unpaid capital or premium on subscribed shares of capital stock, or investment in office furnishings or equipment, nor shall such statements include as assets any investments not authorized by any special or general Act to which the insurer is subject. Certain agents' balances, unauthorized securities, etc., must not show as assets.
4. Section 71 of *The Insurance Act* is amended by adding after the word "Superintendent" in the third line the words "or a balance sheet or other statement in form differing from the form prescribed by the regulations" so that the section will now read as follows: Rev. Stat., c. 222, s. 71, amended.
71. A statement purporting to show the financial condition of an insurer differing from the financial condition shown by the statement filed with the Superintendent, or a balance sheet or other statement in form differing from the form prescribed by the regulations, shall not be published or circulated, and every insurer publishing such a statement shall be guilty of an offence. Published statements.
5. Section 84 of *The Insurance Act* as amended by section 10 of *The Insurance Act, 1929* is repealed and the following substituted therefor: Rev. Stat., c. 222, s. 84, repealed.
- 84.—(1) Every policy shall contain the name and address of the insurer, the name, address, occupation or business of the insured, the name of the person to whom the insurance money is payable, the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance. Contents of policy.
- (2) This section shall not apply to contracts of guarantee insurance. Application of section.
6. Section 85 of *The Insurance Act* is repealed.
7. Subsection 2 of section 95 of *The Insurance Act* is amended by striking out the words "and insuring any manufacturing or mercantile risk" in the second and third lines, so that the subsection will now read as follows: Rev. Stat., c. 222, s. 95, repealed.
- (2) An insurer licensed under this Act for the transaction of fire insurance may either by the same or by a separate contract insure the same risk against loss or damage arising from defects in or injuries to Rev. Stat., c. 222, s. 95, subs. 2, amended. Fire policy may cover other risks

sprinklers or other fire-extinguishing apparatus, or arising from tornado or windstorm.

Rev. Stat.,
c. 222, s. 207,
cl. b,
amended.

8. Clause *b* of section 207 of *The Insurance Act* is amended by inserting after the word "benefit" in the fifth line the words "or a double indemnity accident benefit" and by striking out the figures "\$5,000" in the fifth line and substituting therefor the figures "\$10,000" so that the clause will now read as follows:

- (*b*) If it insures or indemnifies against contingencies other than sickness, accident, disability, or death, or funeral expenses, or if the sum or sums payable on the death of any one person, other than a funeral benefit or a double indemnity accident benefit, exceed in all \$10,000; or

Rev. Stat.,
c. 222, s. 208,
cl. e,
repealed

9. Clause *e* of section 208 of *The Insurance Act* is repealed and the following substituted therefor:

- (*e*) A corporation which undertakes or offers to undertake contracts of insurance prohibited by section 207.

Rev. Stat.,
c. 222, s. 256,
subs. 12,
amended.

10.—(1) Subsection 12 of section 256 of *The Insurance Act* is amended by adding at the end thereof the following words, "but may not act as agent or broker directly, or indirectly through a broker licensed for business with unlicensed insurers under section 259 or otherwise, in dealing with unlicensed insurers," so that the subsection will now read as follows:

Authority
of agents.

- (12) The holder of a license under this section as agent for insurance other than life insurance may, during the term and validity of his license, act as agent for any licensed insurer within the limits prescribed by his license, and may act as an insurance broker in dealing with licensed insurers without other or additional licenses, but may not act as agent or broker directly, or indirectly through a broker licensed for business with unlicensed insurers under section 259 or otherwise, in dealing with unlicensed insurers.

Rev. Stat.
c. 222, s. 256,
amended.

(2) The said section 256 is further amended by adding thereto the following subsection:

Licensing
of railway
ticket agents.

- 15a. Notwithstanding anything contained in this section, licenses may be issued to railway ticket agents, authorizing them to act as agents for railway accident and such other classes of insurance as may be approved, under and subject to such regulations as the Lieutenant-Governor in Council may prescribe.

11. Section 259 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 222, s. 259, amended.

10a. A licensee under this section shall accept applications for insurance with unlicensed insurers only from the insured or another licensee under this section and shall not receive any such application from, or pay or allow compensation or anything of value in respect of such applications to, an agent or broker not licensed under this section, and any contract of insurance with an unlicensed insurer made by or through any agent or broker not licensed under this section shall be deemed to be unlawfully made within the meaning of section 262. Prohibition against accepting business from agents and brokers.

12. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 222, amended.

275a.—(1) It shall be the duty of the Superintendent, after due notice and a hearing before him, to order an adjustment of the rates for automobile insurance, whenever it is found by him that any such rates are excessive, inadequate, unfairly discriminatory, or otherwise unreasonable. Superintendent empowered to order rate adjustment.

(2) Any order made under this section shall not take effect for a period of ten days after its date, and shall be subject to appeal within that time by any insured, insurer or rating bureau, in the manner provided by section 12 of this Act and, in the event of an appeal, the order of the Superintendent shall not take effect pending the disposition of the appeal. Appeal to Appellate Division, S.C.O.

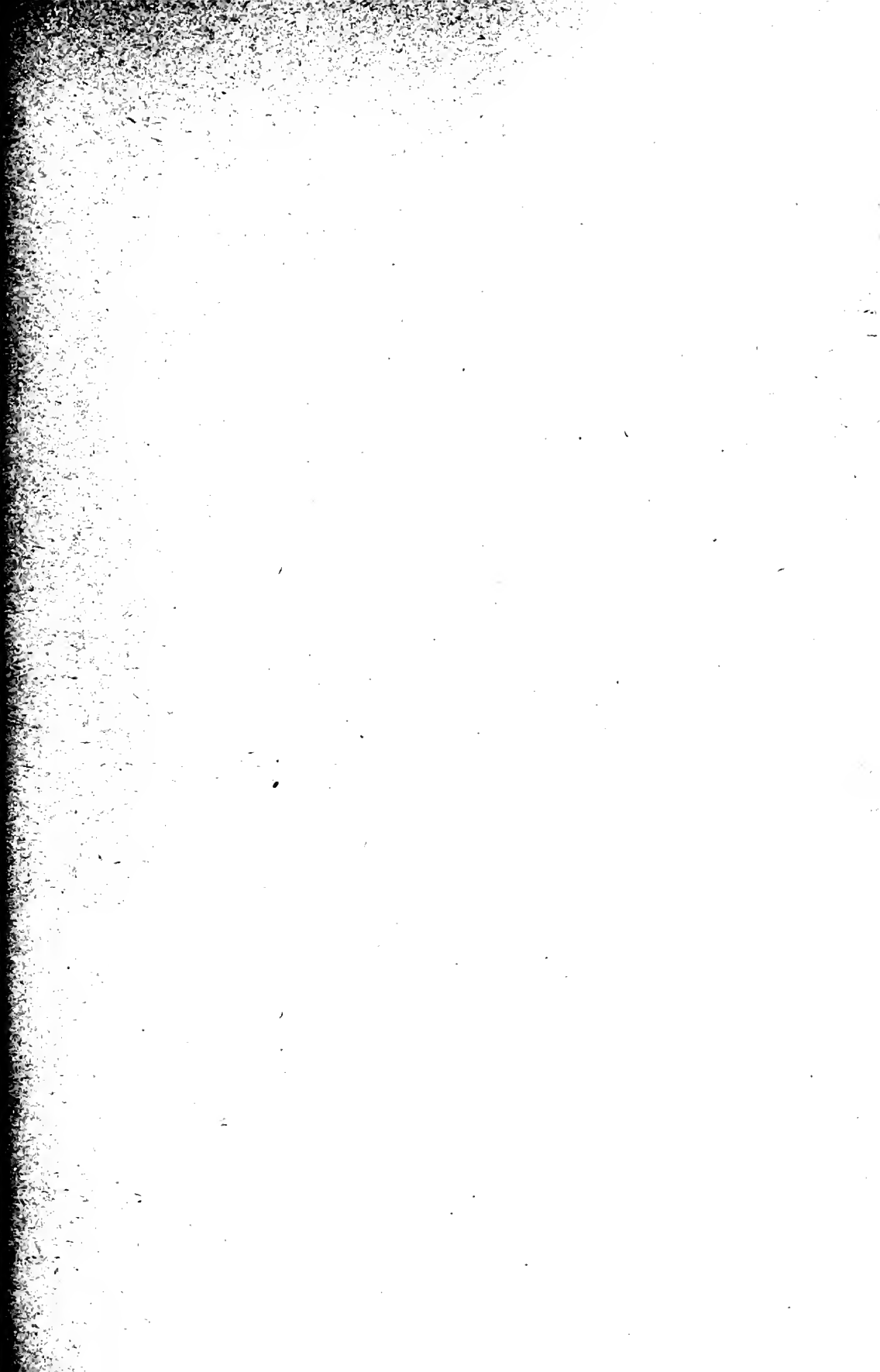
(3) The Attorney General shall be served with notice of any such appeal and shall be entitled to be heard by counsel upon the hearing thereof. Attorney General to be heard.

(4) Any rating bureau, insurer or other person failing to comply with any provision of such order shall be guilty of an offence. Penalty.

13.—(1) Subject to the provisions of the following subsections, this Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

(2) Sections 5 and 6 shall come into force on the first day of September, 1930.

(3) Section 12 shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.



BILL.

An Act to amend The Insurance Act.

1st Reading

March 13th, 1930

2nd Reading

March 19th, 1930

3rd Reading

March 28th, 1930

MR. PRICE.

No. 133

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

BILL

An Act respecting The Central Ontario Power System.

MR. COOKE.

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

BILL

An Act respecting The Central Ontario Power System.

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 Central Ontario Power Act, 1930.*

Central Ontario System vested in Commission.

2. All and every part of the property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses and other properties vested in His Majesty the King as representing the Province of Ontario, by an Act passed in the sixth year of His Majesty's reign, chaptered 18, and still so vested, together with any property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses and other properties, other than pulpwood limits in the township of Bruton, thereafter acquired by His Majesty the King in the right of the Province of Ontario or by The Hydro-Electric Power Commission of Ontario (hereinafter referred to as the "Commission"), in connection with or for the purpose of carrying on and administering such first-mentioned property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses (all of which are hereinafter referred to as "the properties") are hereby declared to be transferred to and vested in the Commission.

Transfer to date from 1st November, 1928.

3. The properties declared to be vested in the Commission under section 2 shall be deemed for all purposes to have been acquired by the Commission on the 1st day of November, 1928, and thereafter such properties shall be deemed to have been and shall be held, operated, used and maintained by the Commission under the provisions of *The Power Commission Act* and of this Act.

Rev. Stat., c. 57.

Price to be paid for system.

4. There shall be chargeable to the Commission in the books of the Treasurer of Ontario the sum of \$15,173,235.21 as the purchase price of the said properties as of the 1st day

EXPLANATORY NOTE

Section 1. In 1916 by *The Central Ontario Power Act* (1916, c. 18), certain properties which had formed what was known as The Seymour System were purchased by and vested in the Crown, which was given in the same Act absolute power to dispose of the management and the ownership of the properties which were included in the sale. By an Order-in-Council passed in the same year, the management of these properties was vested in The Hydro Electric Power Commission of Ontario. Since then many of the local properties have been sold by the Crown to municipalities and very few now remain to be disposed of.

The object of this Bill is to put The Central Ontario Power System in the same position as the other systems controlled by the Commission. This is being rendered the more necessary by the increased demand for power in industrial centres, which were formerly served by The Seymour System, and to enable the Commission to deal with the properties taken over by the Crown in 1916 upon business-like principles.

Section 2. This is the section making the transfer from the Crown to the Power Commission in trust for the municipalities, who will become owners of the system upon its being paid for.

Section 3. Dates the transaction back to the 1st of November, 1928, which is substantially the date as the system was re-organized under the control of the Commission.

Section 4. Fixes the price to be paid by the Commission on behalf of the municipalities for the property acquired.

of November, 1928, and the said sum, together with all advances on capital account thereafter made by the Province to the Commission in respect of the said properties, less repayments by the Commission to the Province in respect thereof, shall be a debt due from the Commission to the Province and shall be repayable under the terms of *The Power Commission Act* in the same manner and under the same conditions, both as to the principal indebtedness and as to interest, as other indebtedness of the Commission to the Province of Ontario.

Rev. Stat.,
c. 57.

Power to hold and operate or sell to municipalities.

5.—(1) The Commission may use and enjoy or exercise any of the said properties and may carry on any undertaking or business acquired under section 2, or may sell or dispose of any of them to a municipal corporation or to any company or individual as the Commission may deem most advantageous and the Commission is declared to have been so empowered as from 1st day of November, 1928.

Taking municipal debentures in payment.

(2) Where any sale has heretofore been, or is hereafter, made under the provisions of subsection 1 of this section to a municipal corporation, the Commission has been and is empowered to accept debentures of such corporation as payment in whole or in part therefor, and the Commission may hold and collect such debentures, or may invest the reserve funds of the Commission therein, or may sell or dispose of the same upon such terms as the Commission may see fit.

Proceeds of sale,—application of.

(3) Any sums realized by the Commission on the sale of any property made under subsection 1 or the sale of any debentures made under subsection 2, and any surplus funds in the hands of the Commission as at the 1st day of November, 1928, may be paid over by the Commission to the Treasurer of Ontario in reduction of the Commission's indebtedness mentioned in section 4.

Contracts for supply of power from Central System subject to Rev. Stat., c. 57.

6.—(1) Every contract heretofore entered into by the Commission with each of the municipal corporations mentioned in schedule "A" to this Act, for a supply of electrical power or energy to such corporation or to customers therein, shall as and from the 1st day of November, 1928, notwithstanding anything contained in any such contract, be deemed to have been and shall be subject to the provisions of *The Power Commission Act* and more particularly to section 56 thereof.

Application of Rev. Stat., c. 57 as to advances by Province.

(2) All advances on capital account made by the Province of Ontario to the Commission in respect of the properties transferred to and vested in the Commission under the provisions of this Act from and after the said 1st day of November, 1928, and all expenditures made by the

Section 5. Deals with the sales of local distribution plants, etc, which have been sold by the Crown to municipal corporations.

Section 6. Ratifies contracts and arrangements heretofore entered into.

Commission thereout are declared to have been made under and in conformity with the provisions of *The Power Commission Act*.

Postpone-
ment of sink-
ing fund
charges.

7. The Lieutenant-Governor in Council may authorize the Commission to postpone the collection or setting apart of any sums on sinking fund account to provide for the cost of any of the properties acquired by the Commission under this Act, for such period not exceeding ten years as may be deemed advisable.

Powers under
order-in-
council of
May 5th,
1916,
preserved.

8. In addition to the rights, powers and privileges under *The Power Commission Act*, the Commission shall continue to have all the rights, powers and privileges in respect of the properties herein transferred which were granted to and vested in the Commission under the provisions of the said Order of the Lieutenant-Governor in Council, dated the 5th day of May, 1916, herein referred to.

Regis-
tration of
Act.

9. A copy of this Act shall be registered in the general register of any Registry or Land Titles Office in which is registered or recorded the title to any land affected by the terms of this Act, and every Registrar of Deeds or Master of Titles, as the case may be, shall, upon the request of the Commission, enter in the abstract index of any parcel or tract of land, the title to which is in any way affected by this Act, a note, entry or memorandum showing that the title thereof has been changed or affected by this Act and referring to the date and registration number in the general index whether this Act has been recorded or registered as aforesaid.

Commence-
ment of
Act.

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

Section 7. Authorizes the postponement of the collection of sinking funds chargeable as in other cases.

Section 8. Covers rights and powers of the Commission to carry on so far as these properties transferred are concerned.

Section 9. Make the necessary provision for registration for convenience in searching title.

SCHEDULE "A."

CITIES

Belleville	Oshawa	Peterborough
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TOWNS

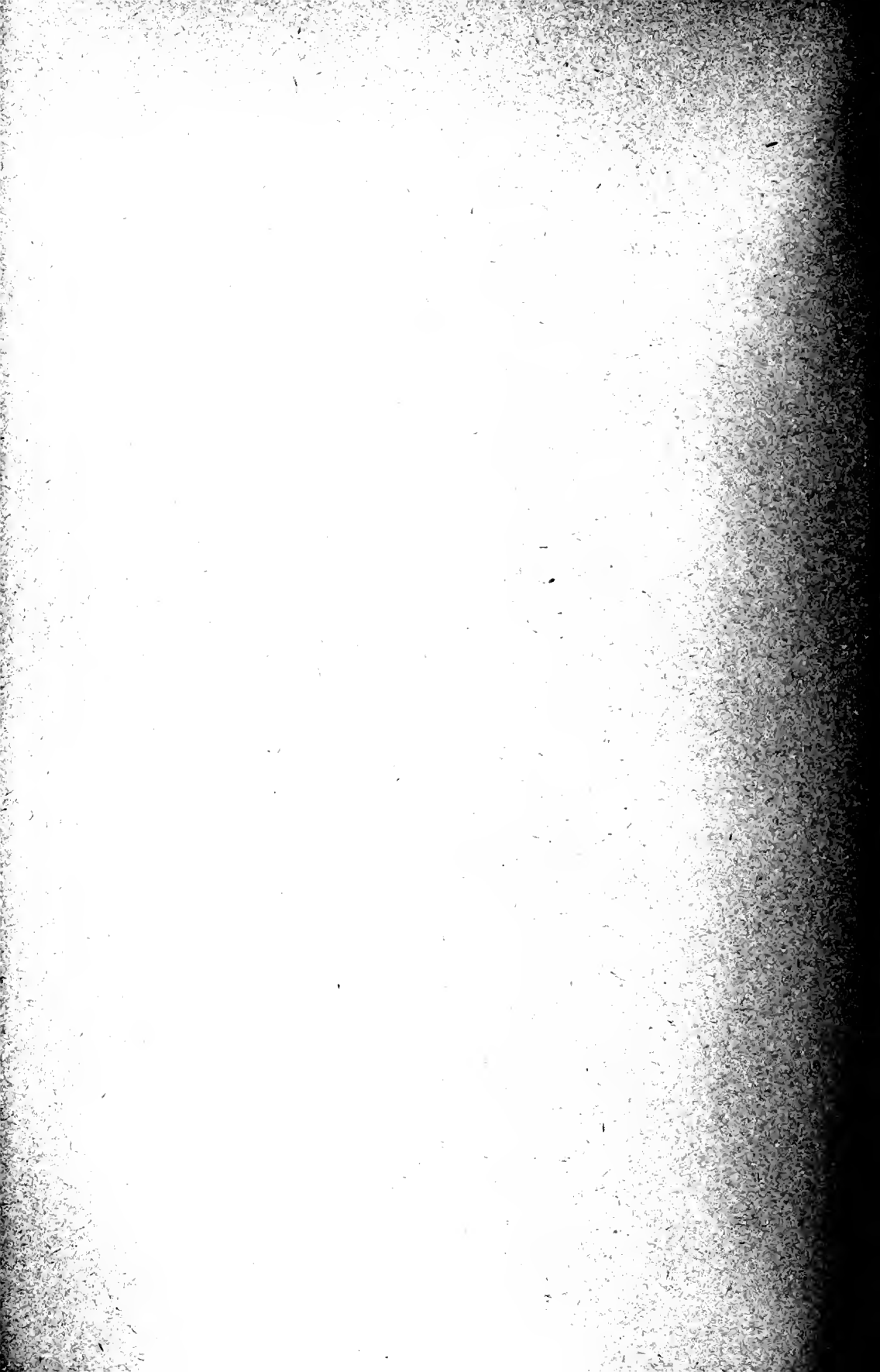
Lindsay	Napanee	Picton	Port Hope	Whitby
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VILLAGES

Bloomfield	Brighton	Havelock	Lakefield	Madoc
Marmora	Norwood	Stirling	Warkworth	Wellington

TOWNSHIPS

Ameliasburg	Haldimand	Pickering
Alnwick	Hope	Percy
Asphodel	Hallowell	Rawdon
Belmont and Methuen	Hillier	Richmond
Brighton	Kingston	Sidney
Camden, East	Loughboro	Seymour
Caven	Manvers	Smith
Clarke	Murray	Thurlow
Darlington	Monaghan, North	Tyendenaga
Douro	Otonabee	Whitby
Ernestown	Portland	Whitby, East
Fredericksburg, North	Pittsburg	
Hamilton		



BILL.

**An Act respecting The Central Ontario
Power System.**

1st Reading

March 13th, 1930

2nd Reading

3rd Reading

MR. COOKE.

No. 133

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

BILL

An Act respecting The Central Ontario Power System.

MR. COOKE.

TORONTO
PRINTED BY HERBERT H. BALL,
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An Act respecting The Central Ontario Power System.

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Short title.

1. This Act may be cited as *The Central Ontario Power Act, 1930.*

Central Ontario System vested in Commission.

2. All and every part of the property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses and other properties vested in His Majesty the King as representing the Province of Ontario, by an Act passed in the sixth year of His Majesty's reign, chaptered 18, and still so vested, together with any property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses and other properties, other than pulpwood limits in the township of Bruton, thereafter acquired by His Majesty the King in the right of the Province of Ontario or by The Hydro-Electric Power Commission of Ontario (hereinafter referred to as the "Commission"), in connection with or for the purpose of carrying on and administering such first-mentioned property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses (all of which are hereinafter referred to as "the properties") are hereby declared to be transferred to and vested in the Commission.

Transfer to date from 1st November, 1928.

3. The properties declared to be vested in the Commission under section 2 shall be deemed for all purposes to have been acquired by the Commission on the 1st day of November, 1928, and thereafter such properties shall be deemed to have been and shall be held, operated, used and maintained by the Commission under the provisions of *The Power Commission Act* and of this Act.

Rev. Stat., c. 57.

Price to be paid for system.

4. There shall be chargeable to the Commission in the books of the Treasurer of Ontario the sum of \$15,173,235.21 as the purchase price of the said properties as of the 1st day

of November, 1928, and the said sum, together with all advances on capital account thereafter made by the Province to the Commission in respect of the said properties, less repayments by the Commission to the Province in respect thereof, shall be a debt due from the Commission to the Province and shall be repayable under the terms of *The Power Commission Act* in the same manner and under the same conditions, both as to the principal indebtedness and as to interest, as other indebtedness of the Commission to the Province of Ontario.

Rev. Stat.,
c. 57.

5.—(1) The Commission may use and enjoy or exercise any of the said properties and may carry on any undertaking or business acquired under section 2, or may sell or dispose of any of them to a municipal corporation or to any company or individual as the Commission may deem most advantageous and the Commission is declared to have been so empowered as from 1st day of November, 1928.

Power to hold and operate or sell to municipalities.

(2) Where any sale has heretofore been, or is hereafter, made under the provisions of subsection 1 of this section to a municipal corporation, the Commission has been and is empowered to accept debentures of such corporation as payment in whole or in part therefor, and the Commission may hold and collect such debentures, or may invest the reserve funds of the Commission therein, or may sell or dispose of the same upon such terms as the Commission may see fit.

Taking municipal debentures in payment.

(3) Any sums realized by the Commission on the sale of any property made under subsection 1 or the sale of any debentures made under subsection 2, and any surplus funds in the hands of the Commission as at the 1st day of November, 1928, may be paid over by the Commission to the Treasurer of Ontario in reduction of the Commission's indebtedness mentioned in section 4.

Proceeds of sale, application of.

6.—(1) Every contract heretofore entered into by the Commission with each of the municipal corporations mentioned in schedule "A" to this Act, for a supply of electrical power or energy to such corporation or to customers therein, shall as and from the 1st day of November, 1928, notwithstanding anything contained in any such contract, be deemed to have been and shall be subject to the provisions of *The Power Commission Act* and more particularly to section 56 thereof.

Contracts for supply of power from Central System subject to Rev. Stat., c. 57.

(2) All advances on capital account made by the Province of Ontario to the Commission in respect of the properties transferred to and vested in the Commission under the provisions of this Act from and after the said 1st day of November, 1928, and all expenditures made by the

Application of Rev. Stat., c. 57 as to advances by Province.

Commission thereout are declared to have been made under and in conformity with the provisions of *The Power Commission Act*.

Postpone-
ment of sink-
ing fund
charges.

7. The Lieutenant-Governor in Council may authorize the Commission to postpone the collection or setting apart of any sums on sinking fund account to provide for the cost of any of the properties acquired by the Commission under this Act, for such period not exceeding ten years as may be deemed advisable.

Powers under
order-in-
council of
May 5th,
1916,
preserved.

8. In addition to the rights, powers and privileges under *The Power Commission Act*, the Commission shall continue to have all the rights, powers and privileges in respect of the properties herein transferred which were granted to and vested in the Commission under the provisions of the said Order of the Lieutenant-Governor in Council, dated the 5th day of May, 1916, herein referred to.

Regis-
tration of
Act.

9. A copy of this Act shall be registered in the general register of any Registry or Land Titles Office in which is registered or recorded the title to any land affected by the terms of this Act, and every Registrar of Deeds or Master of Titles, as the case may be, shall, upon the request of the Commission, enter in the abstract index of any parcel or tract of land, the title to which is in any way affected by this Act, a note, entry or memorandum showing that the title thereof has been changed or affected by this Act and referring to the date and registration number in the general index whether this Act has been recorded or registered as aforesaid.

Commence-
ment of
Act.

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

SCHEDULE "A."

CITIES

Belleville

Oshawa

Peterborough

TOWNS

Lindsay

Napane

Picton

Port Hope

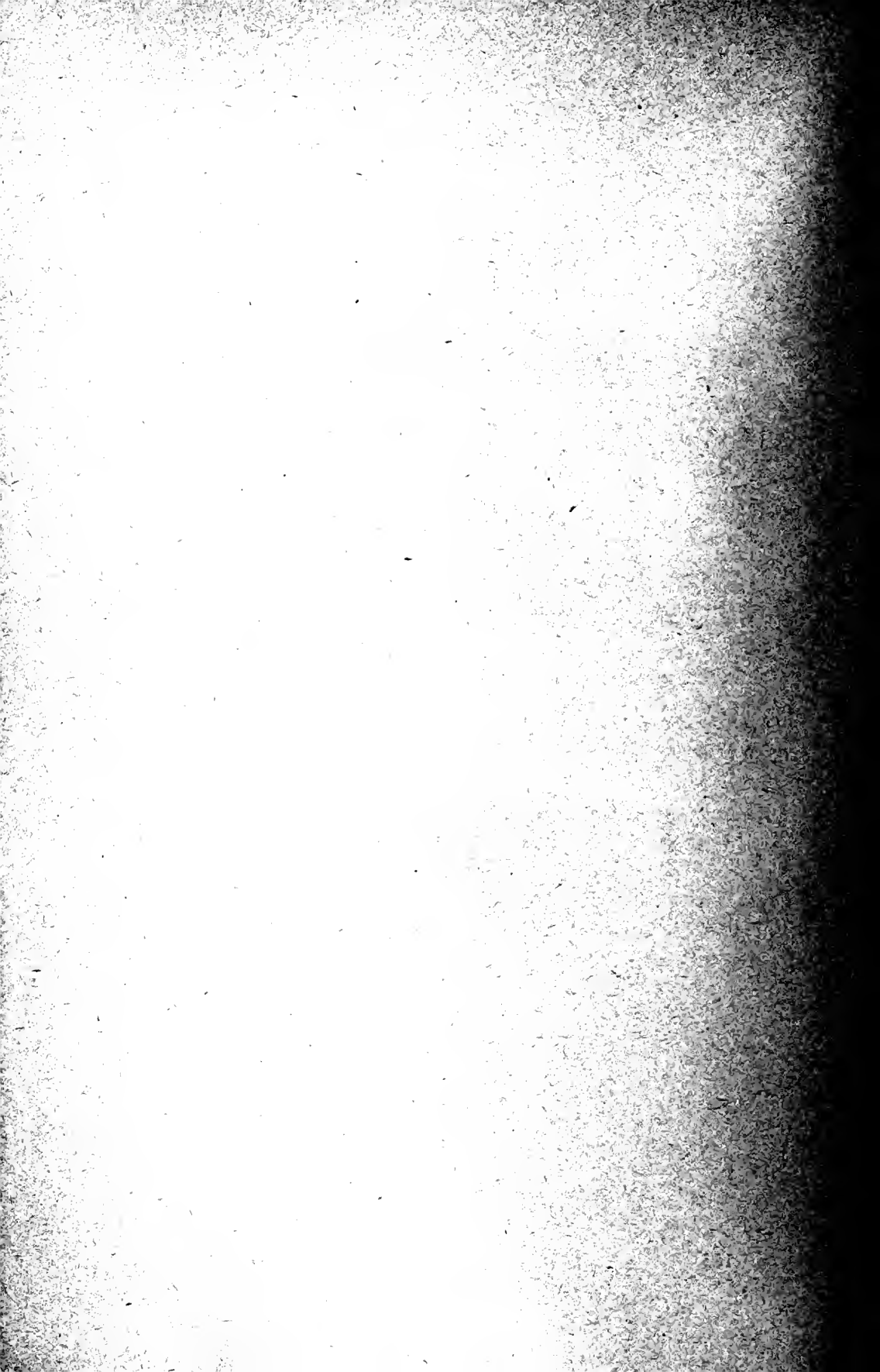
Whitby

VILLAGES

Bloomfield
MarmoraBrighton
NorwoodHavelock
StirlingLakefield
WarkworthMadoc
Wellington

TOWNSHIPS

Ameliasburg
Alwick
Asphodel
Belmont and Methuen
Brighton
Camden, East
Caven
Clarke
Darlington
Douro
Ernestown
Fredericksburg, North
HamiltonHaldimand
Hope
Hallowell
Hillier
Kingston
Loughboro
Manvers
Murray
Monaghan, North
Otonabee
Portland
PittsburgPickering
Percy
Rawdon
Richmond
Sidney
Seymour
Smith
Thurlow
Tyendenaga
Whitby
Whitby, East





BILL.

An Act respecting The Central Ontario
Power System.

1st Reading

March 13th, 1930

2nd Reading

March 20th, 1930

3rd Reading

March 25th, 1930

MR. COOKE.

No. 134

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

BILL

An Act to amend The County Judges Act.

MR. PRICE.

No. 134.

1930.

BILL

An Act to amend The County Judges 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 County Judges Act, 1930*.

Rev. Stat.,
c. 90, s. 9,
subs. 1;
subs. 2
(1928, c. 21,
s. 18),
repealed. **2.** Subsection 1 of section 9 of *The County Judges Act* as amended by subsection 1 of section 3 of *The County Judges Act, 1929*, and subsection 2 of the said section 9 as re-enacted by section 18 of *The County Judges Act, 1928*, and amended by subsection 2 of section 3 of *The County Judges Act, 1929*, are repealed and the following substituted therefor:

Payment of
allowances
to county
judges.

(1) Subject to the provisions of subsection 2 there shall be paid to the judge of every county and district court and to every junior judge of a county or district court an annual allowance of \$1,000 payable monthly, and the said allowance shall be payable out of and chargeable upon the Consolidated Revenue Fund:

In York and
Middlesex.

(2) There shall be paid to the judge of the county court of the county of York and to each of the junior judges of the said court an annual allowance of \$1,600, and in the county of Middlesex there shall be paid to the judge of the county court holding office on the 1st day of January, 1929, an annual allowance of \$1,300, and the said allowances shall be payable monthly out of the Consolidated Revenue Fund and shall be in lieu of and not in addition to any payments authorized by subsection 1, and upon the judge of the county of Middlesex ceasing to hold office, his successor, if any, shall be entitled only to the annual allowance provided for in subsection 1.

Rev. Stat.,
c. 90, s. 17,
repealed.

3. Section 17 of *The County Judges Act* is repealed.

EXPLANATORY NOTES.

Section 2. The changes made by this section will have the effect of giving all county judges, both senior and junior outside the county of York, the sum of \$1,000 covering the work performed by them as surrogate judges and in other matters under provincial statutes. The present Act provides that upon a judge of the county of York ceasing to hold office his successor will receive only \$1,000. The amendment gives all the judges of the county of York the same amount—\$1,600.

Section 3. Section 17 of the present Act provides for the payment of \$500 to junior judges in the districts who will, under the amendment made by section 2 of this Bill, receive \$1,000.

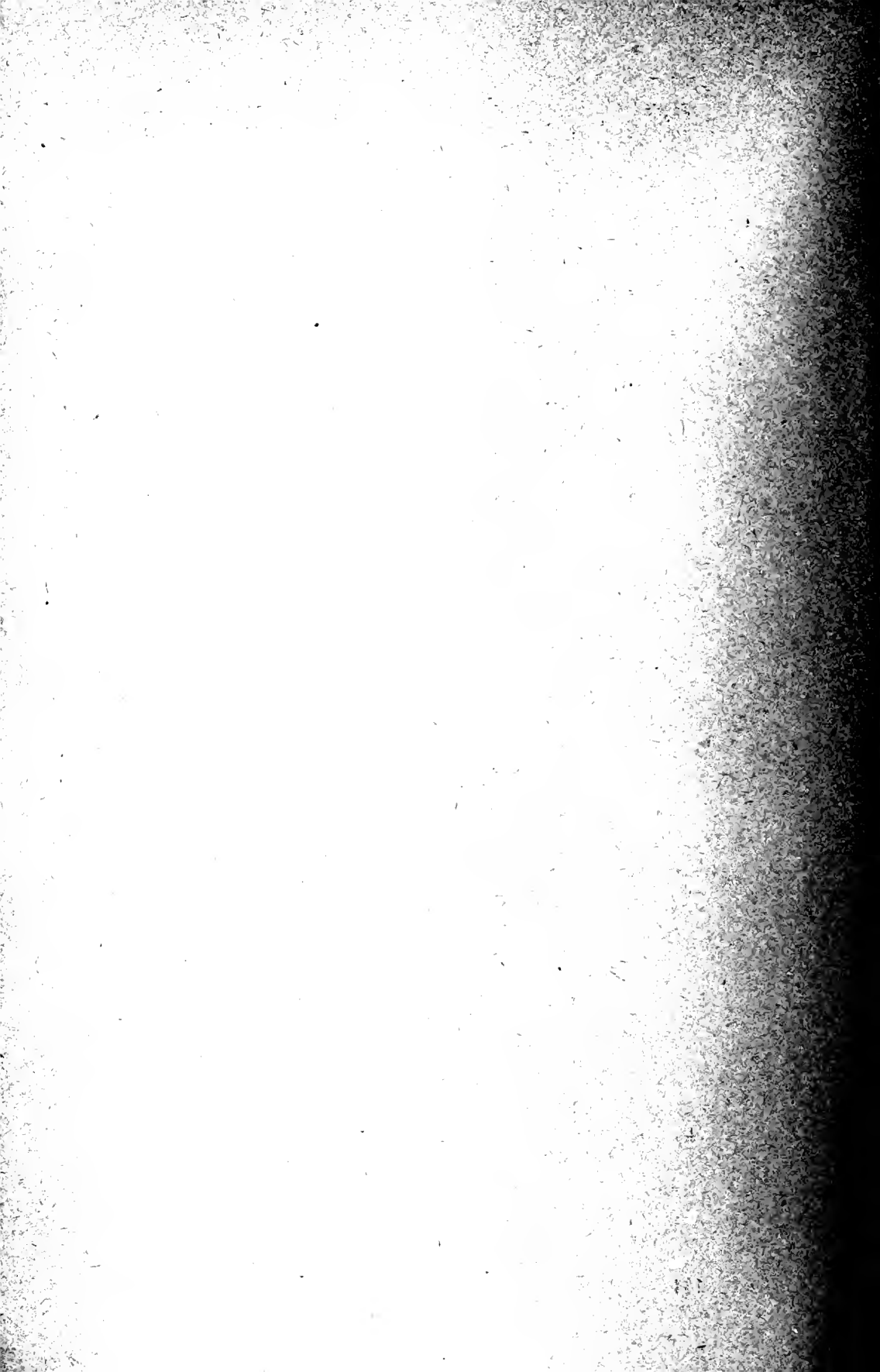
Rev. Stat.,
c. 94, s. 71,
repealed.

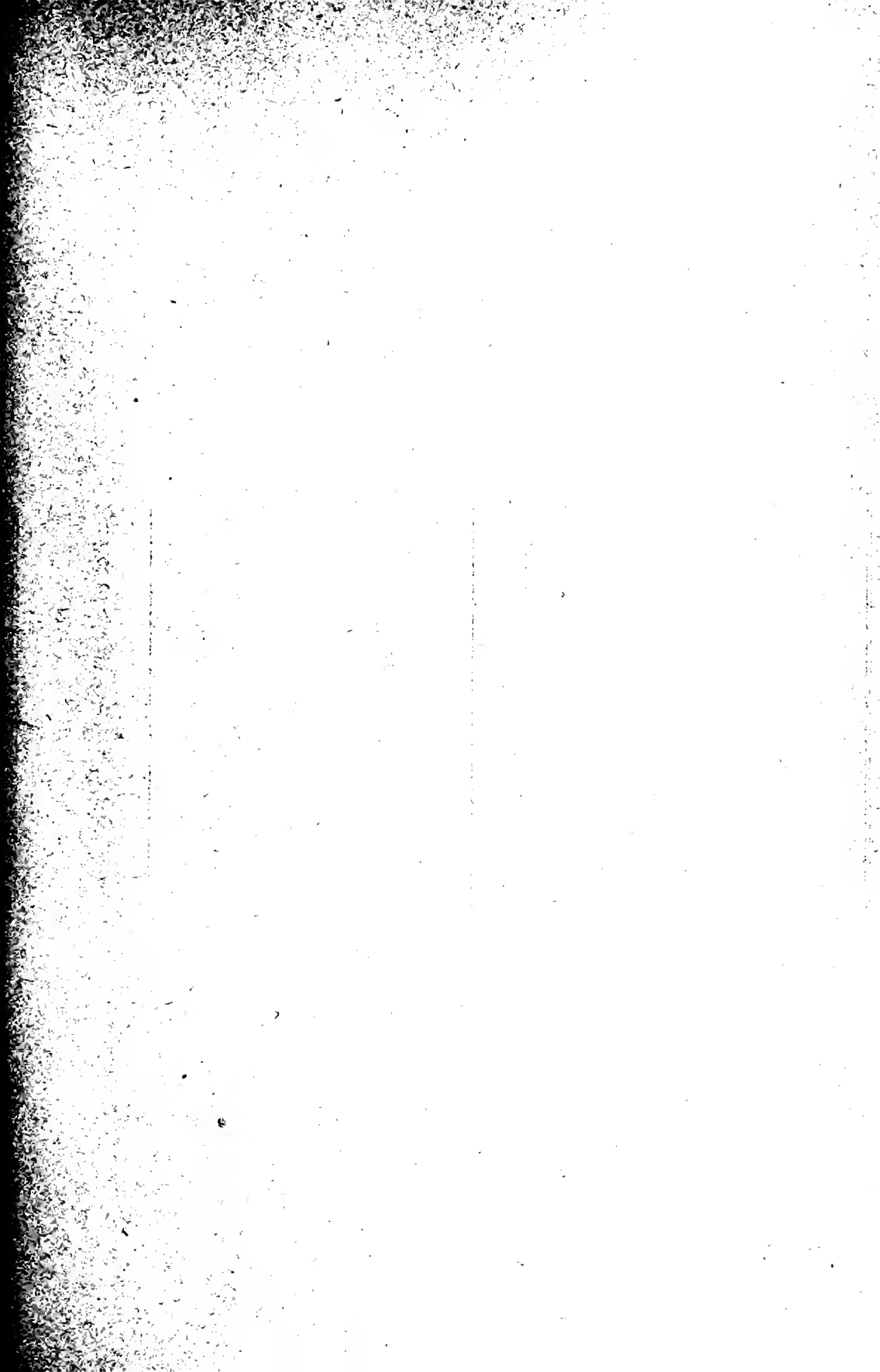
4. Section 71 of *The Surrogate Courts Act* is repealed.

Commence-
ment of
Act.

5. 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.

Section 4. Section 71 of *The Surrogate Courts Act* provides that where there is a surplus over \$1,000 in the surrogate court fees the junior judge shall be paid an allowance of \$666 out of such surplus.





BILL.

An Act to amend The County Judges Act.

1st Reading

March 13th, 1930

2nd Reading

3rd Reading

MR. PRICE.

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

BILL

An Act to amend The County Judges Act.

MR. PRICE.

No. 134.

1930.

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An Act to amend The County Judges 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 County Judges Act, 1930.*

Rev. Stat.,
c. 90, s. 9,
subs. 1;
subs. 2
(1928, c. 21,
s. 18),
repealed. **2.** Subsection 1 of section 9 of *The County Judges Act* as amended by subsection 1 of section 3 of *The County Judges Act, 1929*, and subsection 2 of the said section 9 as re-enacted by section 18 of *The County Judges Act, 1928*, and amended by subsection 2 of section 3 of *The County Judges Act, 1929*, are repealed and the following substituted therefor:

Payment of
allowances
to county
judges.

(1) Subject to the provisions of subsection 2 there shall be paid to the judge of every county and district court and to every junior judge of a county or district court an annual allowance of \$1,000 payable monthly, and the said allowance shall be payable out of and chargeable upon the Consolidated Revenue Fund.

In York and
Middlesex.

(2) There shall be paid to the judge of the county court of the county of York and to each of the junior judges of the said court an annual allowance of \$1,600, and in the county of Middlesex there shall be paid to the judge of the county court holding office on the 1st day of January, 1929, an annual allowance of \$1,300, and the said allowances shall be payable monthly out of the Consolidated Revenue Fund and shall be in lieu of and not in addition to any payments authorized by subsection 1, and upon the judge of the county of Middlesex ceasing to hold office, his successor, if any, shall be entitled only to the annual allowance provided for in subsection 1.

Rev. Stat.,
c. 90, s. 17,
repealed.

3. Section 17 of *The County Judges Act* is repealed.

4. Section 71 of *The Surrogate Courts Act* is repealed.

Rev. Stat.,
c. 94, s. 71,
repealed.

5. 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.

Commence-
ment of
Act.

BILL.

An Act to amend The County Judges Act.

1st Reading

March 13th, 1930

2nd Reading

March 17th, 1930

3rd Reading

March 25th, 1930

Mr. PRICE.

No. 135

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

BILL

An Act to amend The Election Act.

MR. FERGUSON.

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

No. 135.

1930.

BILL

An Act to amend The Election 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 Election Act, 1930*.
- Rev. Stat.,
c. 8,
amended. **2.** *The Election Act* is amended by adding thereto the following sections:
- Deposit by candidates. 57a.—(1) No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by a deposit of \$200 in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque made payable to the Treasurer of Ontario for that amount drawn upon and accepted by such bank.
- Receipts for deposits. (2) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor.
- Deposit to be sent to Provincial Treasurer. (3) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Treasurer of Ontario.
- How deposit dealt with. (4) The sum so deposited by any candidate shall be returned to him by the Treasurer of Ontario in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of a candidate elected, otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Ontario.

EXPLANATORY NOTES.

Section 2. The section *57a* added by this section follows very closely the provisions of the Dominion Act which provides for a deposit to be made by or on behalf of a candidate before his nomination is completed. Section *57b* provides for the furnishing of a certified list of the candidates who have been nominated to every candidate or agent of a candidate applying therefor which is the practice under the Dominion Act.

Deposit to
be returned
in case of
death.

- (5) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasurer of Ontario.

List of
candidates
nominated.

- 57b. At the close of the time for nominating the candidates the returning officer shall deliver to every candidate or the agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated.

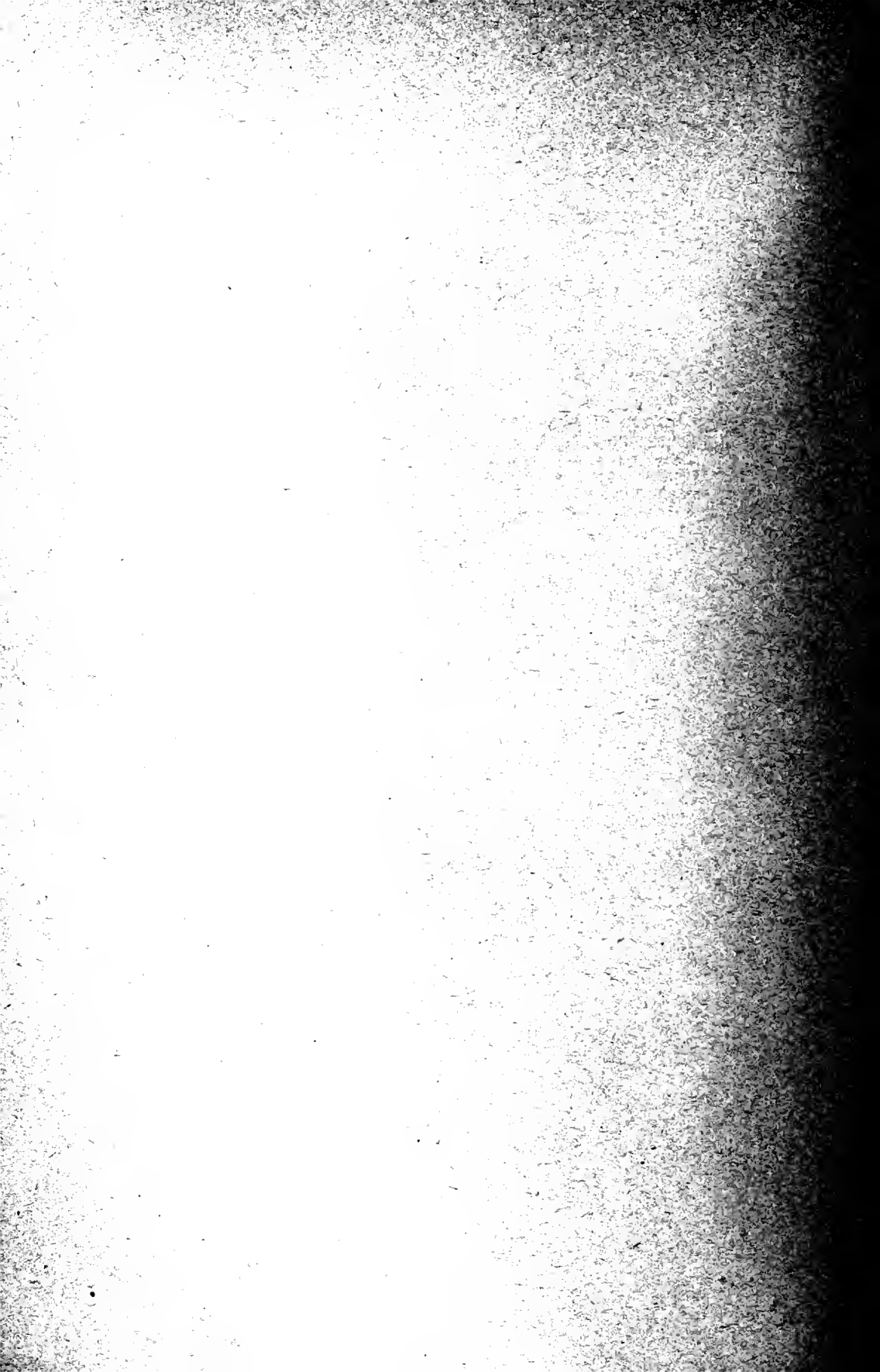
Rev. Stat.,
c. 8, s. 92,
repealed.

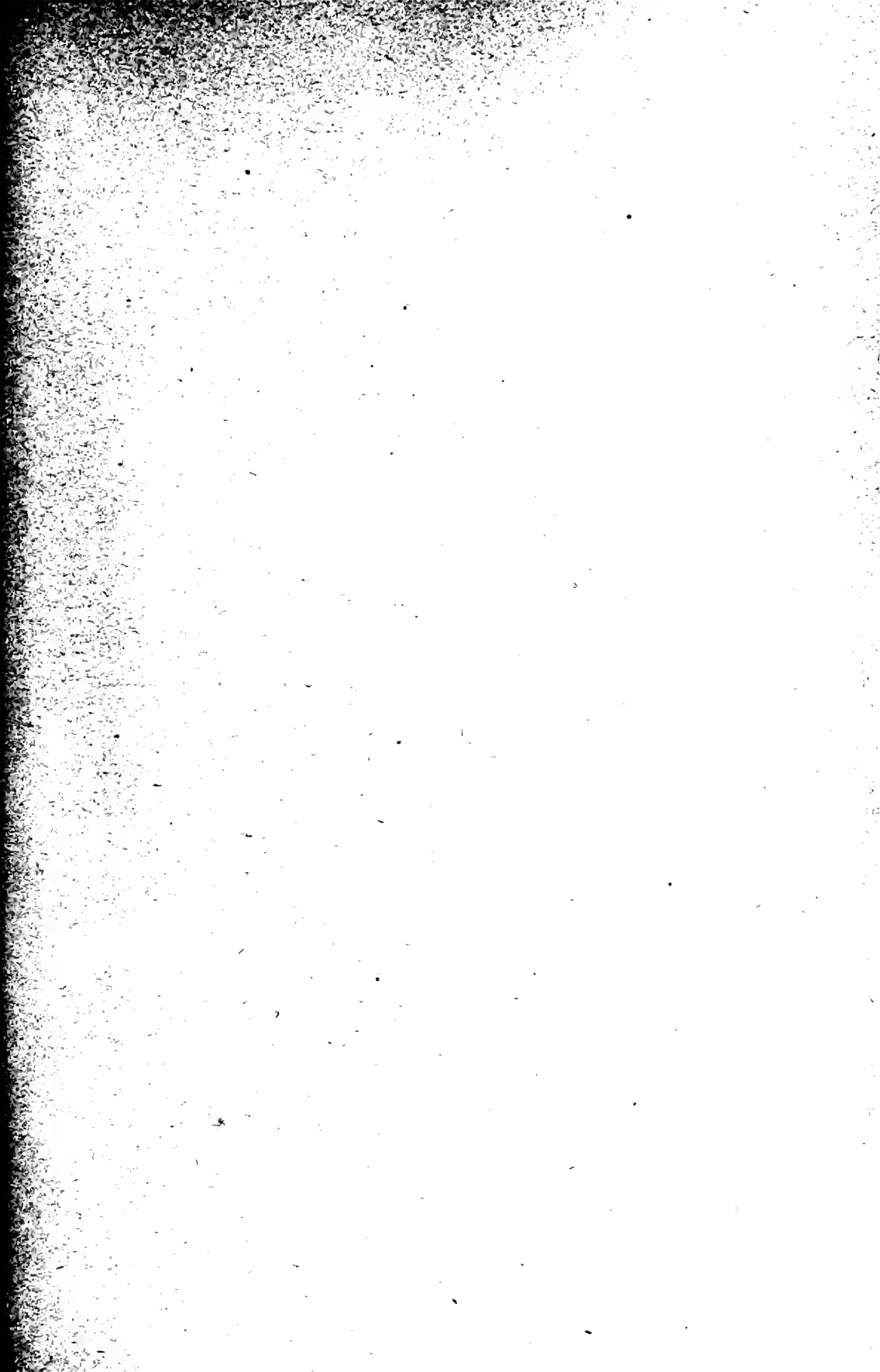
- 3.** Section 92 of *The Election Act* is repealed and no person shall be entitled to vote at any election unless his name is duly entered on the proper polling list.

Commence-
ment of
Act.

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

Section 3. The section repealed is the one which provides that in municipalities having a population of less than 3,500, except as to any polling subdivision therein which may be within five miles of a city of 100,000, a voter whose name has been omitted from the list may vote if vouched for by an elector whose name is on the list and who is a resident of the polling subdivision.





BILL.

An Act to amend The Election Act.

1st Reading

March 13th, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

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

BILL

An Act to amend The Election Act.

MR. FERGUSON.

No. 135.

1930.

BILL

An Act to amend The Election 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 Election Act, 1930.*
- Rev. Stat.,
c. 8,
amended. **2.** *The Election Act* is amended by adding thereto the following sections:
- Deposit by
candidates.
• 57a.—(1) No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by a deposit of \$200 in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque made payable to the Treasurer of Ontario for that amount drawn upon and accepted by such bank.
- Receipts for
deposits. (2) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor.
- Deposit to
be sent to
Provincial
Treasurer. (3) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Treasurer of Ontario.
- How deposit
dealt with. (4) The sum so deposited by any candidate shall be returned to him by the Treasurer of Ontario in the event of his being elected or of his obtaining a number of votes at least equal to one-fourth the number of votes polled in favour of a candidate elected, otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Ontario.

(5) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasurer of Ontario.

Deposit to be returned in case of death.

57b. At the close of the time for nominating the candidates the returning officer shall deliver to every candidate or the agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated.

List of candidates nominated.

3. Section 92 of *The Election Act* is repealed and no person shall be entitled to vote at any election unless his name is duly entered on the proper polling list.

Rev. Stat., c. 8, s. 92, repealed.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Commencement of Act.

BILL.

An Act to amend The Election Act.

1st Reading

March 13th, 1930

2nd Reading

March 17th, 1930

3rd Reading

March 28th, 1930

MR. FERGUSON.

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

BILL

An Act to amend The Municipal Act.

MR. FINLAYSON.

No. 136.

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. 306,
amended.

1.—(1) Section 306 of *The Municipal Act* is amended by striking out the words “assess and levy on the whole rateable property within the municipality,” in the second and third lines and inserting in lieu thereof the words “levy on the whole rateable property according to the last revised assessment roll.”

Rates
for 1930.

(2) Any rates heretofore levied by the council of any municipality in the year 1930 shall be deemed to have been levied under the provisions of section 306 as amended by subsection 1.

EXPLANATORY NOTE.

The section sought to be amended by the Bill provides that every council shall in each year assess and levy on the whole rateable property within the municipality a sum sufficient to pay all debts of the corporation falling due within the year, but shall not assess and levy in any year more than two and one-half cents in the dollar.

Doubts have arisen as to the meaning of the word "assess" as used in this section and also with reference to what rateable property the rates should be struck on. The substitution of the words proposed by the Bill are intended to make clear the meaning of the section.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 14th, 1930.

2nd Reading

3rd Reading

MR. FINLAYSON.

No. 137

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

BILL

An Act to amend The Assessment Act.

MR. FINLAYSON.

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. 233, s. 12,
(1929, c. 63,
s. 2),
repealed.

1. Section 12 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act, 1929*, is repealed and the following substituted therefor:

Exemption
of income
payable
to non-
residents.

12. Where a person resident outside of Ontario invests money in Ontario or through an agent or trustee resident in Ontario, or creates a trust or agency fund in Ontario, or dies leaving an estate in Ontario, and income from such money, fund or estate is payable to any person resident out of Ontario, the income so payable shall not be assessed, and where such income is not distributable annually but accumulated by an executor, administrator, trustee or agent for the benefit of a person not resident in Ontario, the income so accumulated shall not be assessed.

Assessment
of income
from estates
or trust
funds.

13.—(1) Where a person resident in Ontario creates a trust or agency fund or dies leaving an estate, and income from such fund or estate is payable to a person resident outside of Ontario, the income payable to such non-resident shall be assessed in the hands of the executors, administrators, trustees or agents of such estate or fund, who may pay the amount of taxes out of the income in their hands.

Where
income not
distributed
annually.

(2) Subject to section 12 income received by an executor, administrator, trustee or agent, which income is not distributable annually but is accumulated, shall be liable to assessment from year to year, but shall not be liable to be again assessed when the accumulated fund is distributed.

Income
received by a
deceased
person prior
to his death.

(3) Income received by a deceased person in his lifetime shall be liable to assessment and taxation subject to

EXPLANATORY NOTE

Section 1. With the exception of subsection 3, this section is a re-enactment, in slightly different form of section 12 as passed in 1929. Owing to some differences which have arisen between municipalities and trust companies as to the operation of the present law the section has been redrafted to make more clear that income from money sent into Ontario by a non-resident for investment is exempt from taxation whether placed in a trust fund or not, so long as such income goes to non-residents.

The object of subsection 3 is to make it clear that the income received in his lifetime by a person who died before making a return is taxable. As the law now stands, there is no direct provision for assessing such income. The executors or administrators of the estate of such person only return income received by them after the death of such person.

the exemptions to which the deceased person, if living, would have been entitled, and the executor, administrator or trustee of his estate shall be assessed in respect to such income, but only in his representative capacity and any income assessed under this subsection shall not be again assessed when the same has been distributed and received by the beneficiaries of the estate of the deceased person.

When executor, etc., personally liable.

- (4) Any executor, administrator, trustee or agent failing to pay the income tax levied upon any assessment made under this section out of the fund or estate shall be personally liable therefor.

Municipality entitled to assess.

- (5) The municipality entitled to assess shall be the municipality in which the testator resided at the time of his death, or in which the settlor or principal resided at the date of the creation of the trust or agency fund, or, if the testator, settlor or principal did not reside in Ontario, at such time or date, the municipality where the trustee or agent resides, or if there be more than one, where the chief business of the trust or agency fund is carried on.

Place of assessment.

- (6) Where the person in receipt of income assessable under this section resides or carries on business within the municipality entitled to assess, the assessment shall be made either at his place of business or residence; and where such person does not reside or carry on business in the municipality entitled to assess, the assessment shall be made at the office of the clerk of such municipality.

Rev. Stat., c. 238, s. 21, amended.

2. Section 21 of *The Assessment Act*, is amended by adding thereto the following subsection:

- (2) Every executor, administrator or trustee of the estate of a person who died during the year ending on December 31st then last past or before the assessment roll is returned in the then current year without having completed and filed a return as provided in section 18 shall, when requested so to do by the assessor or assessment commissioner complete and file with the assessor of the municipality wherein such person was resident at the time of his death such a return, stating the income received by such deceased person during the year ending on December 31st then last past.

Rev. Stat., c. 238, s. 59, subs. 1, amended.

3. Subsection 1 of section 59 of *The Assessment Act* is amended by striking out the words "and concluded may be

Section 2 requires every executor, etc., to make a return of the income received by the deceased person prior to his death. There is no provision now in the Act requiring such a return.

adopted by the council of the following year as," in the thirteenth and fourteenth lines, and inserting in lieu thereof the words "shall be."

Rev. Stat.,
c. 238, s. 59,
subs. 2,
amended.

4. Subsection 2 of section 59 of *The Assessment Act* is amended by striking out all the words after the word "December," in the third line and inserting in lieu thereof the words "the assessment when finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied.

Rev. Stat.,
c. 238, s. 60,
subs. 5, 6,
repealed.

5. Subsections 5 and 6 of section 60 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
so made shall
be assess-
ment for
following
year.

(5) The assessment so made whether or not it is completed by the 20th day of October, shall, upon its final revision be the assessment upon which the taxes for the following year shall be levied.

Rev. Stat.,
c. 238, s. 57,
subs. 2,
amended.

6. Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "year in which an assessment has been made and taxes levied on this assessment in the same year or, if at any time during the year in which an assessment has been adopted under the provisions of sections 59 or 60," in the first to fifth lines, and inserting in lieu thereof the words "year in which the taxes are levied."

Rev. Stat.,
c. 238, s. 98,
subs. 3,
repealed.

7. Subsection 3 of section 98 of *The Assessment Act* is repealed and the following substituted therefor:

Liability for
taxes on in-
come and
business in
case of death
or change of
residence.

(3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 121 every person assessed in respect of business or income upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised.

Rev. Stat.,
c. 238, s. 121,
subs. 2,
amended.

8. Subsection 2 of section 121 of *The Assessment Act* is amended by striking out the words "and adopted by the council of the following year as the assessment for such following year," in the second, third and fourth lines, and inserting in lieu thereof the words "for the following year."

Commence-
ment of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall be read and construed as having effect on and from the 1st day of January, 1930.

Sections 3, 4, 5 and 6. The amendments made by these sections are intended to remedy the position in which municipalities that adopt the assessment made in the preceding year as a basis of taxation for the current year, find themselves as the result of a recent decision of the Supreme Court of Canada. The general effect of these amendments is that where an assessment is made in the year preceding the levy such assessment shall be the one upon which the rates are levied in the next year, and the right of the council to either adopt or reject such assessment, is taken away.

Section 6 re-enacts in slightly different language subsection 3 of section 98 which was intended to preserve the right of taxation notwithstanding the death or removal from the municipality of the person assessed. The change in language is made necessary by the elimination of the right to adopt the assessment made in the preceding year.

Section 7. This section provides for the amendments taking effect from January 1st, 1930 in order that the levies already made this year on the assessment made in 1929 shall not be open to question.

BILL.

An Act to amend The Assessment Act.

1st Reading

March 14th, 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. MOORE.

No. 138.

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. 398,
par. 2,
amended. **1.** Paragraph 2 of section 398 of *The Municipal Act* is amended by adding thereto the following clauses:

Formal order
of Board.

(d) The approval of the Municipal Board to any such by-law shall be given by a formal order of the Board, and until such formal order has been made the approval of the Board shall not be deemed to have been given to any such by-law.

Determining
owners to
be notified.

(e) The Municipal Board shall have power and authority to determine who are the owners affected by any such by-law to whom notice of the application to the Board required by clause c shall be given and the order of the Board determining the owners to whom such notice shall be given shall be final and conclusive and not subject to appeal.

EXPLANATORY NOTE.

The section sought to be amended provides for establishing restricted districts or zones and prohibiting the erection of buildings within them except for the purposes set out in the by-law.

The Bill makes the approval of the Board to take effect only when a formal order has been made, and gives the Board power to determine what owners should be notified of any application for approval of the by-law.

BILL.

An Act to amend The Municipal Act.

1st Reading

March 14th, 1930

2nd Reading

3rd Reading

MR. MOORE.

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

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. HONEYWELL.

BILL

An Act to amend The Loan and Trust Corporations 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 Loan and Trust Corporations Act, 1930.*

Rev. Stat.,
c. 223,
amended. **2.** *The Loan and Trust Corporations Act* is amended by adding thereto the following section:

Prohibition
against act-
ing as in-
surance
agent.

36a.—(1) No registered corporation, and no director, officer or employee thereof, either personally or on behalf of such corporation, and no other company the majority of the capital stock of which is owned or controlled by such corporation, its shareholders, directors, officers, agents or employees, shall, either directly or indirectly, transact the business of or act as insurance agent or broker within the meaning of *The Insurance Act*, or exercise pressure upon any borrower or mortgagee to place insurance for the security of such corporation, in or through any particular agency or brokerage office; provided that nothing herein contained shall prevent such corporation from stipulating in its contract of loan that any required insurance must be effected with an approved insurer.

Rev. Stat.,
c. 222.

Exception. (2) Subsection 1 shall not apply to the director of a registered corporation who can satisfy the Superintendent of Insurance that the business of insurance is his major occupation.

Commence-
ment of
Act.

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

EXPLANATORY NOTE

The purpose of this Bill is to prohibit loan corporations and trust companies and their directors, officers or employees directly or indirectly engaging in the business of an insurance agent or broker.

As the law now stands such corporations, companies and persons may act as insurance agents or brokers if they procure a license from the Superintendent of Insurance under *The Insurance Act*.

BILL.

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

March 17th, 1930

2nd Reading

3rd Reading

MR. HONEYWELL.

No. 140

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

BILL

An Act to amend The Separate Schools Act.

MR. COTE.

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

No. 140.

1930.

BILL

An Act to amend The Separate Schools 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 Separate Schools Act, 1930*.

Rev. Stat.,
c. 328,
amended. **2.** *The Separate Schools Act* is amended by adding thereto the following section:

Submitting
question of
electing
trustees by
general
vote.
Rev. Stat.
c. 233.

35a.—(1) In a city having a population of over 100,000 the separate school board may submit to the electors assessed as separate school supporters, in the manner *mutatis mutandis* provided by *The Municipal Act* for taking a vote upon a question submitted to the electors, a question in the following form, namely:

Are you in favour of the election of members
of the separate school board by general YES
vote of the separate school supporters
of the city instead of by wards? NO

First
election.

and if the majority of the votes on the question are in the affirmative, then at the first annual election held thereafter in the manner hereinafter provided nine trustees shall be elected, of whom three shall hold office for three years, three for two years and the remaining three for one year, to be determined by lot at the first meeting of the board, and each trustee shall hold office until his successor has been elected.

(a) Upon the organization of the board first elected after an affirmative vote, the term of office of all trustees elected prior to the last election shall, notwithstanding anything to the contrary in this Act expire.

EXPLANATORY NOTE.

The object of this provision is to enable the board of separate school trustees to submit the question of electing trustees by general vote to the ratepayers of the city who are separate school supporters and if the vote goes in the affirmative the trustees are to be elected, three to hold office for three years, three for two years and three for one year, the term of office to be settled by lot at the first meeting of the board. Thereafter separate school supporters will vote at the same time and place as in the case of municipal elections, for the election of trustees. When there are no more than three vacancies on the board the seats shall remain vacant until the next ensuing annual election. Where there are more than three vacancies the trustees shall hold a new election to fill the vacancies.

The expenses of the election will be paid as arranged between the municipal council and the board.

Provision is made for the return to the ward system upon the submission of another question.

Term of office of trustees.

(2) After such first election three trustees shall be elected annually in the manner hereinafter provided by a general vote of the separate school supporters of the whole municipality and each of such trustees shall hold office until his successor has been elected.

Mode of conducting subsequent elections.

(3) After such question has been submitted and carried in the affirmative, the annual election of trustees shall be held at the same time and place and by the same returning officer or officers, and be conducted in the same manner as the municipal nominations and elections of the mayor, controllers and aldermen elected by general vote, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, vacancies and declarations of qualification and office, shall *mutatis mutandis* apply to the election.

Rev. Stat. c. 233.

(a) There shall be prepared by the clerk of the municipality for all the polling subdivisions, a separate set of ballot papers containing the names of the candidates for trustees in the same form *mutatis mutandis* as those used for mayor, controllers and aldermen, and no ballot shall be delivered to any person who is not a separate school supporter.

Where no more than three vacancies.

(4) Where the offices of three or less trustees become vacant from any cause whatever, such offices shall remain vacant until the next ensuing annual election and all the authority, rights and powers of the board shall be vested in and exercised by the remaining trustees.

Where more than three vacancies occur.

(5) Where there occur more than three vacancies on the Board, the remaining trustees shall forthwith hold a new election in the manner provided herein for holding the annual election of trustees; provided, however, that no election shall be held to fill vacancies occurring after the 1st day of September in any year.

Term of office after vacancy.

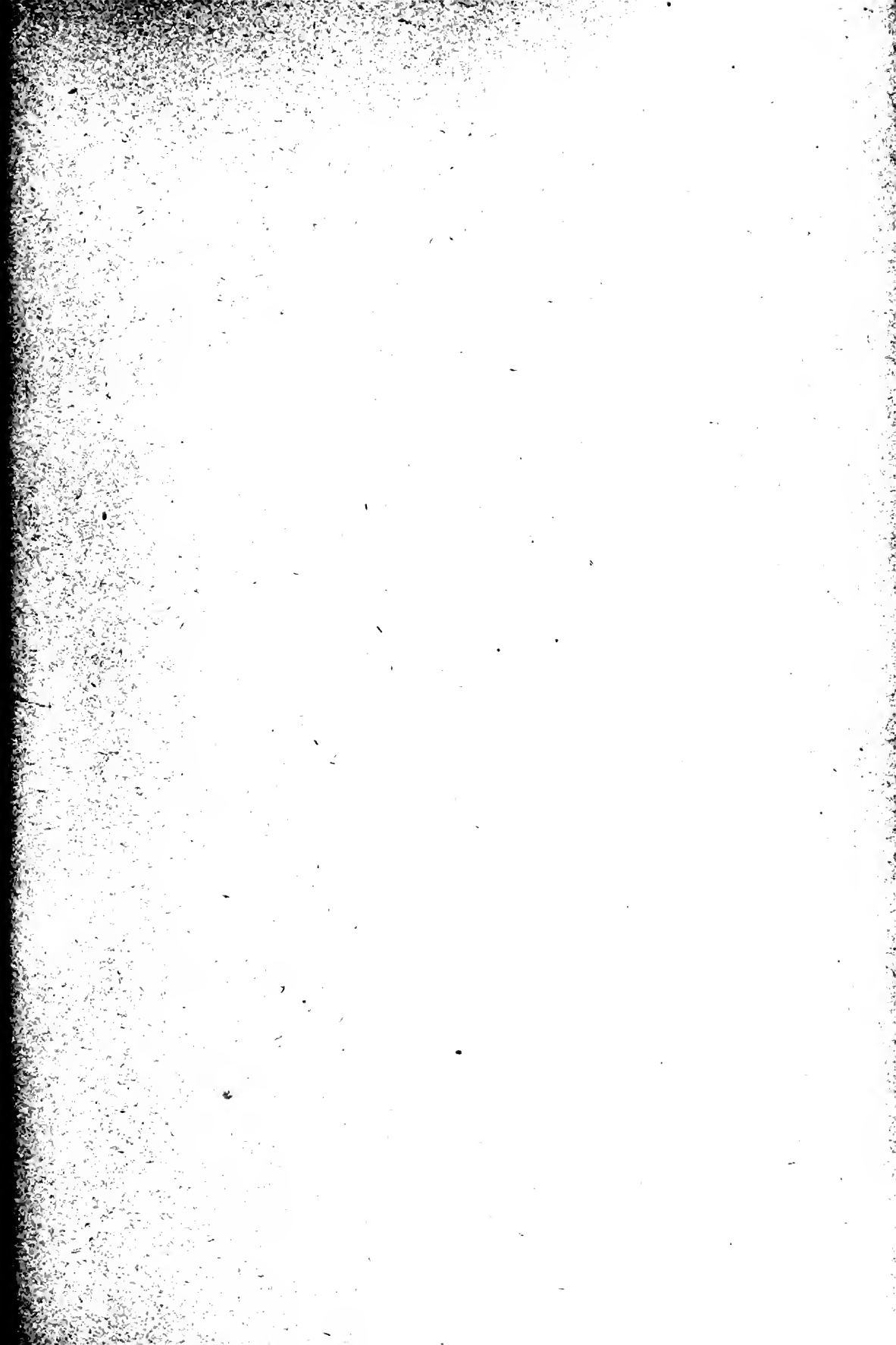
(6) At any annual or other election subsequent to the first, if more than three vacancies have to be filled, the terms of office of the trustees elected shall be determined by lot.

Expenses.

(7) The expenses incurred for the printing of ballots and otherwise incidental to the holding of any election shall be paid as arranged between the municipal council and the board.

System to remain in force for three years.

(8) After such question has been submitted and carried in the affirmative, the system of election herein provided for shall remain in force for three years succeeding the year in



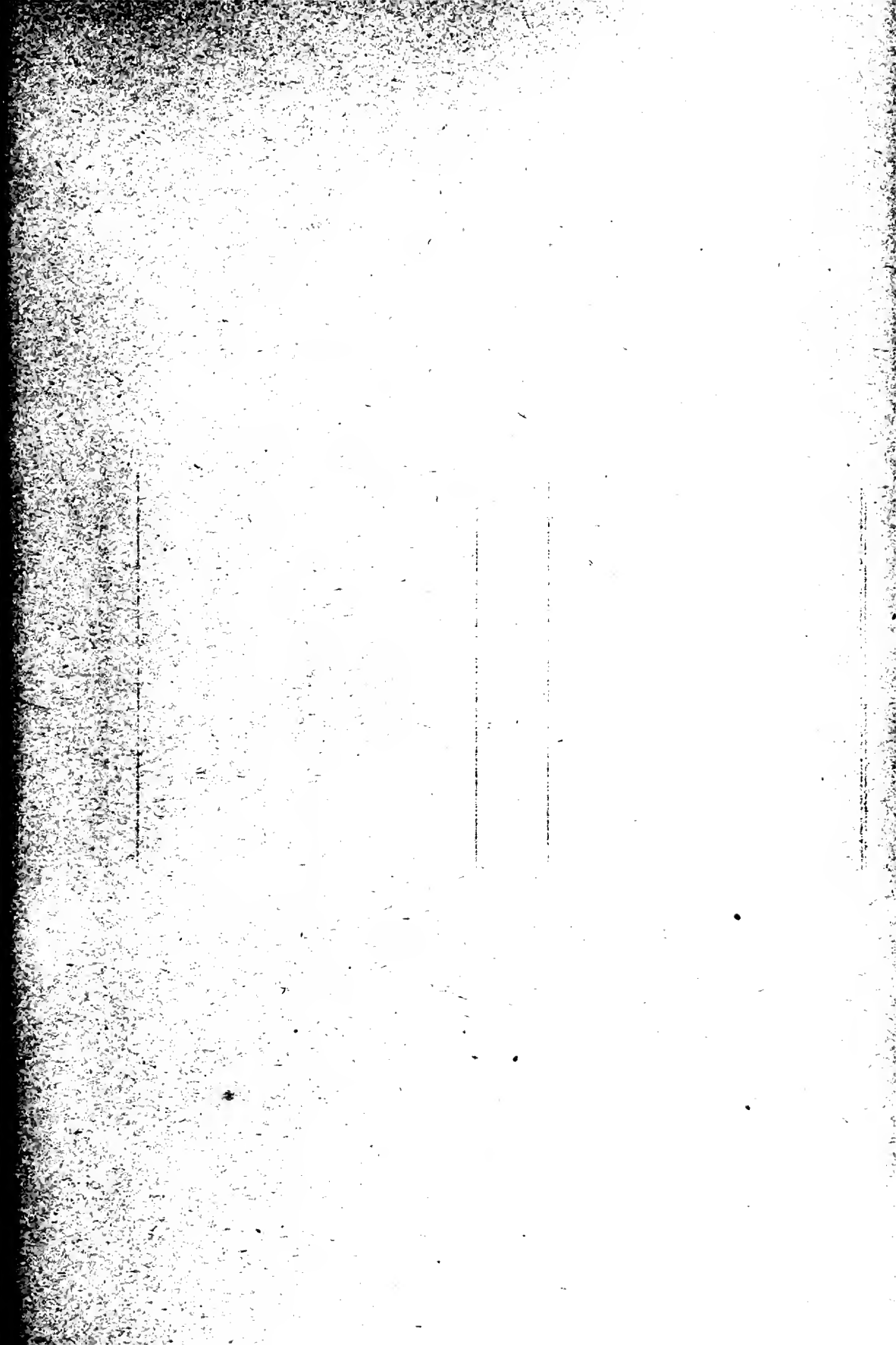
which the vote was taken, but the board may thereafter submit, in the manner hereinbefore provided, to the electors assessed as separate school supporters the following question, namely:

Are you in favour of electing separate school trustees by wards instead of by general vote? YES
NO

and if a majority of the persons voting on the said question vote in the affirmative, then in the year next following, and for three years thereafter, trustees shall be elected by wards in the manner provided by sections 38, 39 and 40.

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 Separate Schools Act.

1st Reading

March 18th, 1930

2nd Reading

3rd Reading

MR. COPE.

No. 141

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

BILL

An Act to amend The Executive Council Act.

MR. FERGUSON.

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

No. 141.

1930.

BILL

An Act to amend The Executive Council 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 Executive Council Act, 1930.*

Rev. Stat.,
c. 14, s. 2,
repealed.

2. Section 2 of *The Executive Council Act* is repealed and the following substituted therefor:

Heads of
Department.

2. The Lieutenant-Governor may appoint under the Great Seal from among the Ministers of the Crown the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health and such other Ministers as he may see fit; and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

Rev. Stat.,
c. 14, s. 3,
subs. 1
repealed.

3. Subsection 1 of section 3 of *The Executive Council Act* is repealed and the following substituted therefor:

Salaries.

(1) The annual salary of every Minister having charge of a Department shall be \$10,000.

Commence-
ment 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 November, 1929.

EXPLANATORY NOTE.

The effect of this Bill is to increase the salaries of the Ministers in charge of Departments from \$8,000 to \$10,000 per annum.

BILL.

An Act to amend The Executive Council Act.

1st Reading

March 18th, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

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

BILL

An Act to amend The Executive Council Act.

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Rev. Stat.,
c. 14, s. 3,
subs. 1
repealed.

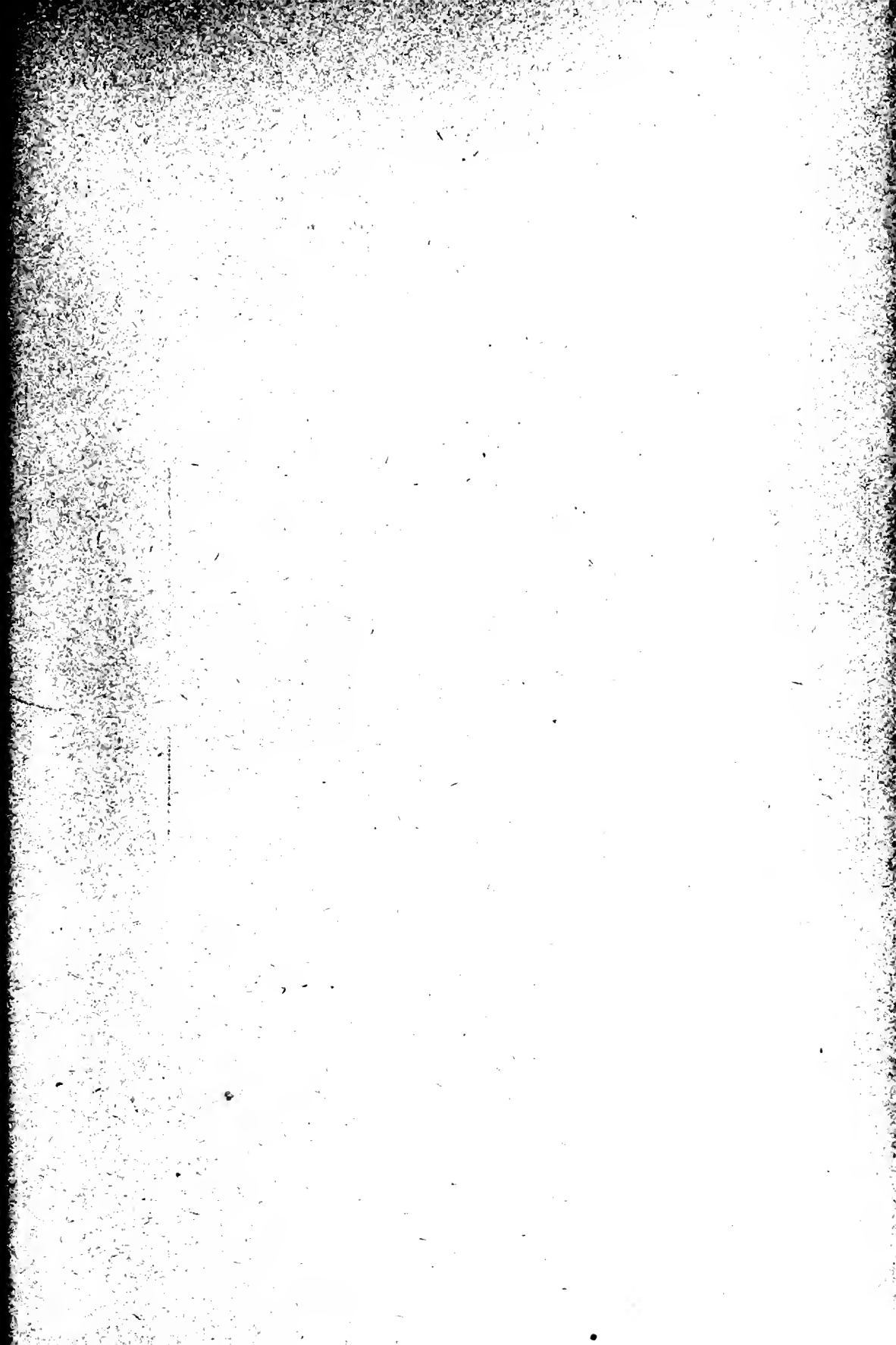
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Commence-
ment of
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of November, 1929.



BILL.

An Act to amend The Executive Council Act.

1st Reading

March 18th, 1930

2nd Reading

March 20th, 1930

3rd Reading

March 24th, 1930

MR. FERGUSON.

No. 142

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

BILL

An Act to amend The Investigation of Titles Act, 1929.

MR. PRICE.

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

No. 142.

1930.

BILL

An Act to amend The Investigation of Titles 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 Investigation of Titles Act, 1930*.

1929, c. 41,
s. 3,
amended. **2.** Subsection 4 of section 3 of *The Investigation of Titles Act, 1929*, is amended by adding thereto the following clause:

Claim
not to be
founded
on certain
instruments.

(b) An instrument, the entry of which has been ruled off the abstract index as provided by section 68a of *The Registry Act* shall not constitute an instrument under this Act upon which a claim shall be based, or one out of which a claim may arise affecting the lands in respect of which the entry of the instrument has been ruled off, notwithstanding that such claim shall be acknowledged, referred to, or set forth in any such instrument.

1929, c. 41,
s. 4,
amended.
Interest
of Crown
excepted. **3.** Section 4 of *The Investigation of Titles Act, 1929*, is amended by adding thereto the following words, "nor shall this Act affect the interest of the Crown in land where no patent has issued," so that the section will now read as follows:

When
Act not to
apply.

4. This Act shall not apply to land entered on the register in any land titles office, nor shall this Act affect the interest of the Crown in land where no patent has issued.

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 68a of *The Registry Act* provides for the ruling off of a mortgage made since the 1st day of January, 1890, when there has been registered for ten years or more, a certificate purporting to discharge the mortgage and also provides for the ruling off of a certificate of *lis pendens* and mechanic's lien, when there has been registered for two years or more an order vacating or a discharge.

In some of these instruments there may be a reference to a claim existing prior to the forty-year period. This section permits ruling off of such instruments and makes effective section 68a. Otherwise registrars would have to examine the instruments so ruled off to see if there was any reference to any prior claim.

Section 3. Prior to the provision in *The Registry Act* which prohibits any instrument being registered until a patent is registered, there were registered hundreds of instruments of unpatented lands. This section exempts these lands from the operation of this Act.

BILL.

An Act to amend The Investigation of
Titles Act, 1929.

1st Reading

March 19th, 1930

2nd Reading

3rd Reading

MR. PRICE.

No. 142

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

BILL

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s. 4,
amended. **3.** Section 4 of *The Investigation of Titles Act, 1929*, is amended by adding thereto the following words, "nor shall this Act affect the interest of the Crown in land where no patent has issued," so that the section will now read as follows:

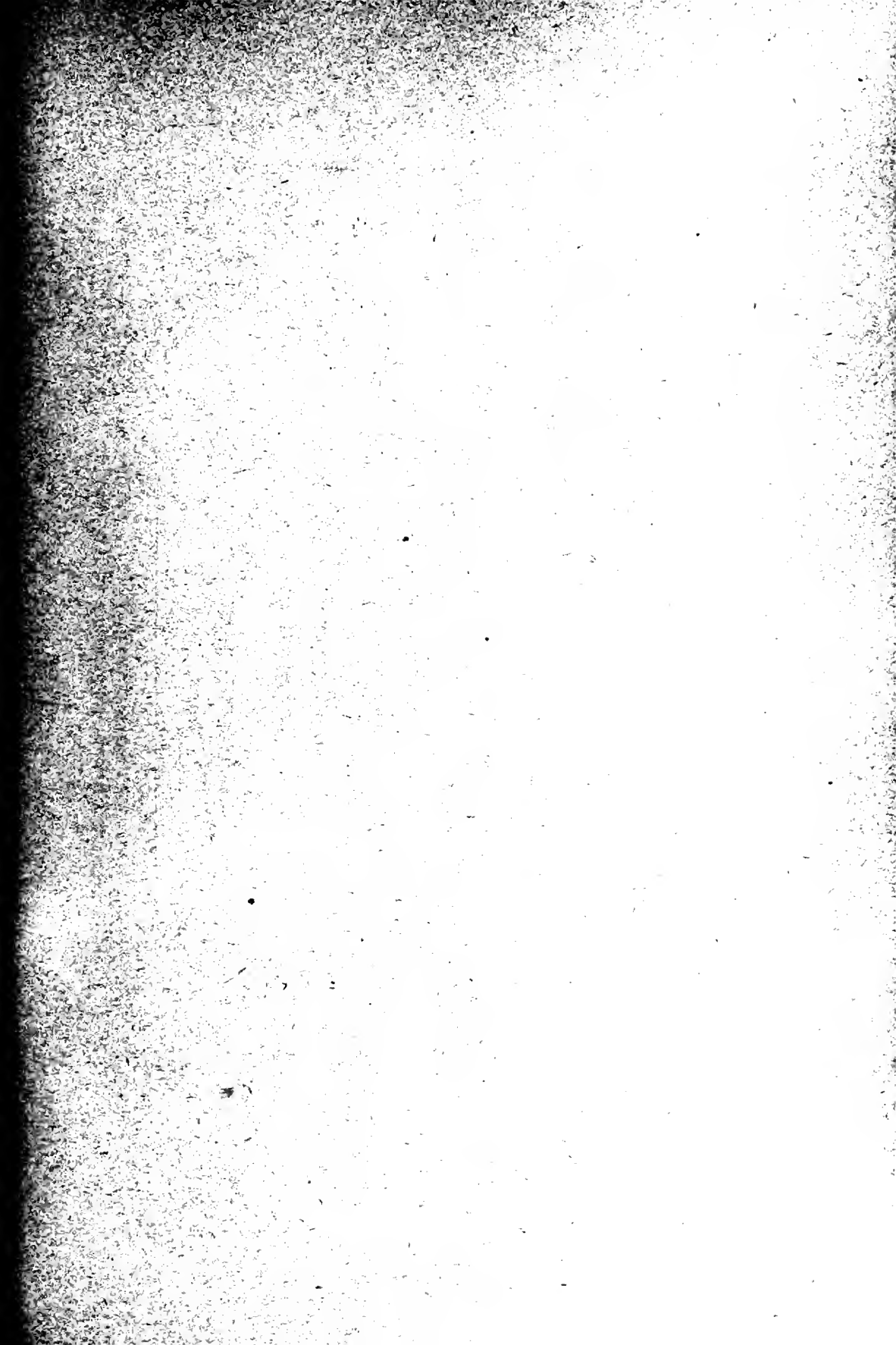
Interest
of Crown
excepted.

When
Act not to
apply.

4. This Act shall not apply to land entered on the register in any land titles office, nor shall this Act affect the interest of the Crown in land where no patent has issued.

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 Investigation of
Titles Act, 1929.

1st Reading

March 19th, 1930

2nd Reading

March 21st, 1930

3rd Reading

March 25th, 1930

MR. PRICE.

No. 143

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

BILL

An Act to amend The Registry Act.

MR. PRICE.

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

No. 143.

1930.

BILL

An Act to amend The Registry Act.

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

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

Rev. Stat.,
c. 155, s. 50a,
subs. 3, cl. a
(1929, c. 43,
s. 5),
repealed. **2.** The clause lettered *a* in subsection 3 of section 50a of *The Registry Act* as enacted by section 5 of *The Registry Act, 1929*, is repealed and the following substituted therefor:

Declaration
as to condi-
tion where
no wife
joins.

(a) This section shall not apply to a conveyance made in pursuance of power of sale contained in a mortgage, a conveyance or mortgage from a man wherein his wife is the grantee or mortgagee or one of them and is described as his wife therein, a conveyance or mortgage by persons who are the registered owners of the lands as trustees or as joint tenants or as holding the same as partnership property or under power of appointment, provided they are so described in the conveyance of the land to them, or to a mortgage of leasehold lands, or to a conveyance or mortgage made by an executor or administrator or a trustee under a will or by the Public Trustee or other person dealing with land in an official capacity.

Rev. Stat.,
c. 155, s. 50a,
subs. 1
(1929, c. 43,
s. 5),
amended. **3.** Subsection 1 of section 50a of *The Registry Act*, as enacted by section 5 of *The Registry Act, 1929*, is amended by striking out the word "or" in the sixth line and by inserting the word "or" after the word "unmarried" in the fifth line.

Rev. Stat.,
c. 155, s. 61,
subs. 2
(1929, c. 43,
s. 7),
amended. **4.** Subsection 2 of section 61 of *The Registry Act* as enacted by section 7 of *The Registry Act, 1929*, is amended by inserting after the word "duplicate" in the ninth line the words "so produced," and by adding thereto the following clause:

Production
and cancel-
lation of
mortgage on
discharge.

(a) Where the person signing such discharge has since died or is out of the Province of Ontario or his place of residence is unknown to the person interested in

EXPLANATORY NOTES.

Section 2. This section dispenses with requiring declarations in regard to instruments and conveyances made by a man and where no one appears to join to bar dower and applies to classes of cases where there is no dower and there is no necessity for the declaration.

Section 3. Corrects a typographical error.

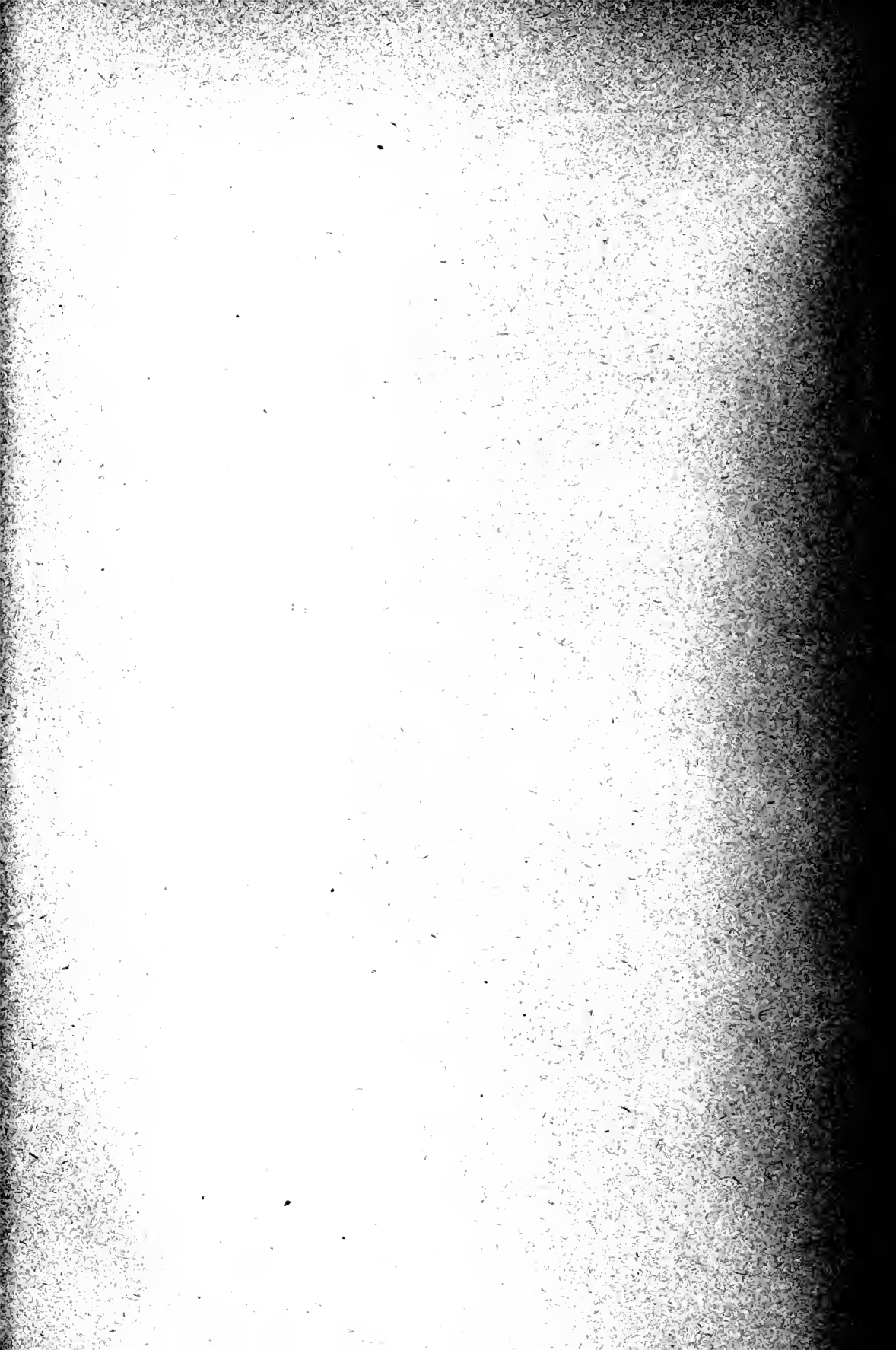
Section 4. The words "so produced" are added to make it clear that it is not the duplicate in the registry office.

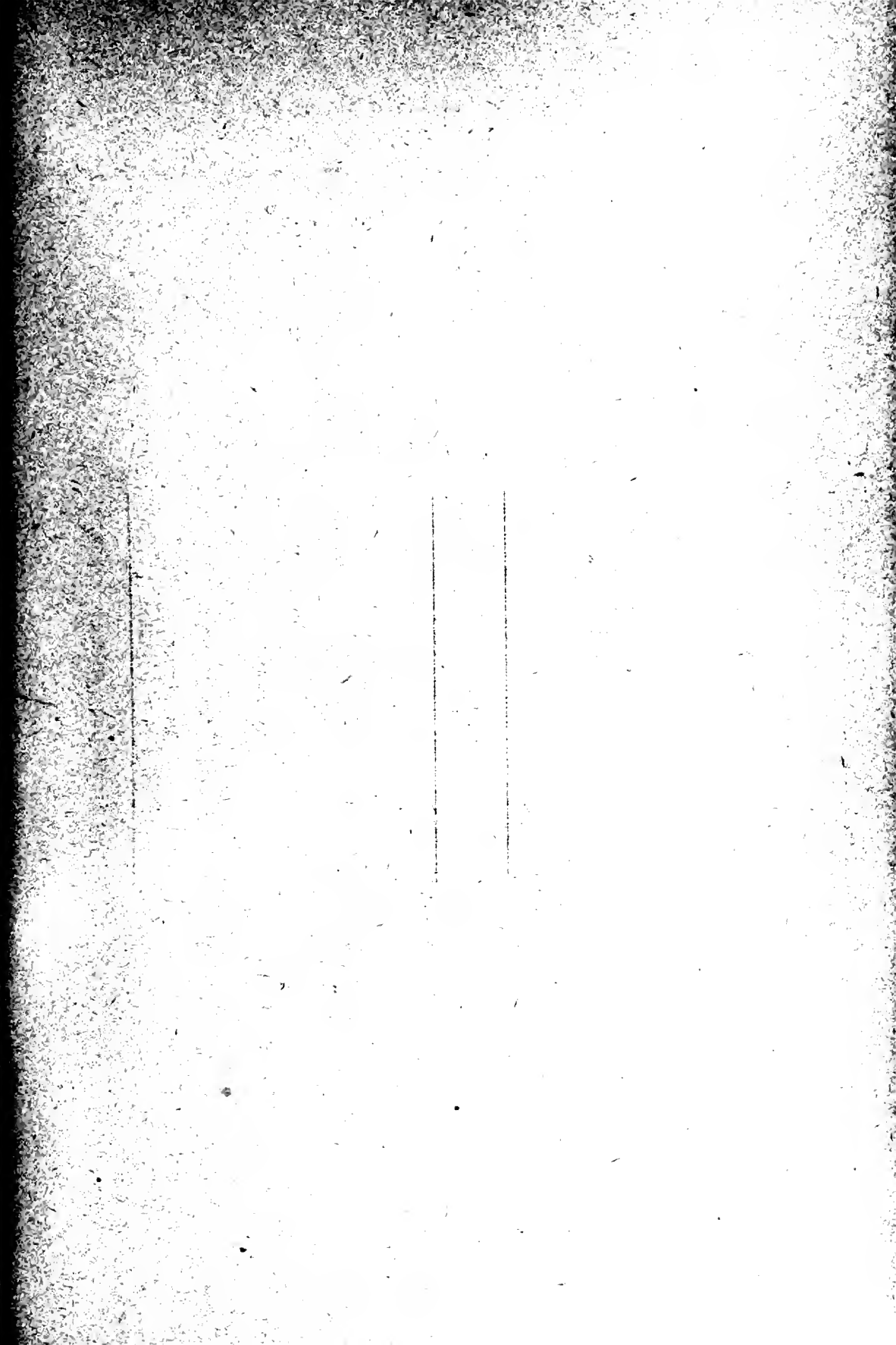
Section 4. The clause lettered *a* in this section facilitates the evidence required in the production of the duplicate mortgage on registering a discharge and permits a declaration to be made by some person having knowledge and also allows application to the judge where the mortgage has been lost or the addresses of parties are unknown.

the registration of the discharge, or where in the opinion of the registrar for any other reason the necessary declaration cannot conveniently be obtained, the registrar may register the discharge upon receiving a declaration from some person having a knowledge of the facts stating reasons satisfactory to the registrar why a declaration by the proper person cannot be obtained, provided that if the registrar then refuses to register the discharge, the person interested in the registration of such discharge may apply to a county judge for an order permitting such registration, and in such case the declaration or judge's order shall be securely attached to and filed with the discharge.

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 Registry Act.

1st Reading

March 19th, 1930

2nd Reading

3rd Reading

MR. PRICE.

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

BILL

An Act to amend The Registry Act.

MR. PRICE.

No. 143.

1930.

BILL

An Act to amend The Registry Act.

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

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

Rev. Stat.,
c. 155, s. 50a,
subs. 3, cl. a
(1929, c. 43,
s. 5),
repealed. **2.** The clause lettered *a* in subsection 3 of section 50a of *The Registry Act* as enacted by section 5 of *The Registry Act, 1929*, is repealed and the following substituted therefor:

Declaration
as to condi-
tion where
no wife
joins.

(a) This section shall not apply to a conveyance made in pursuance of power of sale contained in a mortgage, a conveyance or mortgage from a man wherein his wife is the grantee or mortgagee or one of them and is described as his wife therein, a conveyance or mortgage by persons who are the registered owners of the lands as trustees or as joint tenants or as holding the same as partnership property or under power of appointment, provided they are so described in the conveyance of the land to them, or to a mortgage of leasehold lands, or to a conveyance or mortgage made by an executor or administrator or a trustee under a will or by the Public Trustee or other person dealing with land in an official capacity.

Rev. Stat.,
c. 155, s. 50a,
subs. 1
(1929, c. 43,
s. 5),
amended. **3.** Subsection 1 of section 50a of *The Registry Act*, as enacted by section 5 of *The Registry Act, 1929*, is amended by striking out the word "or" in the sixth line and by inserting the word "or" after the word "unmarried" in the fifth line.

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Production
and cancel-
lation of
mortgage on
discharge.

(a) Where the person signing such discharge has since died or is out of the Province of Ontario or his place of residence is unknown to the person interested in

the registration of the discharge, or where in the opinion of the registrar for any other reason the necessary declaration cannot conveniently be obtained, the registrar may register the discharge upon receiving a declaration from some person having a knowledge of the facts stating reasons satisfactory to the registrar why a declaration by the proper person cannot be obtained, provided that if the registrar then refuses to register the discharge, the person interested in the registration of such discharge may apply to a county judge for an order permitting such registration, and in such case the declaration or judge's order shall be securely attached to and filed with the discharge.

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 Registry Act.

1st Reading

March 19th, 1930

2nd Reading

March 21st, 1930

3rd Reading

March 25th, 1930

MR. PRICE.

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

BILL

An Act to amend The Public Commercial Vehicle Act.

MR. HENRY.

No. 144.

1930.

BILL

An Act to amend The Public Commercial Vehicle 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 Commercial Vehicle Amendment Act, 1930*.

Rev. Stat.,
c. 253, ss. 1
and 2,
repealed.

2. Sections 1 and 2 of *The Public Commercial Vehicle Act* are repealed and the following substituted therefor:

Interpre-
tation.

1. In this Act,—

“Public
commercial
vehicle.”

(a) “Public commercial vehicle” shall mean any motor vehicle or trailer operated on a public highway for hire, pay or gain by or on behalf of any person for the transportation of goods, wares or merchandise, but shall not include motor vehicles or trailers operated solely within the corporate limits of one urban municipality.

Licensing
public
commercial
vehicle.

2. No person shall operate a public commercial vehicle unless licensed so to do by the Department of Public Highways.

EXPLANATORY NOTE.

The definition of "Public Commercial Vehicle" as it stands at present applies to a person who holds himself out to the public as carrying on the business of a public carrier of goods, but does not include a motor vehicle where hired or used by any person for the transportation of his own goods exclusively.

The Bill makes the definition apply to any motor vehicle hired for the transportation of goods and does not include any exception with regard to the transportation of goods owned exclusively by one person.

BILL.

An Act to amend The Public Commercial
Vehicles Act.

1st Reading

March 19th, 1930

2nd Reading

3rd Reading

MR. HENRY.

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

BILL

An Act to amend The Public Commercial Vehicle Act.

MR. HENRY (East York).

No. 144.

1930

BILL

An Act to amend The Public Commercial Vehicle 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 Commercial Vehicle Amendment Act, 1930*.

Rev. Stat.,
c. 253, ss. 1
and 2,
repealed.

2. Sections 1 and 2 of *The Public Commercial Vehicle Act* are repealed and the following substituted therefor:

Interpre-
tation.

1. In this Act,—

“Public
commercial
vehicle.”

(a) “Public commercial vehicle” shall mean any motor vehicle or trailer operated on a public highway for hire, pay or gain by or on behalf of any person for the transportation of goods, wares or merchandise, but shall not include motor vehicles or trailers operated solely within the corporate limits of one urban municipality.

Licensing
public
commercial
vehicle.

2. No person shall operate a public commercial vehicle unless licensed so to do by the Department of Public Highways.

BILL.

An Act to amend The Public Commercial
Vehicles Act.

1st Reading

March 19th, 1930

2nd Reading

March 21st, 1930

3rd Reading

March 26th, 1930

MR. HENRY (East York).

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

BILL

An Act to amend The Highway Traffic Act.

MR. HENRY (East York).

No. 145.

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. 1, amended. **2.** Section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

Registrar. (c) "Registrar" shall mean the Registrar of Motor Vehicles appointed under this Act.

Rev. Stat. c. 251, amended. **3.** *The Highway Traffic Act* is amended by adding thereto the following section:

Registrar of Motor Vehicles. **1a.**—(1) There shall continue to be a Registrar of Motor Vehicles who shall be appointed by the Lieutenant-Governor in Council.

Duties. (2) The Registrar shall act under the instructions of the Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister.

Rev. Stat., c. 251, s. 45, amended. **4.**—(1) Section 45 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Incapable persons not to drive. (1a) No person shall drive, attempt or prepare to drive a motor vehicle when under the influence of drink or drugs so as to be incapable of having proper control of such vehicle.

Rev. Stat., c. 251, s. 45, sub.s. 2, amended. (2) Subsection 2 of the said section 45 is amended by inserting after the word "intoxicated" in the fourth line, the words "or of a violation of the provisions of subsection 1a" and by

EXPLANATORY NOTE.

Sections 2 and 3 are inserted because there is no proper provision in the Act for the appointment of a registrar of motor vehicles.

Section 4. Section 45 as it stands provides that no intoxicated person shall drive a motor vehicle.

Owing to the difficulty of determining when a person was intoxicated the recommendation of the Commissioner is that a new subsection should be added prohibiting driving when under the influence of drink, etc. without interfering with the prohibition against an intoxicated person driving.

The periods for which the license and permit are to be suspended by the Minister have also been increased. At present the suspension is for not exceeding three months for the first offence and not less than three months and not exceeding six months for the second offence.

The other provisions of this Bill are substantially those recommended by the Commissioner.

striking out all of the words after the word "period" in the sixth line and substituting therefor the following:

- (a) not exceeding six months for the first offence;
- (b) not exceeding one year for the second offence;
- (c) not less than one year and not exceeding two years for the third or any subsequent offence.

Rev. Stat.,
c. 251,
amended.

5. *The Highway Traffic Act* is amended by adding thereto the following section:—

Service of
notice or
process on
non-resi-
dents.

47a. The use of a highway within Ontario by any person not resident in Ontario operating or responsible for the operation of a motor vehicle within Ontario, shall, by virtue of the right of user conferred by this Act, be deemed to constitute the Registrar an agent of such person for the service of notice or process in any action in Ontario, arising out of a motor vehicle accident in Ontario in which such person is involved, subject to the following conditions:

How served.

- (a) Such notice of process may be served by leaving a copy thereof with, or at the office of, the Registrar at least ten days before the return day of such notice of process, together with the post office address of the non-resident upon whom service is to be made.

Address.

- (b) The last known address of such non-resident, according to the record of the Registrar of Motor Vehicles, or other official having similar duties in the Province or State in which such person resides, shall be conclusively deemed to be the correct address of such person, for the purpose of such service.

Duty of
Registrar.

- (c) Upon receipt of such notice or process, and the address as aforesaid, the Registrar shall forward the said notice or process to such person at the given address by registered mail, postage prepaid.

6. *The Highway Traffic Act* is amended by adding thereto the following Parts:—

PART XIII.

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS.

Definitions.

70. In this Part,—

"Authorized
Insurer,"
Rev. Stat.,
o. 222.

- (a) "Authorized Insurer" means an insurer duly licensed under the provisions of *The Insurance Act*, to carry on in Ontario the business of automobile insurance;

- "Driver's License." (b) "Driver's License" means an operator's license and a chauffeur's license issued pursuant to the provisions of this Act;
- "Motor Vehicle." (c) "Motor Vehicle" includes "Trailer," as defined in this Act;
- "Proof of Financial Responsibility." (d) "Proof of Financial Responsibility" means a certificate of insurance, a bond, or a deposit of money or securities given or made pursuant to section 78;
- "Treasurer." (e) "Treasurer" means the Treasurer of Ontario;
- "State." (f) "State" means one of the United States of America;
- "Superintendent of Insurance." (g) "Superintendent of Insurance" means the Superintendent of Insurance appointed under the authority of *The Insurance Act*.

General application. 71.—(1) Nothing in this Part shall prevent the plaintiff in any action from proceeding upon any other remedy or security available at law.

(2) This Part shall only apply to offences and violations of law committed, and to convictions and judgments arising out of motor vehicle accidents occurring, and to motor vehicle liability policies issued, after the date of coming into force of this Part.

Licenses suspended for convictions. 72.—(1) The driver's license and owner's permit of every person who has been convicted of, or who has forfeited his bail, after having been arrested for, any one of the following offences or violations of law, namely:

- Reckless driving. (a) Any offence for which a penalty is provided in section 24 of this Act;
- Racing. (b) Any offence for which a penalty is provided in section 25 of this Act;
- Speeding. (c) Exceeding the speed limit fixed by section 23 of this Act, if any injury to any person or property occurs in connection therewith;
- Leaving scene of accident. (d) An accident having occurred, failing to remain at or return to the scene of the accident in violation of the provisions of section 40 of this Act;
- Driving without a license. (e) Driving a motor vehicle on a highway without holding a driver's license required by this Act;



Criminal
offences.

(f) Any criminal offence involving the use of a motor vehicle;

Other
offences.

(g) Any offence against public safety on highways as may be designated by the Lieutenant-Governor in Council,

shall be forthwith suspended by the Minister, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver's license, or owner's permit, be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility.

Conviction
in other
provinces
or states.

(2) Upon receipt by the Registrar of official notice that the holder of a driver's license, or owner's permit under this Act, has been convicted, or forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in the next preceding subsection, the Minister shall suspend every driver's license and owner's permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the said conviction had been made or the bail forfeited in Ontario.

Non-
residents.

(3) If any person to whom subsection 1 applies, is not a resident of Ontario, the privilege of operating any motor vehicle within Ontario, and the privilege of operation within Ontario of any motor vehicle owned by him, is suspended and withdrawn forthwith, by virtue of such conviction or forfeiture of bail, until he has given proof of financial responsibility.

License sus-
pended for
failure
to pay
judgments.

73.—(1) Subject to the provisions of section 81, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him, by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death, of any person, or on account of damage to property in excess of \$100, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until said judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy)

to the extent of at least \$5,000 (exclusive of interest and costs) for injury to, or death of, any one person, and, subject to that limit for each person so injured or killed, to the extent of at least \$10,000 (exclusive of interest and costs), for injury to, or death, of two or more persons in any one accident, and to the extent of at least \$1,000 (exclusive of interest and costs), for damage to property of others resulting from any one accident, and until such person gives proof of his financial responsibility.

Subsequent judgments.

(2) If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident which occurred before such proof was furnished, and after the coming into force of this Part, is reported to the Registrar, the driver's license and owner's permit or permits of such person shall again be, and remain, suspended until such judgment is satisfied and discharged (otherwise than by a discharge in bankruptcy) to the extent set out in the next preceding subsection.

Non-residents.

(3) If any person to whom subsection 1 applies is not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation in Ontario of any motor vehicle registered in his name, shall be, and is, suspended and withdrawn forthwith by virtue of such judgment until he has complied with the provisions of subsection 1.

Persons under and over certain ages.

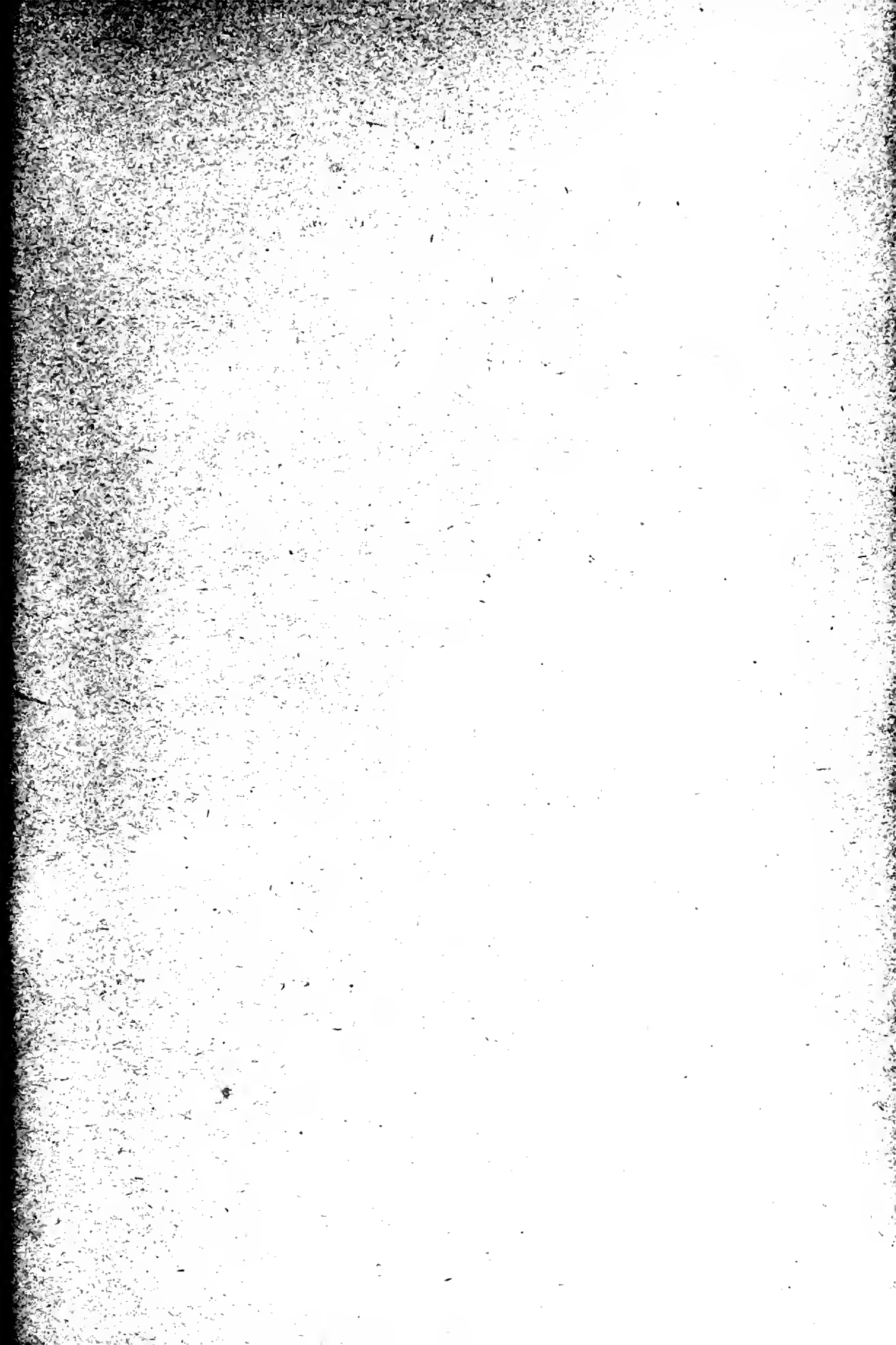
74. The Minister may require proof of financial responsibility before issue of an owner's permit or driver's license, or the renewal thereof to any person under the age of twenty-one years or over the age of sixty-five years.

Persons responsible for accidents.

75. The Minister may require proof of financial responsibility from any person who, while operating any motor vehicle, shall have been involved in, and, in the opinion of the Minister is responsible in whole or in part, for any motor vehicle accident resulting in the death of, or injury to, any person, or damage to property in excess of \$100, or from the person in whose name such motor vehicle is registered, or from both, and the Minister may suspend all owner's permits and driver's licenses in such cases until such proof of financial responsibility has been given.

Voluntary filing of financial responsibility.

76.—(1) An owner's permit and driver's license, or, in the case of a person not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation within Ontario of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn



under the provisions of this Part, if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction, judgment, or order arises, proof of financial responsibility, which, at the date of such conviction, judgment, or order, is valid and sufficient for the requirements of this Part.

Registrar
may receive
proof.

(2) The Registrar shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Registrar which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license or owner's permit under this Part, the Registrar shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

Amounts
and limits.

77. Proof of financial responsibility shall be given in the following amounts by every driver, and, in the case of an owner, in the said amounts for each motor vehicle registered in his name, by every owner, to whom this Part applies, namely:—

- (a) At least \$5,000 (exclusive of interest and costs) for injury to, or death of, any one person, and, subject to that limit for each person so injured or killed, at least \$10,000 (exclusive of interest and costs) for injury to, or death of, two or more persons in any one accident; and
- (b) At least \$1,000 (exclusive of interest and costs) for damage to property of others resulting from any one accident.

Proof of
financial re-
sponsibility.

78.—(1) Proof of financial responsibility may be given in any one of the following forms:

Certificates
of insurance.

- (a) The written certificate or certificates, filed with the Registrar, of any authorized insurer that it has issued, to or for the benefit of the person named therein a motor vehicle liability policy or policies, in form hereinafter prescribed, which, at the date of the certificate or certificates, is in full force and effect, and which designates therein, by explicit description, or by other adequate reference, all motor vehicles to which the policy applies.

Any such certificate or certificates shall cover all motor vehicles then registered in the name of the person furnishing such proof. An additional cer-

tificate shall be required as a condition precedent to the registration of any additional motor vehicle in the name of such person. The said certificate, or certificates, shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire, except upon ten days prior written notice thereof to the Registrar, and until such notice is duly given the said certificate or certificates shall be valid, and sufficient to cover the term of any renewal of such motor vehicle liability policy by the insurer, or any renewal or extension of the term of such driver's license or owner's permit by the Minister;

Surety bond.

- (b) The bond of a guarantee insurance or surety company, duly licensed in Ontario, pursuant to *The Insurance Act*, or a bond with personal sureties, approved as adequate security hereunder, upon application to a judge of the county or district court of the county or district in which such sureties reside.

The said bond shall be in form approved by the Registrar and shall be conditioned upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days' written notice to the Registrar, but not after the happening of the injury or damage secured by the bond as to such accident, injury, or damage, and the said bond shall be filed with the Registrar;

Money or securities.

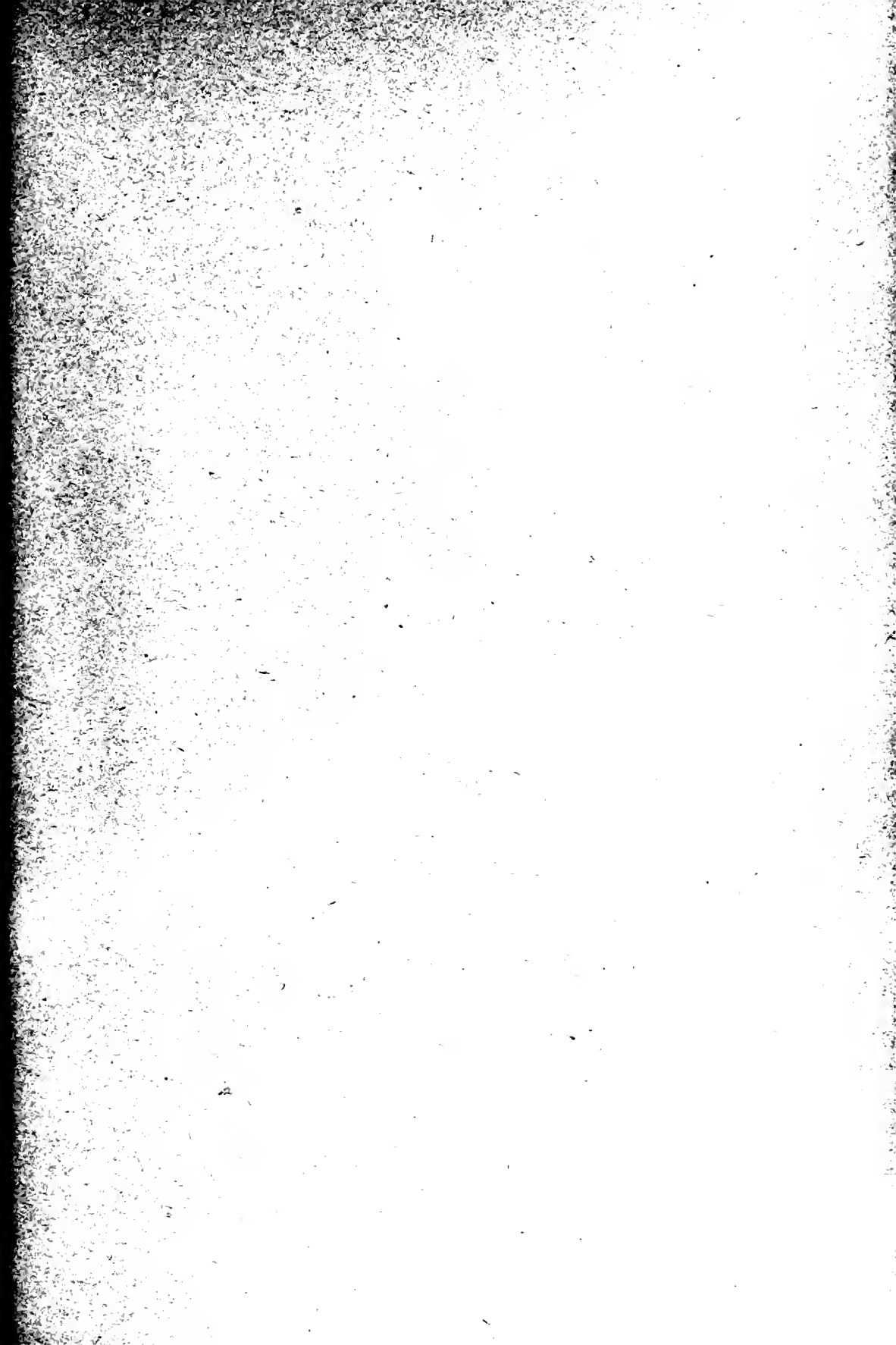
- (c) The certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$11,000 for each motor vehicle registered in the name of such person. The Treasurer shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the city, county, or district in which the depositor resides.

Registrar may require additional proof.

- (2) The Minister may, in his discretion, at any time, require additional proof of financial responsibility, to that filed or deposited by any driver or owner pursuant to this Part, and may suspend the driver's license and owner's permit or permits pending such additional proof.

Proof of financial responsibility by non-residents.

- (3) Where a person, who is not a resident of Ontario, is required to give, or volunteers, proof of financial responsi-



bility under this Part, the Registrar may accept as such proof such certificate of an authorized insurer relating to a motor vehicle liability policy issued outside of Ontario, insuring such person against loss from the liability imposed by law, arising out of motor vehicle accidents occurring within Ontario as he may deem proper; and may issue to such person an official non-resident insurance identification card; and may provide for the giving or volunteering of such proof to, and the issue of such cards by, his representatives at selected points along the provincial border.

Application
of security.

79.—(1) The bond filed with the Registrar and the money or securities deposited with the Treasurer shall be held by him in accordance with the provisions of this Part, as security for any judgment against the owner or driver filing the bond or making the deposit, in any action arising out of damage caused after such filing or deposit, by the operation of any motor vehicle.

Not avail-
able to
creditors
generally.

(2) Money and securities so deposited with the Treasurer shall not be subject to any claim or demand, except an execution on a judgment for damages, for personal injuries, or death, or injury to property, occurring after such deposit, as a result of the operation of a motor vehicle.

Action on
security.

(3) If a judgment to which this Part applies is rendered against the principal named in the bond filed with the Registrar, and such judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own use and benefit, and at his sole expense, bring an action on said bond in the name of the Treasurer, against the persons executing such bond.

Chauffeurs
or members
of owner's
family.

80. If the Registrar finds that any driver to whom this Part applies, was, at the time of the offence for which he was convicted, employed by the owner of the motor vehicle involved therein as chauffeur, or motor vehicle operator, whether or not so designated, or was a member of the family or household of the owner, and that there was no motor vehicle registered in Ontario in the name of such driver as an owner, either at the time of the offence or subsequent thereto, then, if the owner of such motor vehicle submits to the Registrar (who is hereby authorized to accept it) proof of his financial responsibility, as provided by this Part, such chauffeur, operator, or other person, shall be relieved of the requirement of giving proof of financial responsibility on his own behalf.

Payment of
judgment in
instalments.

81. A judgment debtor to whom this Part applies may, on due notice to the judgment creditor, apply to the Court in which the trial judgment was obtained, for the privilege of

paying such judgment in instalments, and the Court may, in its discretion, so order fixing the amounts and times of payment of such instalments. While the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the driver's license, and owner's permits, of such judgment debtor, but such driver's license and owner's permits shall again be suspended and remain suspended, as provided in section 73, if the Registrar is satisfied of default made by the judgment debtor, in compliance with the terms of the court order.

Report of convictions, etc., to Registrar.

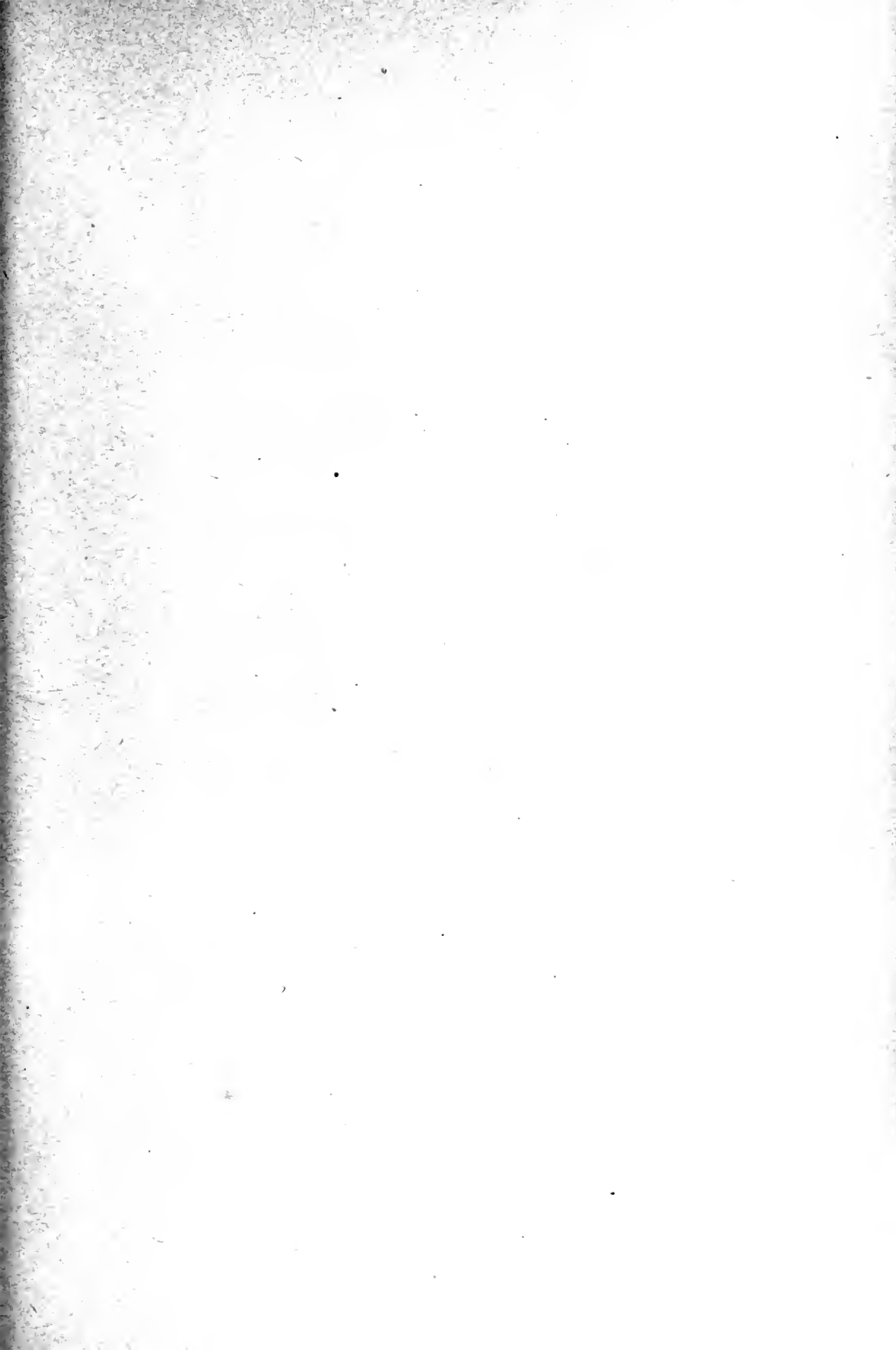
82.—(1) It shall be the duty of the clerk or registrar of the court (or of the court where there is no clerk or registrar) in which any final order, judgment, or conviction to which this Part applies, is rendered, to forward to the Registrar of Motor Vehicles, immediately after the date upon which the order, judgment, or conviction becomes final by affirmation upon appeal or by expiry, without appeal, of the time allowed for appeal, a certified copy of such order, judgment, or conviction, or a certificate thereof, in form prescribed by the Registrar of Motor Vehicles. Any such copy or certificate shall be *prima facie* evidence of such order, judgment, or conviction. The clerk, or other official charged with this duty of reporting to the Registrar of Motor Vehicles, shall be entitled to collect and receive a fee of \$1 for each copy or certificate hereby required, which fee shall be paid as part of the court costs, in case of a conviction, by the person convicted, and, in case of an order or judgment by the person for whose benefit judgment is issued.

Notification in case of non-residents.

(2) If the defendant is not resident in Ontario it shall be the duty of the Registrar of Motor Vehicles, to transmit to the registrar of motor vehicles, or other officer or officers, if any, in charge of the registration of motor vehicles, and the licensing of operators in the province or state in which the defendant resides, a certificate of the said order, judgment, or conviction.

Abstract of operating record.

83.—(1) The Registrar shall, upon request, furnish to any insurer, surety or other person, a certified abstract of the operating record of any person, subject to the provisions of this Part, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any Statute relating to the operation of motor vehicles, or any judgment against such person for any injury or damage caused by such person, according to the records of the Registrar, and if there is no record of any such con-



viction or judgment in the office of the Registrar, the Registrar shall so certify. The Registrar shall collect as a fee for each such certificate, the sum of \$1.

Particulars of security to be furnished.

(2) The Registrar, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle, with all information of record in his office pertaining to the proof of financial responsibility of any owner or driver of any motor vehicle furnished pursuant to this Part.

Return of permit and plates when license suspended.

84.—(1) Any owner or driver whose permit or license has been suspended, as herein provided, or whose policy of insurance or surety bond, has been cancelled or terminated as herein provided, or who neglects to furnish additional proof of financial responsibility upon the request of the Registrar, as herein provided, shall immediately return to the Registrar his driver's license, his motor vehicle permit or permits, and all license plates issued thereunder.

Police officer may secure possession.

(2) If any such person fails to return his license, permits and plates as provided herein, the Registrar may direct any police officer to secure possession thereof and return the same to the office of the Registrar.

Penalty.

(3) Any person failing to return his license, permits and plates when so required, or refusing to deliver the same when requested to do so by the police officer, shall be guilty of an offence and incur a penalty of not less than \$10, and not more than \$100 for each offence.

Transfer of suspended permit.

85. If an owner's permit has been suspended under the provisions of this Part, such permit shall not be transferred nor the motor vehicle in respect of which such permit was issued, registered in any other name until the Minister is satisfied that such transfer or registration is proposed in good faith and not for the purpose, or with the effect, of defeating the purposes of this Part.

Cancellation and return of security.

86.—(1) The Minister may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility, at any time after three years from the date of the original deposit thereof, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 72, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$100, resulting from the

operation of a motor vehicle. A statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Substitution
of security

(2) The Minister may direct the return of any bond, money, or securities, to the person who furnished the same, upon the acceptance and substitution of other adequate proof of financial responsibility, pursuant to this Part.

Return of
security
when motor
vehicle is
sold.

(3) The Minister may direct the return of any bond, money, or securities deposited under this Part to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last owner's permit or driver's license issued to such person, if no written notice has been received by the Registrar within such period of any action brought against such person in respect of the ownership, maintenance, or operation of a motor vehicle, and upon the filing by such person with the Registrar, of a statutory declaration that such person no longer resides in Ontario, or that such person had made a *bona fide* sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in Ontario within a period of one or more years.

Coverage of
motor
vehicle
liability
policy.

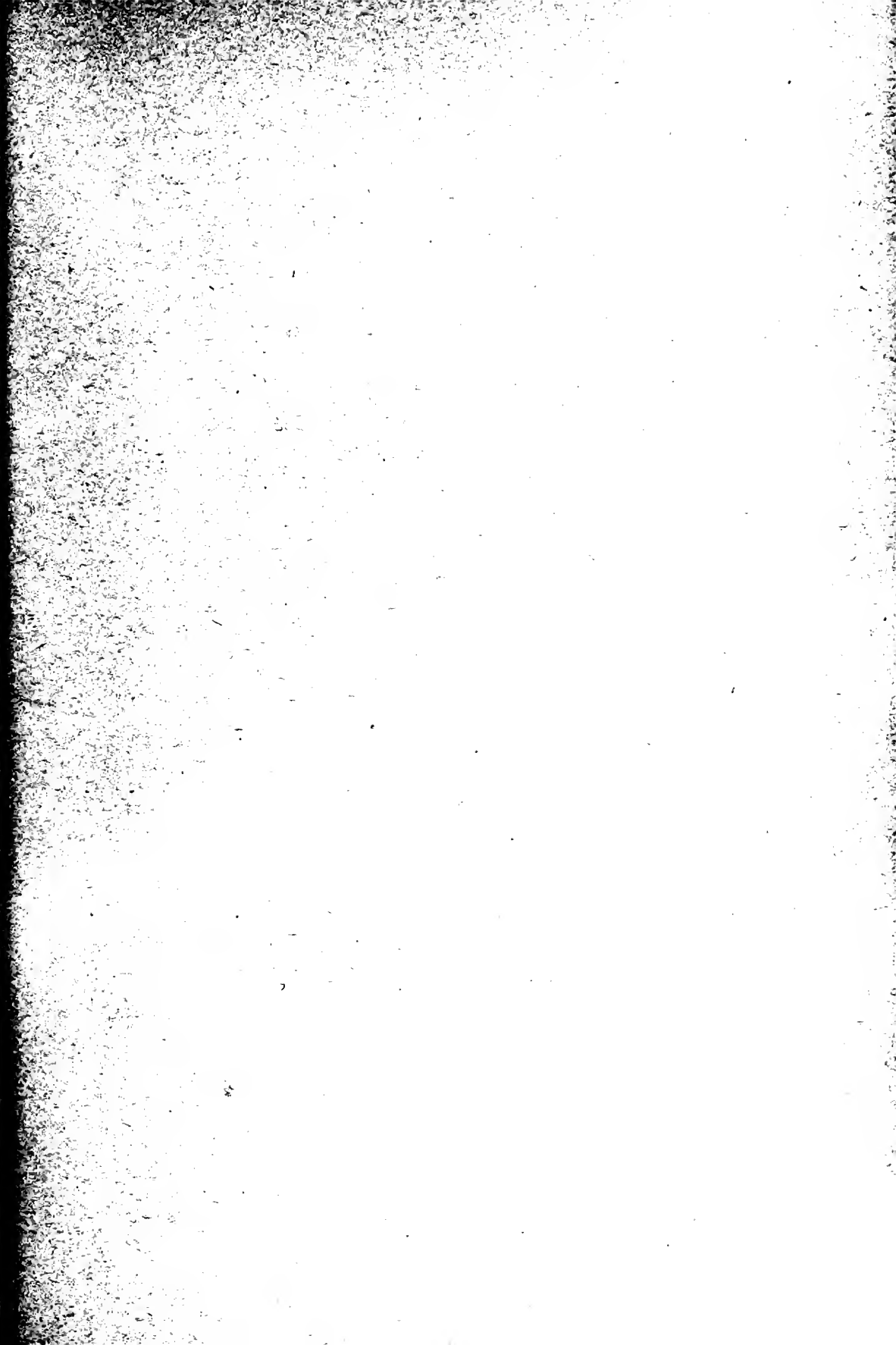
87.—(1) Every motor vehicle liability policy shall contain the name of the person or persons insured thereby, and shall designate by explicit description, or other adequate reference, all motor vehicles with respect to which insurance is intended to be granted by such policy, and the policy shall insure:—

Owner's
policy.

(a) The persons named therein and any other person or persons using, or responsible for the use of, any such motor vehicle with the consent, express or implied, of such insured, against loss from the liability imposed by law (except liability imposed under any Workmen's Compensation Law) upon such insured, or upon such other person or persons for injury to, or death of, any person; or damage to property (except property of others in charge of the insured or the insured's employees), arising from the ownership, maintenance, use, or operation of any such motor vehicle within Canada or the United States of America; or,

Driver's
policy

(b) The person therein named as insured against loss from the liability imposed by law (except liability imposed under any Workmen's Compensation Law), upon such insured for injury to, or death of, any person (other than such person or persons as may be covered in respect of such injury or death by any



Workmen's Compensation Law) or damage to property (except property of others in charge of the insured or the insured's employees) arising from the operation or use by such insured of any motor vehicle (except a motor vehicle registered in the name of such insured) and occurring while such insured is personally in control as driver or occupant of such motor vehicle within Canada or the United States of America;

Limits.

In either case, to the amount or limit of at least \$5,000 (exclusive of interest and costs), for injury to, or death of, any one person, and, subject to that limit for each person so injured or killed, of at least \$10,000 (exclusive of interest and costs) for injury to, or death of, two or more persons in any one accident, and, of at least \$1,000 (exclusive of interest and costs), for damage to property of others, as herein provided, resulting from any one accident.

Excess coverage.

(2) Neither the form of certificate of insurance, nor anything herein contained, shall prevent the issue of a policy granting any lawful insurance in excess of, or in addition to, the coverage herein provided for, nor the embodying in such policy any agreements, provisions, or stipulations not contrary to law.

Policy form to be approved.

(3) No motor vehicle liability policy shall be issued or delivered in Ontario until a copy of the form of policy has been on file with the Superintendent of Insurance for at least thirty days, unless sooner approved in writing by him, nor if within said period of thirty days he shall have notified the insurer in writing that, in his opinion, specifying the reasons therefor, the form of policy does not comply with the law of Ontario.

Provisions to which policy subject.

(4) Every motor vehicle liability policy shall be subject to the following provisions, whether or not such provisions are contained therein, and notwithstanding any law or statute or provision of such policy to the contrary:

Rights of third parties against insurer.

- (a) A judgment creditor or judgment creditors with unsatisfied judgments arising out of, or based upon a claim or claims against the insured, for which indemnity is provided by a motor vehicle liability policy, shall be entitled to have the insurance moneys payable under such policy applied in or towards satisfaction of such judgment or judgments, and may, on behalf of themselves and all other persons having similar judgments or claims against the insured, maintain an action against the insurer

to have such insurance moneys so applied; provided that, if the insured is entitled to indemnity under any other motor vehicle liability policy in respect of such judgments or claims, the insurer may require such other insurer or insurers to be made parties to any such action and to contribute rateably according to their respective liabilities; and no creditor of such judgment debtor shall be entitled to share in the proceeds of any such policy or policies in respect of any claim for which indemnity is not provided by such policy.

Liability
of insurer
absolute.

- (b) If any motor vehicle liability policy would, but for some misrepresentation or breach of any term, provision, or condition by the insured, be in force at the time of an accident, giving rise to a claim under the policy, no misrepresentation by the insured upon the application for such policy, and no breach of any term, provision, or condition of the policy by the insured, before or after the happening of such accident, shall invalidate the policy insofar as any person injured or suffering damage in such accident is concerned, nor relieve the insurer from liability to a judgment creditor of the insured for any loss or damage covered by such policy; and any assignment, waiver, release or discharge of such policy, or the proceeds thereof, or of any interest therein made by the insured after the happening of an accident giving rise to a claim under the policy, shall be void; provided that, nothing herein shall render void any provision of the policy requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy to other persons, in the event of misrepresentation by the insured upon the application for the policy, or breach by the insured of any term, provision, or condition of the policy; and further provided that, if the policy shall provide for limits of liability in excess of the limits required for proof of financial responsibility under this Act, the insurer may, as against any claimant, avail himself, with respect to the amounts of such excess limits of liability, of any defence which the insurer is entitled to set up against the insured.

Conviction
for offence
not to
prejudice
civil action.

- (c) It shall be lawful for an insurer to contract to indemnify the owner or driver of any motor vehicle against all loss or damage which the insured shall become legally liable to pay for bodily injury (including death resulting therefrom) or for injury to, or destruction of, the property of any person (including

damage arising from the loss of use of such property), caused by the ownership, maintenance, or use of the motor vehicle, notwithstanding any violation by such owner or driver of any provision of this Act, or of any Act of this Legislature, or of any municipal by-law, and notwithstanding any criminal offence committed by such owner or driver upon the occasion of such injury or damage; and in any action to recover compensation or indemnity for damages occasioned by a motor vehicle, a conviction of the owner or driver of such motor vehicle for violation of any provision of this Act or of any Act of this Legislature, or of any municipal by-law, or for any criminal offence, shall not prejudice the right of such owner or driver or of any person claiming under this Act to recover from an insurer compensation or indemnity for any such damages insured by the policy.

Pro-rating of insurance.

(d) Any such policy may provide for the pro-rating of the insurance thereunder with other applicable, valid, and collectible insurance.

Insurer to furnish certificate.

(5) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing, or file direct with the Registrar, a certificate for the purposes of this Part.

Notice to Registrar of cancellation and expiry.

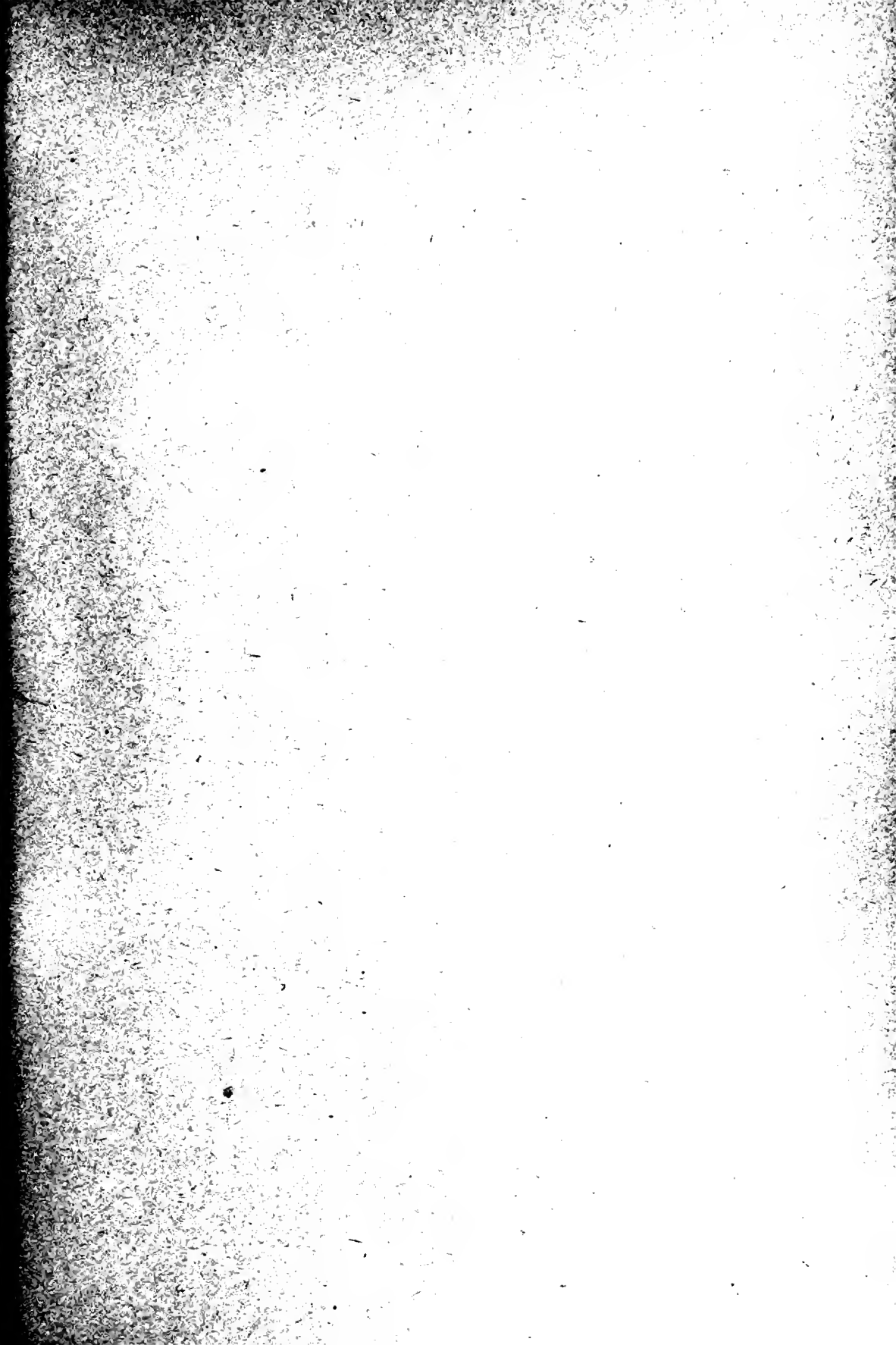
(6) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy, for which a certificate has been issued to the Registrar under this Part, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect.

Binders and endorsements in lieu of policy.

(7) Any insurer may, pending the issue of a motor vehicle liability policy, issue for the purpose of this Part an interim agreement to be known as a "binder," or may, in lieu of a policy, issue an endorsement to an existing policy; and any such binder or endorsement shall be subject to the provisions of this section, and be deemed to provide indemnity or insurance in accordance therewith.

Notice to insurer as to action brought against insured.

(8) Every insured person against whom any action is commenced for damages occasioned by a motor vehicle shall, within ten days after service of any notice or process in such action, give notice thereof in writing to the insurer, and in case of failure to give such notice within the time hereby limited, such person shall be guilty of an offence and shall be liable to a penalty not exceeding \$100 and, in default of payment thereof, to imprisonment for not more than thirty days.



PART XIV.

ACCIDENT REPORTING, STATISTICS AND RATING.

Duty to report accident.

88.—(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$50, report such accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

Where person unable to report.

(2) Where such person is physically incapable of making a report, and there is another occupant of the motor vehicle, such occupant shall make the report.

Duty of police officer,

(3) A police officer receiving a report of an accident as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident to the Registrar.

Registrar may require additional information.

(4) The Registrar may require any person involved in an accident, or having knowledge of an accident, the parties thereto, or any personal injuries or property damage resulting therefrom, to furnish, and any police officer to secure, such additional information and make such supplementary reports of the accident as he may deem necessary to complete his records, and to establish, as far as possible, the causes of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

Reports and statements without prejudice.

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection; and the fact that such reports and statements have been so made or furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of a motor vehicle accident.

Penalty.

(6) Any person who fails to report or furnish any information or written statement required by this section shall incur a penalty of not less than \$10, and not more than \$50, and

in addition the Minister may suspend the operator's or chauffeur's license and owner's permit or permits of any such persons.

Reports by Coroners.

89.—(1) Every coroner who investigates a fatal accident in which a motor vehicle is involved, shall secure such particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit such report forthwith to the Registrar.

Registrar may request information respecting accidents and traffic control.

(2) Every provincial or municipal official or employee, hospital, or charitable institution, insurer, or other person or organization shall furnish to the Registrar such reports and other information relating to motor vehicle accident statistics and traffic control generally, as may be required by the regulations.

Compensation may be allowed.

(3) The Lieutenant-Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this Section, such compensation for so doing as may be deemed proper.

Duties of Registrar.

90. The Registrar shall:

To supply accident report forms.

(a) Prepare and supply to police officers and other persons and organizations, blank forms approved by the Minister for accident and other reports which shall call for such particulars concerning accidents, the person involved, and the extent of the personal injuries and property damage, if any, resulting therefrom, and such other information as may be required by the regulations;

To investigate accidents.

(b) Make such investigation of, and call for such written reports concerning, motor vehicle accidents, traffic conditions, and other matters, as he may deem necessary and proper, and for that purpose may require the assistance of any provincial or municipal police officer;

To keep records.

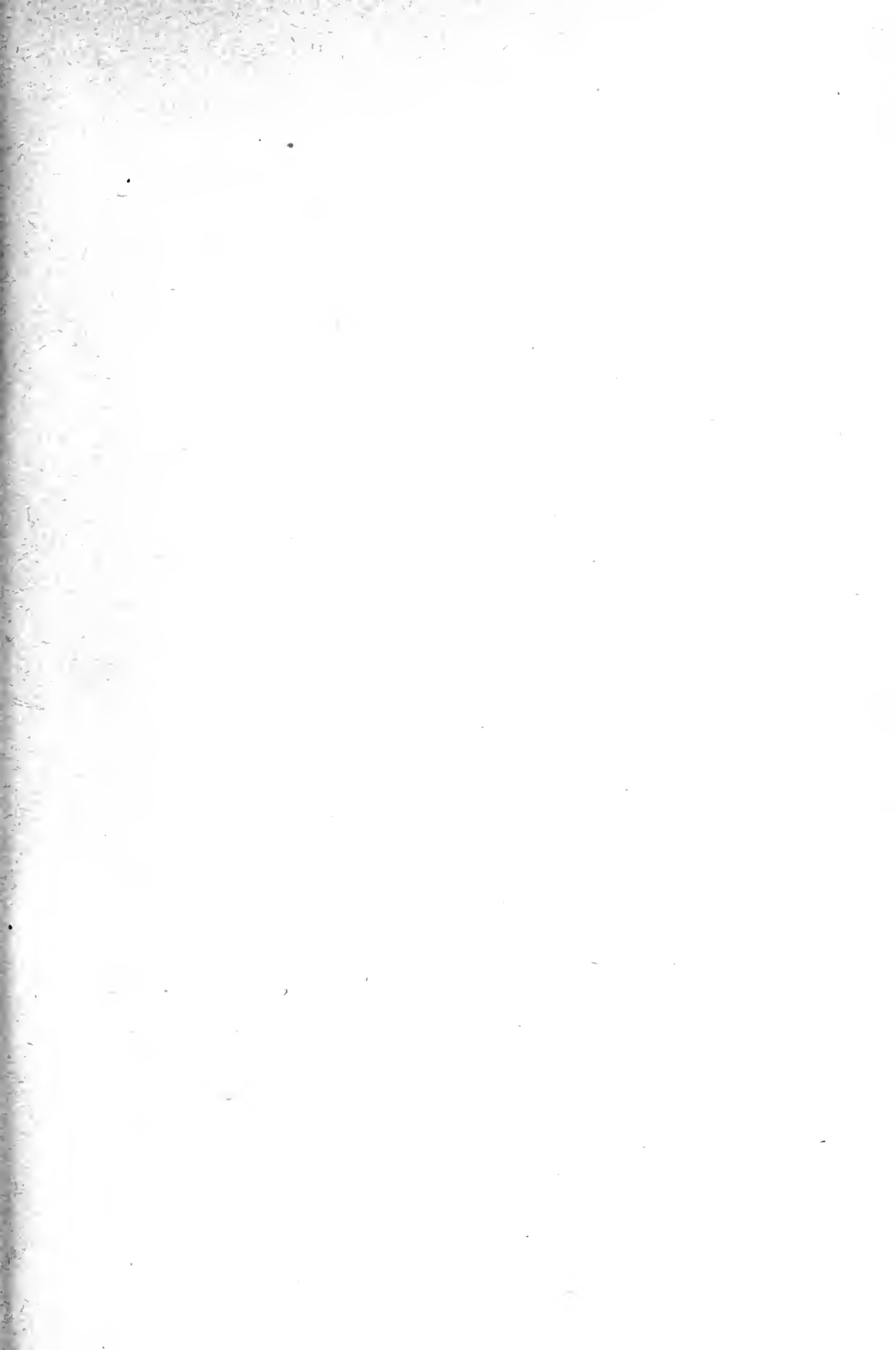
(c) Keep the following records:

Accidents.

(i) A record of all motor vehicle accidents in the Province, reported to him or concerning which he procures information;

Convictions.

(ii) A record of all convictions for offences under this Act or under the provisions of the *Criminal Code* of Canada, relating to driving on highways, reported to him pursuant to



section 58, and of such other convictions as he may deem proper;

Licenses and permits suspended or cancelled.

- (iii) A record of all drivers' licenses and owners' permits issued, suspended, revoked, cancelled or revived, under this Act;

Unsatisfied judgments.

- (iv) A record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licenses under this Act, or non-residents reported to him pursuant to the provisions of this Act;

Persons required to prove financial responsibility.

- (v) A record of all persons required to show evidence of financial responsibility pursuant to the provisions of Part XIII of this Act.

Operating records of all drivers.

- (vi) An operating record of every chauffeur and operator, which record shall show all reported convictions of such chauffeur or operator for a violation of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records of the Registrar indicate such chauffeur or operator has been involved, and such other information as the Registrar may deem proper; and

Other records.

- (vii) Such other records as he may be directed to keep by the Minister;

To collect and analyze accident and traffic statistics.

- (d) Develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems, and regulations;

To prepare annual report for Minister.

- (e) Prepare for the Minister an Annual Report showing the results of such reporting, collection, analysis, and study, and embodying his recommendations for the prevention of motor vehicle accidents and the solution of traffic problems; and such report shall be printed and published forthwith upon completion.

Classification of drivers.

91.—(1) The Lieutenant-Governor in Council, upon report by the Minister that, in his opinion, the records of his Department are sufficient to warrant classification based thereon, may make regulations in accordance with which the Registrar shall classify persons who have been convicted for a violation of any statute relating to the operation of motor vehicles, or

Demerit rating.

who have been responsible for accidents or who have been required to prove their financial responsibility under this Act, or whose operating record has otherwise shown them to be extra-hazardous risks for the purposes of motor vehicle liability insurance, and as such, liable to demerit rating under this section.

How classified.

(2) When a person becomes liable to demerit rating he shall be classified by the Registrar in accordance with the regulations in any one of the three classes, to be known as Classes "A," "B," and "C," in accordance with the seriousness of his offence, or the character of his operating record.

50 per cent.,
25 per cent.,
10 per cent.,
surcharge
on insurance
rate.

(3) Where a person has been classified in Class "A," he shall be charged and shall pay for motor vehicle liability insurance ten per cent. in excess of the standard premium rate, and when classified in Class "B," twenty-five per cent. in excess of the standard premium rates, and when classified in Class "C," fifty per cent. in excess of the standard premium rate.

Publication
in Ontario
Gazette.

(4) The names of persons who have been classified for demerit rating under this section shall be published by the Registrar within one week in the *Ontario Gazette*.

Insurer to
certify rate
charged any
person and
to furnish
copy of any
policy.

(5) Upon request of the Registrar, any authorized insurer shall certify to him the premium rate which has been charged any person for motor vehicle liability insurance and furnish him with a certified copy of any motor vehicle liability insurance policy issued to such person.

Penalty for
charging
improper
rate.

(6) Any officer or employee or agent of an authorized insurer who charges a premium rate lower than the rate a person whose name has been published in the *Ontario Gazette*, is liable to pay upon being classified under this section, or who, wilfully, at any time, certifies that a premium rate has been charged such a person other than the rate actually charged, shall incur a penalty of not less than \$25, and not more than \$500.

Re-classifi-
cation after
twelve
months into
lower class.

(7) The Registrar shall, upon application after the expiration of twelve months, re-classify any person classified under this section, whose operating record during the intervening period has been satisfactory, in the next lower class for demerit rating, or, if such person is classified in Class "A," eliminate him from classification.

Re-classifi-
cation into
higher class.

(8) When any person classified under this section commits an additional offence, or otherwise so acts as to make him liable, if unclassified, to classification under this section, the

Registrar shall re-classify him in a higher class for demerit rating in the same manner as though he had not previously been classified, or, if such person is already classified in Class "C," the Minister shall suspend his driver's license for a period of not less than twelve months.

Meaning of
"Standard
Premium
Rate."

Rev. Stat.,
c. 222.

(9) The expression "standard premium rate" used in this section means the rate which would be charged in the absence of demerit rating under this section according to the schedules of rates and rules filed by an authorized insurer with the Superintendent of Insurance pursuant to *The Insurance Act*.

Appeal.

(10) Any person aggrieved by a decision of the Registrar under this Section, may appeal to the Minister and the decision of the Minister shall be final and binding and without appeal.

Commence-
ment of Act.

7. This Act, except section 6, shall come into force on the day upon which it receives the Royal Assent, and section 6 shall come into force on the first day of September, 1930.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 19th, 1930

2nd Reading

3rd Reading

MR. HENRY (East York).

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

BILL

An Act to amend The Highway Traffic Act.

MR. HENRY (East York).

No. 145.

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. 1,
amended. **2.** Section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

Registrar. (*kk*) "Registrar" shall mean the Registrar of Motor Vehicles appointed under this Act.

Rev. Stat.
c. 251,
amended. **3.** *The Highway Traffic Act* is amended by adding thereto the following section:

Registrar of
Motor
Vehicles. **1a.**—(1) There shall continue to be a Registrar of Motor Vehicles who shall be appointed by the Lieutenant-Governor in Council.

Duties. (2) The Registrar shall act under the instructions of the Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister.

Rev. Stat.,
c. 251, s. 45,
amended. **4.**—(1) Section 45 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Incapable
persons not
to drive. (**1a**) No person shall drive, attempt or prepare to drive a motor vehicle when under the influence of drink or drugs so as to be incapable of having proper control of such vehicle.

Rev. Stat.,
c. 251, s. 45,
sub.s. 2,
amended. (2) Subsection 2 of the said section 45 is amended by inserting after the word "intoxicated" in the fourth line, the words "or of a violation of the provisions of subsection 1a" and by

striking out all of the words after the word "period" in the sixth line and substituting therefor the following:

- (a) not exceeding six months for the first offence;
- (b) not less than three months and not exceeding one year for the second offence;
- (c) not less than one year and not exceeding two years for the third or any subsequent offence.

5. *The Highway Traffic Act* is amended by adding thereto the following section:— Rev. Stat.,
c. 251,
amended.

47a. The use of a highway within Ontario by any person not resident in Ontario operating or responsible for the operation of a motor vehicle within Ontario, shall, by virtue of the right of user conferred by this Act, be deemed to constitute the Registrar an agent of such person for the service of notice or process in any action in Ontario, arising out of a motor vehicle accident in Ontario in which such person is involved, subject to the following conditions: Service of
notice or
process on
non-resi-
dents.

- (a) Such notice of process may be served by leaving a copy thereof with, or at the office of, the Registrar at least ten days before the return day of such notice of process, together with the post office address of the non-resident upon whom service is to be made. How served.
- (b) The last known address of such non-resident, according to the record of the Registrar of Motor Vehicles, or other official having similar duties in the Province or State in which such person resides, shall be conclusively deemed to be the correct address of such person, for the purpose of such service. Address.
- (c) Upon receipt of such notice or process, and the address as aforesaid, the Registrar shall forward the said notice or process to such person at the given address by registered mail, postage prepaid. Duty of
Registrar.

6. *The Highway Traffic Act* is amended by adding thereto the following Parts:—

PART XIII.

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS.

70. In this Part,—

- (a) "Authorized Insurer" means an insurer duly licensed under the provisions of *The Insurance Act*, to carry on in Ontario the business of automobile insurance; Definitions.
"Authorized
Insurer."
Rev. Stat.,
c. 222.

- "Driver's License." (b) "Driver's License" means an operator's license and a chauffeur's license issued pursuant to the provisions of this Act;
- "Motor Vehicle." (c) "Motor Vehicle" includes "Trailer," as defined in this Act;
- "Proof of Financial Responsibility." (d) "Proof of Financial Responsibility" means a certificate of insurance, a bond, or a deposit of money or securities given or made pursuant to section 78;
- "Treasurer." (e) "Treasurer" means the Treasurer of Ontario;
- "State." (f) "State" means one of the United States of America;
- "Superintendent of Insurance." Rev. Stat., c. 222. (g) "Superintendent of Insurance" means the Superintendent of Insurance appointed under the authority of *The Insurance Act*.

General application.

71.—(1) Nothing in this Part shall prevent the plaintiff in any action from proceeding upon any other remedy or security available at law.

(2) This Part shall only apply to offences and violations of law committed, and to convictions and judgments arising out of motor vehicle accidents occurring, and to motor vehicle liability policies issued or in force, after the date of coming into force of this Part.

Licenses suspended for convictions.

72.—(1) The driver's license and owner's permit of every person who has been convicted of, or who has forfeited his bail after having been arrested for, any one of the following offences or violations of law, namely:

Reckless driving.

(a) Any offence for which a penalty is provided in section 24 of this Act, if any injury to any person or property occurs in connection therewith;

Racing.

(b) Any offence for which a penalty is provided in section 25 of this Act;

Speeding.

(c) Exceeding the speed limit fixed by section 23 of this Act, if any injury to any person or property occurs in connection therewith;

Leaving scene of accident.

(d) An accident having occurred, failing to remain at or return to the scene of the accident in violation of the provisions of section 40 of this Act;

Driving without a license.

(e) Driving a motor vehicle on a highway without holding a driver's license required by this Act;

- (f) Any criminal offence involving the use of a motor vehicle; ^{Criminal offence.}
- (g) Any offence against public safety on highways as may be designated by the Lieutenant-Governor in Council, ^{Other offences.}

shall be forthwith suspended by the Minister, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver's license, or owner's permit, be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility.

(2) Upon receipt by the Registrar of official notice that the holder of a driver's license, or owner's permit under this Act, has been convicted, or forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in the next preceding subsection, the Minister shall suspend every driver's license and owner's permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the said conviction had been made or the bail forfeited in Ontario. ^{Conviction in other provinces or states.}

(3) If any person to whom subsection 1 applies, is not a resident of Ontario, the privilege of operating any motor vehicle within Ontario, and the privilege of operation within Ontario of any motor vehicle owned by him, is suspended and withdrawn forthwith, by virtue of such conviction or forfeiture of bail, until he has given proof of financial responsibility. ^{Non-residents.}

73.—(1) Subject to the provisions of section 81, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him, by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death, of any person, or on account of damage to property in excess of \$100, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) ^{License suspended for failure to pay judgments.}

to the extent of at least \$5,000 (exclusive of interest and costs) for injury to, or death of, any one person, and, subject to that limit for each person so injured or killed, to the extent of at least \$10,000 (exclusive of interest and costs), for injury to, or death, of two or more persons in any one accident, and to the extent of at least \$1,000 (exclusive of interest and costs), for damage to property of others resulting from any one accident, and until such person gives proof of his financial responsibility.

Subsequent judgments.

(2) If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident which occurred before such proof was furnished, and after the coming into force of this Part, is reported to the Registrar, the driver's license and owner's permit or permits of such person shall again be, and remain, suspended until such judgment is satisfied and discharged (otherwise than by a discharge in bankruptcy) to the extent set out in the next preceding subsection.

Non-residents.

(3) If any person to whom subsection 1 applies is not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation in Ontario of any motor vehicle registered in his name, shall be, and is, suspended and withdrawn forthwith by virtue of such judgment until he has complied with the provisions of subsection 1.

Persons under and over certain ages.

74. The Minister may require proof of financial responsibility before issue of an owner's permit or driver's license, or the renewal thereof to any person under the age of twenty-one years or over the age of sixty-five years.

Persons responsible for accidents.

75. The Minister may require proof of financial responsibility from any person who, while operating any motor vehicle, shall have been involved in, and, in the opinion of the Minister, is responsible in whole or in part, for any motor vehicle accident resulting in the death of, or injury to, any person, or damage to property in excess of \$100, or from the person in whose name such motor vehicle is registered, or from both, and the Minister may suspend all owner's permits and driver's licenses in such cases until such proof of financial responsibility has been given.

Voluntary filing of financial responsibility.

76.—(1) An owner's permit and driver's license, or, in the case of a person not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation within Ontario of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn

under the provisions of this Part, if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction, judgment, or order arises, proof of financial responsibility, which, at the date of such conviction, judgment, or order, is valid and sufficient for the requirements of this Part.

(2) The Registrar shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Registrar which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license or owner's permit under this Part, the Registrar shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported. ^{Registrar may receive proof.}

77. Proof of financial responsibility shall be given in the following amounts by every driver, and, in the case of an owner, in the said amounts for each motor vehicle registered in his name, by every owner, to whom this Part applies, namely:— ^{Amounts and limits.}

- (a) At least \$5,000 (exclusive of interest and costs) for injury to, or death of, any one person, and, subject to that limit for each person so injured or killed, at least \$10,000 (exclusive of interest and costs) for injury to, or death of, two or more persons in any one accident; and
- (b) At least \$1,000 (exclusive of interest and costs) for damage to property of others resulting from any one accident.

78.—(1) Proof of financial responsibility may be given in any one of the following forms: ^{Proof of financial responsibility.}

- (a) The written certificate or certificates, filed with the Registrar, of any authorized insurer that it has issued, to or for the benefit of the person named therein, a motor vehicle liability policy or policies, in form hereinafter prescribed, which, at the date of the certificate or certificates, is in full force and effect, and which designates therein, by explicit description, or by other adequate reference, all motor vehicles to which the policy applies. ^{Certificates of insurance.}

Any such certificate or certificates shall cover all motor vehicles then registered in the name of the person furnishing such proof. An additional cer-

tificate shall be required as a condition precedent to the registration of any additional motor vehicle in the name of such person. The said certificate, or certificates, shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire, except upon ten days prior written notice thereof to the Registrar, and until such notice is duly given the said certificate or certificates shall be valid, and sufficient to cover the term of any renewal of such motor vehicle liability policy by the insurer, or any renewal or extension of the term of such driver's license or owner's permit by the Minister;

Surety bond

- (b) The bond of a guarantee insurance or surety company, duly licensed in Ontario, pursuant to *The Insurance Act*, or a bond with personal sureties, approved as adequate security hereunder, upon application to a judge of the county or district court of the county or district in which such sureties reside.

The said bond shall be in form approved by the Registrar and shall be conditioned upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days' written notice to the Registrar, but not after the happening of the injury or damage secured by the bond as to such accident, injury, or damage, and the said bond shall be filed with the Registrar;

Money or securities.

- (c) The certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$11,000 for each motor vehicle registered in the name of such person. The Treasurer shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the city, county, or district in which the depositor resides.

Minister may require additional proof.

- (2) The Minister may, in his discretion, at any time, require additional proof of financial responsibility, to that filed or deposited by any driver or owner pursuant to this Part, and may suspend the driver's license and owner's permit or permits pending such additional proof.

Proof of financial responsibility by non-residents.

- (3) Where a person, who is not a resident of Ontario, is required to give, or volunteers, proof of financial responsi-

bility under this Part, the Registrar may accept as such proof such certificate of an authorized insurer relating to a motor vehicle liability policy issued outside of Ontario, insuring such person against loss from the liability imposed by law, arising out of motor vehicle accidents occurring within Ontario, as he may deem proper; and may issue to such person an official non-resident insurance identification card; and may provide for the giving or volunteering of such proof to, and the issue of such cards by, his representatives at selected points along the provincial border.

79.—(1) The bond filed with the Registrar and the money or securities deposited with the Treasurer shall be held by him in accordance with the provisions of this Part, as security for any judgment against the owner or driver filing the bond or making the deposit, in any action arising out of damage caused after such filing or deposit, by the operation of any motor vehicle. Application of security.

(2) Money and securities so deposited with the Treasurer shall not be subject to any claim or demand, except an execution on a judgment for damages, for personal injuries, or death, or injury to property, occurring after such deposit, as a result of the operation of a motor vehicle. Not available to creditors generally.

(3) If a judgment to which this Part applies is rendered against the principal named in the bond filed with the Registrar, and such judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own use and benefit, and at his sole expense, bring an action on said bond in the name of the Treasurer, against the persons executing such bond. Action on security.

80. If the Registrar finds that any driver to whom this Part applies, was, at the time of the offence for which he was convicted, employed by the owner of the motor vehicle involved therein as chauffeur, or motor vehicle operator, whether or not so designated, or was a member of the family or household of the owner, and that there was no motor vehicle registered in Ontario in the name of such driver as an owner, either at the time of the offence or subsequent thereto, then, if the owner of such motor vehicle submits to the Registrar (who is hereby authorized to accept it) proof of his financial responsibility, as provided by this Part, such chauffeur, operator, or other person, shall be relieved of the requirement of giving proof of financial responsibility on his own behalf. Chauffeurs or members of owner's family.

81. A judgment debtor to whom this Part applies may, on due notice to the judgment creditor, apply to the Court in which the trial judgment was obtained, for the privilege of Payment of judgment in instalments.

paying such judgment in instalments, and the Court may, in its discretion, so order, fixing the amounts and times of payment of such instalments. While the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the driver's license, and owner's permits, of such judgment debtor, but such driver's license and owner's permits shall again be suspended and remain suspended, as provided in section 73, if the Registrar is satisfied of default made by the judgment debtor, in compliance with the terms of the court order.

Report of convictions, etc., to Registrar.

82.—(1) It shall be the duty of the clerk or registrar of the court (or of the court where there is no clerk or registrar) in which any final order, judgment, or conviction to which this Part applies, is rendered, to forward to the Registrar of Motor Vehicles, immediately after the date upon which the order, judgment, or conviction becomes final by affirmation upon appeal or by expiry, without appeal, of the time allowed for appeal, a certified copy of such order, judgment, or conviction, or a certificate thereof, in form prescribed by the Registrar of Motor Vehicles. Any such copy or certificate shall be *prima facie* evidence of such order, judgment, or conviction. The clerk, or other official charged with this duty of reporting to the Registrar of Motor Vehicles, shall be entitled to collect and receive a fee of \$1 for each copy or certificate hereby required, which fee shall be paid as part of the court costs, in case of a conviction, by the person convicted, and, in case of an order or judgment, by the person for whose benefit judgment is issued.

Notification in case of non-residents.

(2) If the defendant is not resident in Ontario it shall be the duty of the Registrar of Motor Vehicles, to transmit to the registrar of motor vehicles, or other officer or officers, if any, in charge of the registration of motor vehicles, and the licensing of operators in the province or state in which the defendant resides, a certificate of the said order, judgment, or conviction.

Abstract of operating record.

83.—(1) The Registrar shall, upon request, furnish to any insurer, surety or other person, a certified abstract of the operating record of any person, subject to the provisions of this Part, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any Statute relating to the operation of motor vehicles, or any judgment against such person for any injury or damage caused by such person, according to the records of the Registrar, and if there is no record of any such con-

viction or judgment in the office of the Registrar, the Registrar shall so certify. The Registrar shall collect as a fee for each such certificate, the sum of \$1.

(2) The Registrar, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle, with all information of record in his office pertaining to the proof of financial responsibility of any owner or driver of any motor vehicle furnished pursuant to this Part. Particulars of security to be furnished.

84.—(1) Any owner or driver whose permit or license has been suspended, as herein provided, or whose policy of insurance or surety bond, has been cancelled or terminated as herein provided, or who neglects to furnish additional proof of financial responsibility upon the request of the Registrar, as herein provided, shall immediately return to the Registrar his driver's license, his motor vehicle permit or permits, and all license plates issued thereunder. Return of permit and plates when license suspended.

(2) If any such person fails to return his license, permits and plates as provided herein, the Registrar may direct any police officer to secure possession thereof and return the same to the office of the Registrar. Police officer may secure possession.

(3) Any person failing to return his license, permits and plates when so required, or refusing to deliver the same when requested to do so by the police officer, shall be guilty of an offence and incur a penalty of not less than \$10, and not more than \$100 for each offence. Penalty.

85. If an owner's permit has been suspended under the provisions of this Part, such permit shall not be transferred nor the motor vehicle in respect of which such permit was issued, registered in any other name until the Minister is satisfied that such transfer or registration is proposed in good faith and not for the purpose, or with the effect, of defeating the purposes of this Part. Transfer of suspended permit.

86.—(1) The Minister may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility, at any time after three years from the date of the original deposit thereof, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 72, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$100, resulting from the Cancellation and return of security.

operation of a motor vehicle. A statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Substitution
of security

(2) The Minister may direct the return of any bond, money, or securities, to the person who furnished the same, upon the acceptance and substitution of other adequate proof of financial responsibility, pursuant to this Part.

Return of
security
when motor
vehicle is
sold.

(3) The Minister may direct the return of any bond, money, or securities deposited under this Part to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last owner's permit or driver's license issued to such person, if no written notice has been received by the Registrar within such period of any action brought against such person in respect of the ownership, maintenance, or operation of a motor vehicle, and upon the filing by such person with the Registrar, of a statutory declaration that such person no longer resides in Ontario, or that such person had made a *bona fide* sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in Ontario within a period of one or more years.

Coverage of
motor
vehicle
liability
policy.
Owner's
policy.

87.—(1) Every motor vehicle liability policy shall insure:—

(a) The persons named therein and any other person or persons using, or responsible for the use of, any such motor vehicle with the consent of such insured, against loss from the liability imposed by law (except liability imposed under any Workmen's Compensation Law) upon such insured, or upon such other person or persons for injury to, or death of, any person except such insured, or for damage to property (except property of the insured or property of others in charge of the insured or the insured's employees), arising from the ownership, maintenance, use, or operation of any such motor vehicle within Canada or the United States of America; or,

Driver's
policy

(b) The person therein named as insured against loss from the liability imposed by law (except liability imposed under any Workmen's Compensation Law), upon such insured for injury to, or death of, any person or for damage to property (except property of others in charge of the insured or the

insured's employees) arising from the operation or use by such insured of any motor vehicle (except a motor vehicle registered in the name of such insured) and occurring while such insured is personally in control as driver or occupant of such motor vehicle within Canada or the United States of America;

In either case, to the amount or limit of at least \$5,000 ^{Limits.} (exclusive of interest and costs), for injury to, or death of, any one person, and, subject to that limit for each person so injured or killed, of at least \$10,000 (exclusive of interest and costs) for injury to, or death of, two or more persons in any one accident, and, of at least \$1,000 (exclusive of interest and costs), for damage to property of others, as herein provided, resulting from any one accident.

(2) Neither the form of certificate of insurance, nor anything herein contained, shall prevent the issue of a policy granting any lawful insurance in excess of, or in addition to, the coverage herein provided for, nor the embodying in such policy any agreements, provisions, or stipulations not contrary to law. ^{Excess coverage.}

(3) No motor vehicle liability policy shall be issued or delivered in Ontario until a copy of the form of policy has been on file with the Superintendent of Insurance for at least thirty days, unless sooner approved in writing by him, nor if within said period of thirty days he shall have notified the insurer in writing that, in his opinion, specifying the reasons therefor, the form of policy does not comply with the law of Ontario. ^{Policy form to be approved.}

(4) Every motor vehicle liability policy shall be subject to the following provisions, whether or not such provisions are contained therein, and notwithstanding any law or statute or provision of such policy to the contrary: ^{Provisions to which policy subject.}

(a) A judgment creditor or judgment creditors with unsatisfied judgments arising out of, or based upon a claim or claims against the insured, for which indemnity is provided by a motor vehicle liability policy, shall be entitled to have the insurance moneys payable under such policy applied in or towards satisfaction of such judgment or judgments, and may, on behalf of themselves and all other persons having similar judgments or claims against the insured, maintain an action against the insurer. ^{Rights of third parties against insurer.}

to have such insurance moneys so applied; provided that, if the insured is entitled to indemnity under any other motor vehicle liability policy in respect of such judgments or claims, the insurer may require such other insurer or insurers to be made parties to any such action and to contribute rateably according to their respective liabilities; and no creditor of such judgment debtor shall be entitled to share in the proceeds of any such policy or policies in respect of any claim for which indemnity is not provided by such policy.

Liability
of insurer
absolute.

- (b) If any motor vehicle liability policy would, but for some misrepresentation or breach of any term, provision, or condition by the insured, be in force at the time of an accident, giving rise to a claim under the policy, no misrepresentation by the insured upon the application for such policy, and no breach of any term, provision, or condition of the policy by the insured, before or after the happening of such accident, shall invalidate the policy insofar as any person injured or suffering damage in such accident is concerned, nor relieve the insurer from liability to a judgment creditor of the insured for any loss or damage covered by such policy; and any assignment, waiver, release or discharge of such policy, or the proceeds thereof, or of any interest therein, made by the insured after the happening of an accident giving rise to a claim under the policy, shall be void; provided that, nothing herein shall render void any provision of the policy requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy to other persons, in the event of misrepresentation by the insured upon the application for the policy, or breach by the insured of any term, provision, or condition of the policy; and further provided that, if the policy shall provide for limits of liability in excess of the limits required for proof of financial responsibility under this Act, the insurer may, as against any claimant, avail himself, with respect to the amounts of such excess limits of liability, of any defence which the insurer is entitled to set up against the insured.

Conviction
for offence
not to
prejudice
civil action.

- (c) It shall be lawful for an insurer to contract to indemnify the owner or driver of any motor vehicle against all loss or damage which the insured shall become legally liable to pay for bodily injury (including death resulting therefrom) or for injury to, or destruction of, the property of any person (including

damage arising from the loss of use of such property), caused by the ownership, maintenance, or use of the motor vehicle, notwithstanding any violation by such owner or driver of any provision of this Act, or of any Act of this Legislature, or of any municipal by-law, and notwithstanding any criminal offence committed by such owner or driver upon the occasion of such injury or damage; and in any action to recover compensation or indemnity for damages occasioned by a motor vehicle, a conviction of the owner or driver of such motor vehicle for violation of any provision of this Act or of any Act of this Legislature, or of any municipal by-law, or for any criminal offence, shall not prejudice the right of such owner or driver or of any person claiming under this Act to recover from an insurer compensation or indemnity for any such damages insured by the policy.

(d) Any such policy may provide for the pro-rating of the insurance thereunder with other applicable, valid, and collectible insurance. Pro-rating of insurance.

(5) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing, or file direct with the Registrar, a certificate for the purposes of this Part. Insurer to furnish certificate.

(6) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy, for which a certificate has been issued to the Registrar under this Part, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect. Notice to Registrar of cancellation and expiry.

(7) Any insurer may, pending the issue of a motor vehicle liability policy, issue for the purpose of this Part an interim agreement to be known as a "binder," or may, in lieu of a policy, issue an endorsement to an existing policy; and any such binder or endorsement shall be subject to the provisions of this section, and be deemed to provide indemnity or insurance in accordance therewith. Binders and endorsements in lieu of policy.

(8) Every insured person against whom any action is commenced for damages occasioned by a motor vehicle shall, within ten days after service of any notice or process in such action, give notice thereof in writing to the insurer, and in case of failure to give such notice within the time hereby limited, such person shall be guilty of an offence and shall be liable to a penalty not exceeding \$100 and, in default of payment thereof, to imprisonment for not more than thirty days. Notice to insurer as to action brought against insured.

PART XIV.

ACCIDENT REPORTING, STATISTICS AND RATING.

Duty to report accident.

88.—(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$50, report such accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

Where person unable to report.

(2) Where such person is physically incapable of making a report, and there is another occupant of the motor vehicle, such occupant shall make the report.

Duty of police officer,

(3) A police officer receiving a report of an accident as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident to the Registrar.

Registrar may require additional information.

(4) The Registrar may require any person involved in an accident, or having knowledge of an accident, the parties thereto, or any personal injuries or property damage resulting therefrom, to furnish, and any police officer to secure, such additional information and make such supplementary reports of the accident as he may deem necessary to complete his records, and to establish, as far as possible, the causes of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

Reports and statements without prejudice.

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection; and the fact that such reports and statements have been so made or furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of a motor vehicle accident.

Penalty.

(6) Any person who fails to report or furnish any information or written statement required by this section shall incur a penalty of not less than \$10, and not more than \$50, and

in addition the Minister may suspend the operator's or chauffeur's license and owner's permit or permits of any such persons.

89.—(1) Every coroner who investigates a fatal accident in which a motor vehicle is involved, shall secure such particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit such report forthwith to the Registrar.

Reports by Coroners.

(2) Every provincial or municipal official or employee, hospital, or charitable institution, insurer, or other person or organization shall furnish to the Registrar such reports and other information relating to motor vehicle accident statistics and traffic control generally, as may be required by the regulations.

Registrar may request information respecting accidents and traffic control.

(3) The Lieutenant-Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this Section, such compensation for so doing as may be deemed proper.

Compensation may be allowed.

90. The Registrar shall:

Duties of Registrar.

- (a) Prepare and supply to police officers and other persons and organizations, blank forms approved by the Minister for accident and other reports which shall call for such particulars concerning accidents, the person involved, and the extent of the personal injuries and property damage, if any, resulting therefrom, and such other information as may be required by the regulations;
- (b) Make such investigation of, and call for such written reports concerning, motor vehicle accidents, traffic conditions, and other matters, as he may deem necessary and proper, and for that purpose may require the assistance of any provincial or municipal police officer;
- (c) Keep the following records:
- (i) A record of all motor vehicle accidents in the Province, reported to him or concerning which he procures information;
- (ii) A record of all convictions for offences under this Act or under the provisions of the *Criminal Code* of Canada, relating to driving on highways, reported to him pursuant to

To supply accident report forms.

To investigate accidents.

To keep records.

Accidents.

Convictions.

section 58, and of such other convictions as he may deem proper;

Licenses and permits suspended or cancelled.

(iii) A record of all drivers' licenses and owners' permits issued, suspended, revoked, cancelled or revived, under this Act;

Unsatisfied judgments.

(iv) A record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licenses under this Act, or non-residents reported to him pursuant to the provisions of this Act;

Persons required to prove financial responsibility.

(v) A record of all persons required to show evidence of financial responsibility pursuant to the provisions of Part XIII of this Act.

Operating records of all drivers.

(vi) An operating record of every chauffeur and operator, which record shall show all reported convictions of such chauffeur or operator for a violation of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records of the Registrar indicate such chauffeur or operator has been involved, and such other information as the Registrar may deem proper; and

Other records.

(vii) Such other records as he may be directed to keep by the Minister;

To collect and analyze accident and traffic statistics.

(d) Develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems, and regulations;

To prepare annual report for Minister.

(e) Prepare for the Minister an Annual Report showing the results of such reporting, collection, analysis, and study, and embodying his recommendations for the prevention of motor vehicle accidents and the solution of traffic problems; and such report shall be printed and published forthwith upon completion.

Classification of drivers.

91.—(1) The Lieutenant-Governor in Council, upon report by the Minister that, in his opinion, the records of his Department are sufficient to warrant classification based thereon, may make regulations in accordance with which the Registrar shall classify persons who have been convicted for a violation of any statute relating to the operation of motor vehicles, or

Demerit rating.

who have been responsible for accidents or who have been required to prove their financial responsibility under this Act, or whose operating record has otherwise shown them to be extra-hazardous risks for the purposes of motor vehicle liability insurance, and as such, liable to demerit rating under this section.

(2) When a person becomes liable to demerit rating he shall be classified by the Registrar in accordance with the regulations in any one of the three classes, to be known as Classes "A," "B," and "C," in accordance with the seriousness of his offence, or the character of his operating record.

(3) Where a person has been classified in Class "A," he shall be charged and shall pay for motor vehicle liability insurance ten per cent. in excess of the standard premium rate, and when classified in Class "B," twenty-five per cent. in excess of the standard premium rates, and when classified in Class "C," fifty per cent. in excess of the standard premium rate.

(4) The names of persons who have been classified for demerit rating under this section shall be published by the Registrar within one week in the *Ontario Gazette*.

(5) Upon request of the Registrar, any authorized insurer shall certify to him the premium rate which has been charged any person for motor vehicle liability insurance and furnish him with a certified copy of any motor vehicle liability insurance policy issued to such person.

(6) Any officer or employee or agent of an authorized insurer who charges a premium rate lower than the rate a person whose name has been published in the *Ontario Gazette*, is liable to pay upon being classified under this section, or who, wilfully, at any time, certifies that a premium rate has been charged such a person other than the rate actually charged, shall incur a penalty of not less than \$25, and not more than \$500.

(7) The Registrar shall, upon application after the expiration of twelve months, re-classify any person classified under this section, whose operating record during the intervening period has been satisfactory, in the next lower class for demerit rating, or, if such person is classified in Class "A," eliminate him from classification.

(8) When any person classified under this section commits an additional offence, or otherwise so acts as to make him liable, if unclassified, to classification under this section, the

Registrar shall re-classify him in a higher class for demerit rating in the same manner as though he had not previously been classified, or, if such person is already classified in Class "C," the Minister shall suspend his driver's license for a period of not less than twelve months.

Meaning of
"Standard
Premium
Rate."

(9) The expression "standard premium rate" used in this section means the rate which would be charged in the absence of demerit rating under this section according to the schedules of rates and rules filed by an authorized insurer with the Superintendent of Insurance pursuant to *The Insurance Act*.

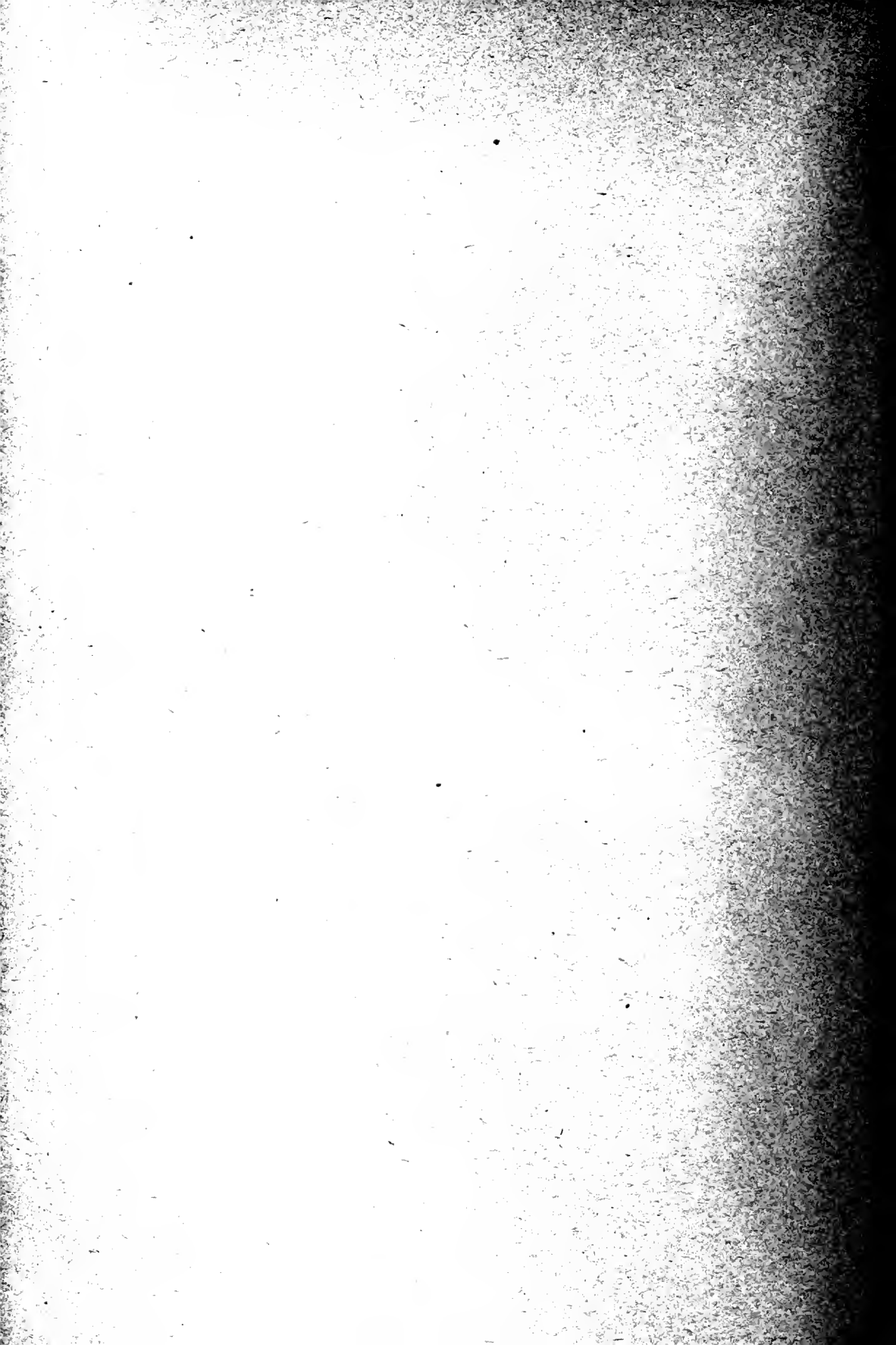
Rev. Stat.,
c. 222.

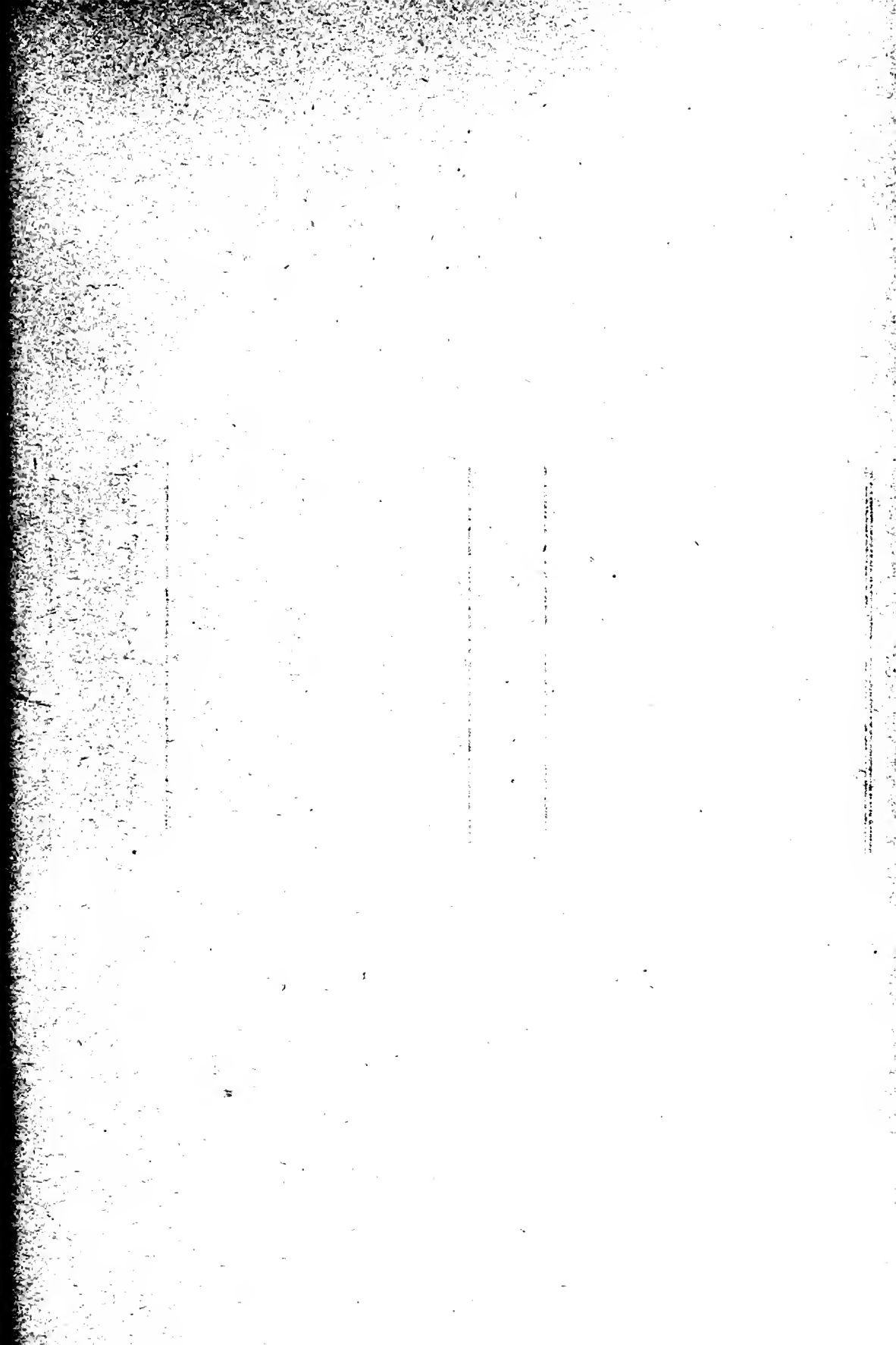
Appeal.

(10) Any person aggrieved by a decision of the Registrar under this Section, may appeal to the Minister and the decision of the Minister shall be final and binding and without appeal.

Commence-
ment of Act.

7. This Act, except section 6, shall come into force on the day upon which it receives the Royal Assent, and section 6 shall come into force on the first day of September, 1930.





BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 19th, 1930

2nd Reading

March 24th, 1930

3rd Reading

March 28th, 1930

MR. HENRY (East York).

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

BILL

An Act to make further provision for Highway Improvement.

MR. HENRY (East York).

No. 146.

1930.

BILL

An Act to make further provision for Highway Improvement.

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 Fund Act, 1930.*

Annual
appropriation
of
\$3,000,000.

2. In addition to all sums of money heretofore set apart and appropriated by the Legislature for the improvement of public highways, there shall be placed to the credit of the Highway Improvement Fund in every fiscal year for a period of five years, commencing with the current fiscal year, the sum of \$3,000,000 to be chargeable to and payable out of the Consolidated Revenue Fund.

Commence-
ment of
Act.

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

EXPLANATORY NOTE

In 1920 the Legislature made an annual appropriation of \$3,000,000 for five years and this was continued for a further period of five years in 1925. The Bill is intended to provide for a further five year extension of the grant.

BILL.

An Act to make further provision for
Highway Improvement.

1st Reading

March 19th, 1930

2nd Reading

3rd Reading

Mr. HENRY (East York).

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

BILL

An Act to make further provision for Highway Improvement.

MR. HENRY (East York).

No. 146.

1930.

BILL

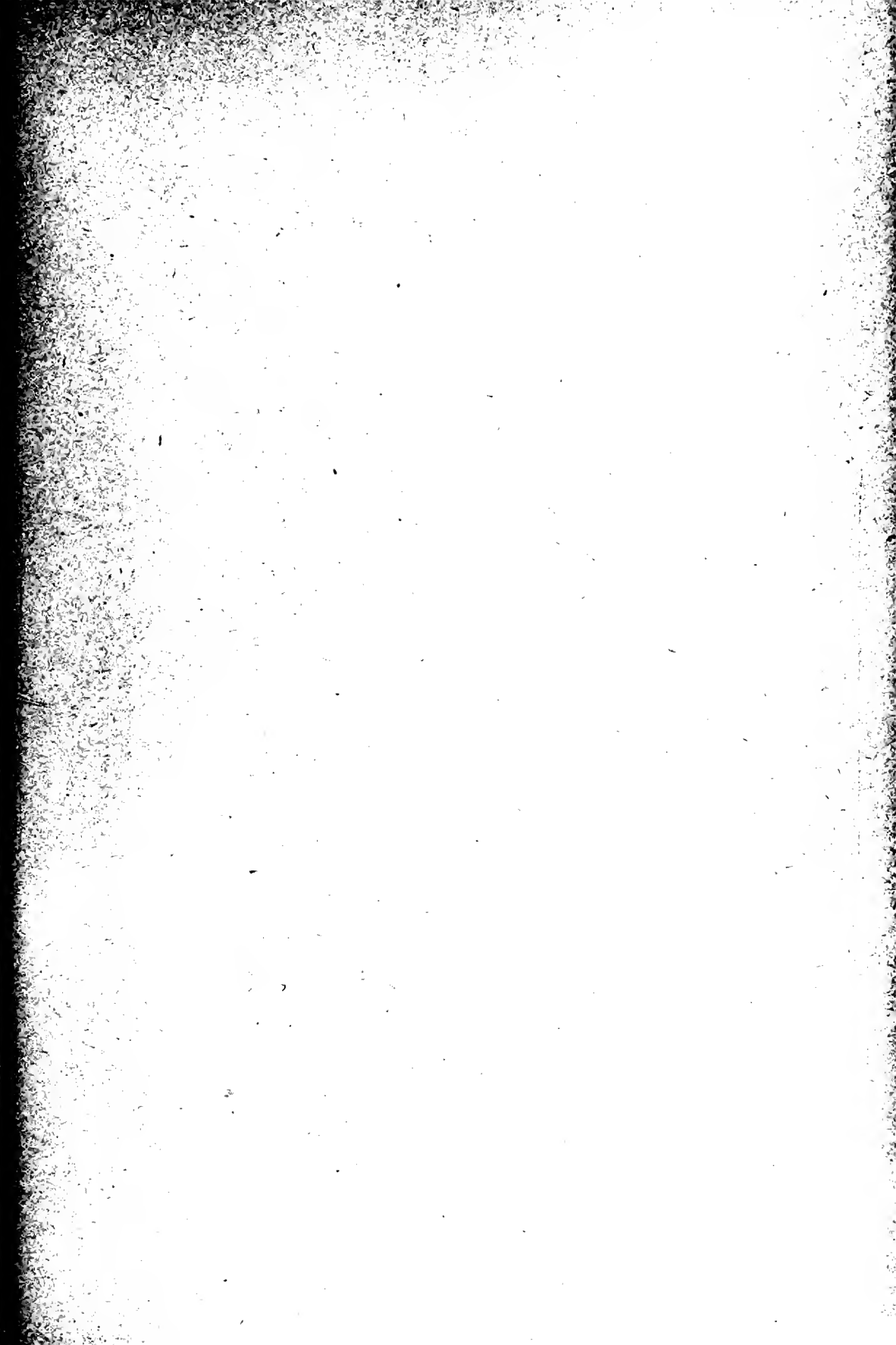
An Act to make further provision for Highway Improvement.

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 Fund Act, 1930.*

Annual appropriation of \$3,000,000. **2.** In addition to all sums of money heretofore set apart and appropriated by the Legislature for the improvement of public highways, there shall be placed to the credit of the Highway Improvement Fund in every fiscal year for a period of five years, commencing with the current fiscal year, the sum of \$3,000,000 to be chargeable to and payable out of the Consolidated Revenue Fund.

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



BILL.

An Act to make further provision for
Highway Improvement.

1st Reading

March 19th, 1930

2nd Reading

March 24th, 1930

3rd Reading

March 27th, 1930

Mr. HENRY (East York).

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

BILL

An Act to amend The Judicature Act.

MR. PRICE.

No. 147.

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. 19,
repealed.

2. Section 19 of *The Judicature Act* is repealed and the following substituted therefor:

Jurisdiction
of court
to make
declaration
as to validity
of statute.

19.—(1) In any action in which the Attorney-General of Canada or the Attorney-General of Ontario is a party plaintiff and the other Attorney-General is a party defendant, the court shall be deemed to have had and shall have jurisdiction to make a declaration as to the validity in whole or in part of any statute of this Legislature or any statute of the Parliament of Canada, which, by its terms, purports to have force in Ontario though no further relief be prayed or sought.

Appeal.

(2) The judgment in any such action shall be subject to appeal as in ordinary cases.

Rev. Stat.,
c. 88, s. 33,
repealed.

3. Section 33 of *The Judicature Act* is repealed.

Commence-
ment of
Act.

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

EXPLANATORY NOTE.

Section 2. The object of this section is to enable the Attorney-General of Ontario to bring an action for a declaration of the constitutionality or otherwise of any Act of the Provincial Legislature or of the Dominion Parliament. The section as it stands at present does not include Dominion legislation.

Section 3. Repeals the section which provides that no extraordinary remedy by way of injunction, mandamus, or otherwise shall lie against the Crown or any Minister or officer for anything done or omitted in the exercise of the office of the Minister.

BILL.
An Act to amend The Judicature Act.

1s Reading
March 20th, 1930.

2nd Reading

3rd Reading

MR. PRICE.

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

BILL

An Act to amend The Judicature Act.

MR. PRICE.

No. 147.

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. 19,
repealed.

2. Section 19 of *The Judicature Act* is repealed and the following substituted therefor:

Jurisdiction
of court
to make
declaration
as to validity
of statute.

19.—(1) In any action in which the Attorney-General of Canada or the Attorney-General of Ontario is a party plaintiff and the other Attorney-General is a party defendant, the court shall be deemed to have had and shall have jurisdiction to make a declaration as to the validity in whole or in part of any statute of this Legislature or any statute of the Parliament of Canada, which, by its terms, purports to have force in Ontario though no further relief be prayed or sought.

Appeal.

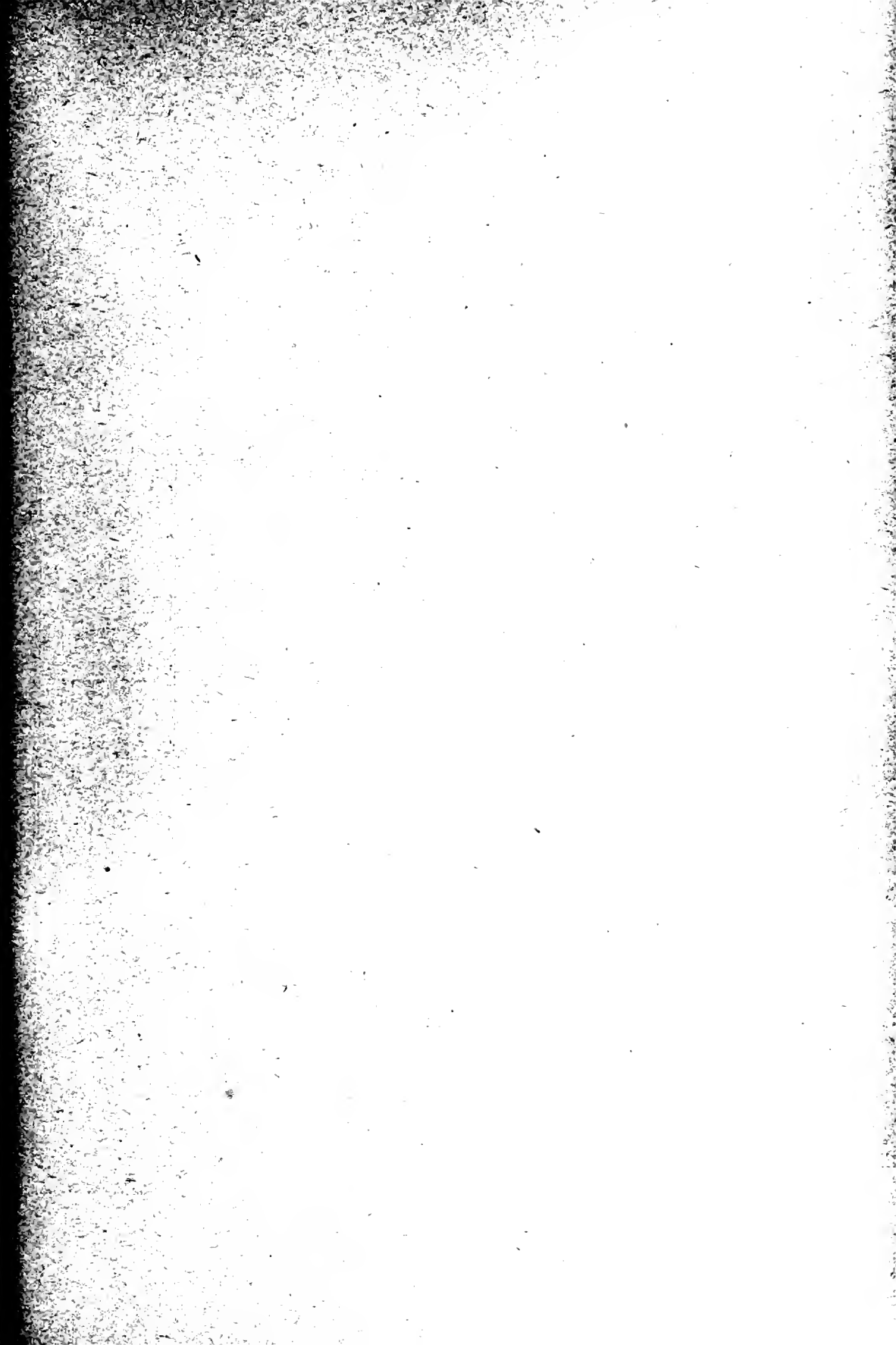
(2) The judgment in any such action shall be subject to appeal as in ordinary cases.

Rev. Stat.,
c. 88, s. 33,
repealed.

3. Section 33 of *The Judicature Act* is repealed.

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 Judicature Act.

1s Reading

March 20th, 1930.

2nd Reading

March 24th, 1930

3rd Reading

March 27th, 1930

MR. PRICE.

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

BILL

**An Act for raising money on the Credit of the Consolidated
Revenue Fund.**

MR. MONTEITH.

No. 148.

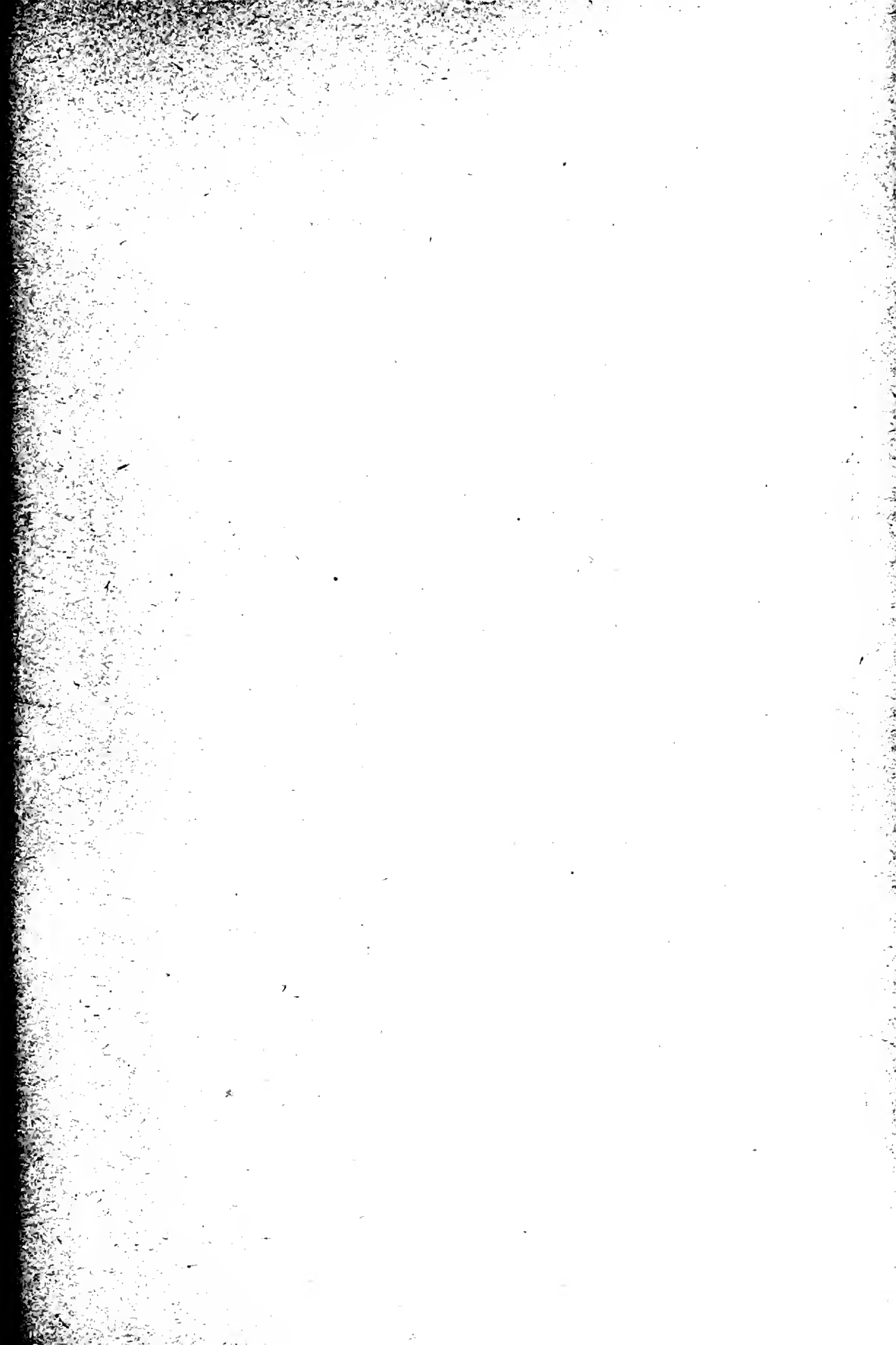
1930.

BILL

An Act for raising Money on the Credit of the Consolidated Revenue Fund.

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 Ontario Loan Act, 1930.*
- Loan of \$40,000,000 authorized. **2.** The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature.
- Terms to be fixed by Lieutenant-Governor. **3.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
- Sinking Fund. **4.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act.*
- Rev. Stat., c. 23. **5.** This Act shall come into force on the day upon which it receives the Royal Assent.
- Commencement of Act.



BILL.

An Act for raising Money on the Credit
of the Consolidated Revenue Fund.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. MONTEITH.

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

BILL

**An Act for raising money on the Credit of the Consolidated
Revenue Fund.**

MR. MONTEITH.

No. 148.

1930.

BILL

An Act for raising Money on the Credit of the Consolidated Revenue Fund.

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 Ontario Loan Act, 1930.*

Loan of \$40,000,000 authorized.

2. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature.

Terms to be fixed by Lieutenant-Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking Fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act.*

Rev. Stat., c. 23.

Commencement of Act.

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

BILL.

An Act for raising Money on the Credit
of the Consolidated Revenue Fund.

1st Reading

March 21st, 1930

2nd Reading

March 25th, 1930

3rd Reading

March 27th, 1930

MR. MONTEITH.

No. 149

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

BILL

The University Lands Act, 1930.

MR. HENRY (York East).

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

BILL

The University Lands Act, 1930.

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 University Lands Act, 1930.*

Lands in
and about
Queen's
Park
vested in
Crown.

2. The lands described as follows, namely:

All and singular, that certain parcel or tract of land and premises, situate, lying and being in the city of Toronto, in the county of York and Province of Ontario, containing by admeasurement, one and seven-tenths (1.7) acres, be the same more or less and being composed of part of lot number 35, the whole of lot number 36 and part of lot number 37, lying south of and bounded by the southerly limit of St. Joseph Street, according to plan number D-178, registered in the Registry Office for the city of Toronto, which said parcel may be more conveniently known and described as follows:

Commencing at a point in the easterly limit of Queen's Park Drive, distant ninety (90) feet measured southerly thereon, from the northwest angle of lot number 35; thence northerly along the easterly limit of Queen's Park Drive, two hundred and eighty-one (281) feet, more or less, to a point nine (9) feet south of the northwest angle of lot number 37 and which point is also in the southerly limit of St. Joseph Street; thence easterly along the said southerly limit of St. Joseph Street, two hundred and sixty-four (264) feet, more or less to the easterly limit of lot number 37; thence southerly along the easterly limit of part of lot number 37, lot number 36 and part of lot number 35, two hundred and eighty-one (281) feet more or less to a point ninety (90) feet south of the

northerly limit of lot number 35; and thence westerly and parallel to the northerly limit of lot number 35, two hundred and sixty-four (264) feet more or less to the place of beginning,

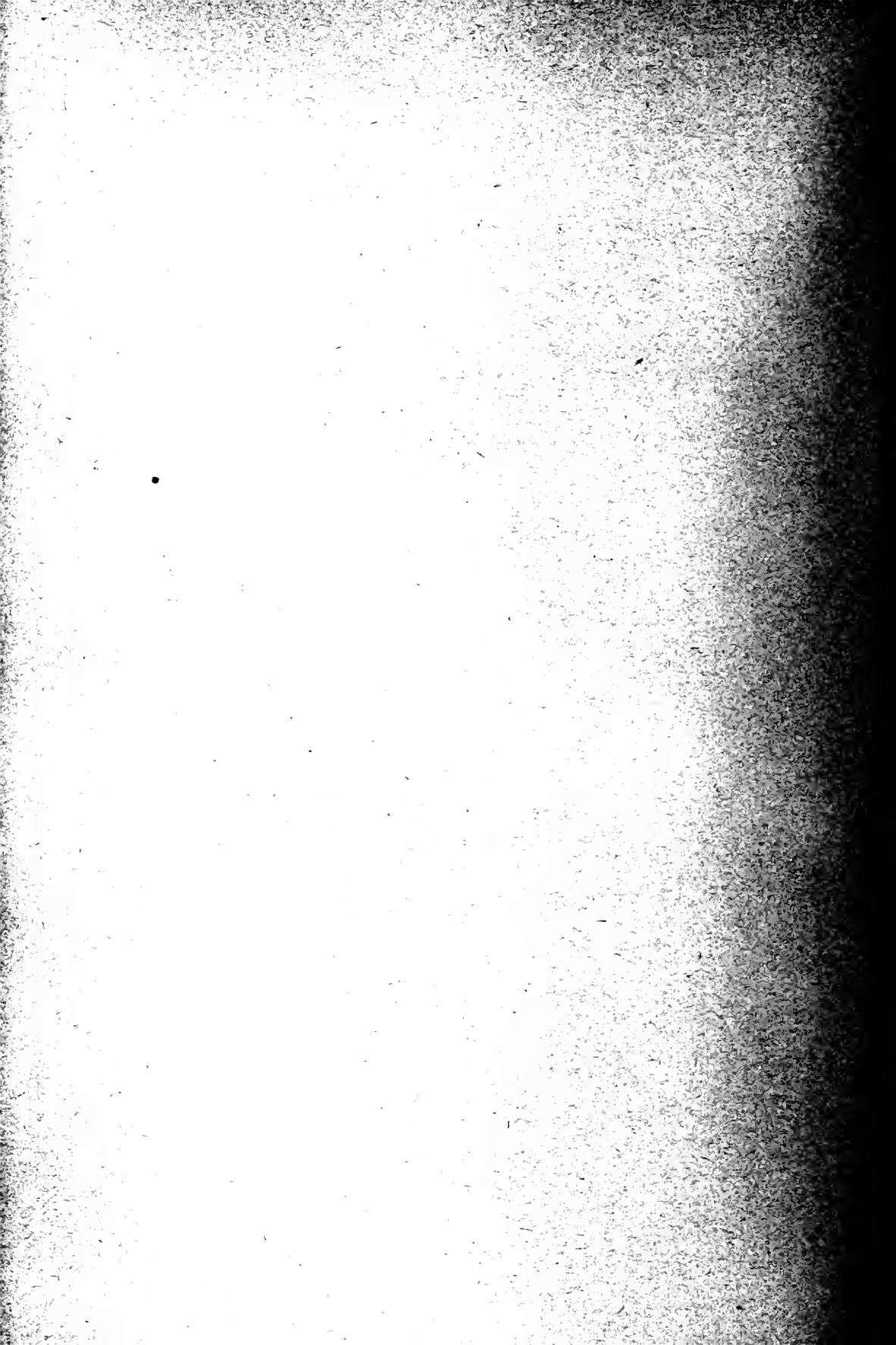
are hereby vested in His Majesty the King in the right of the Province of Ontario for the general purposes of the Province, free from all covenants, conditions, restrictions, liens, charges and encumbrances whatsoever.

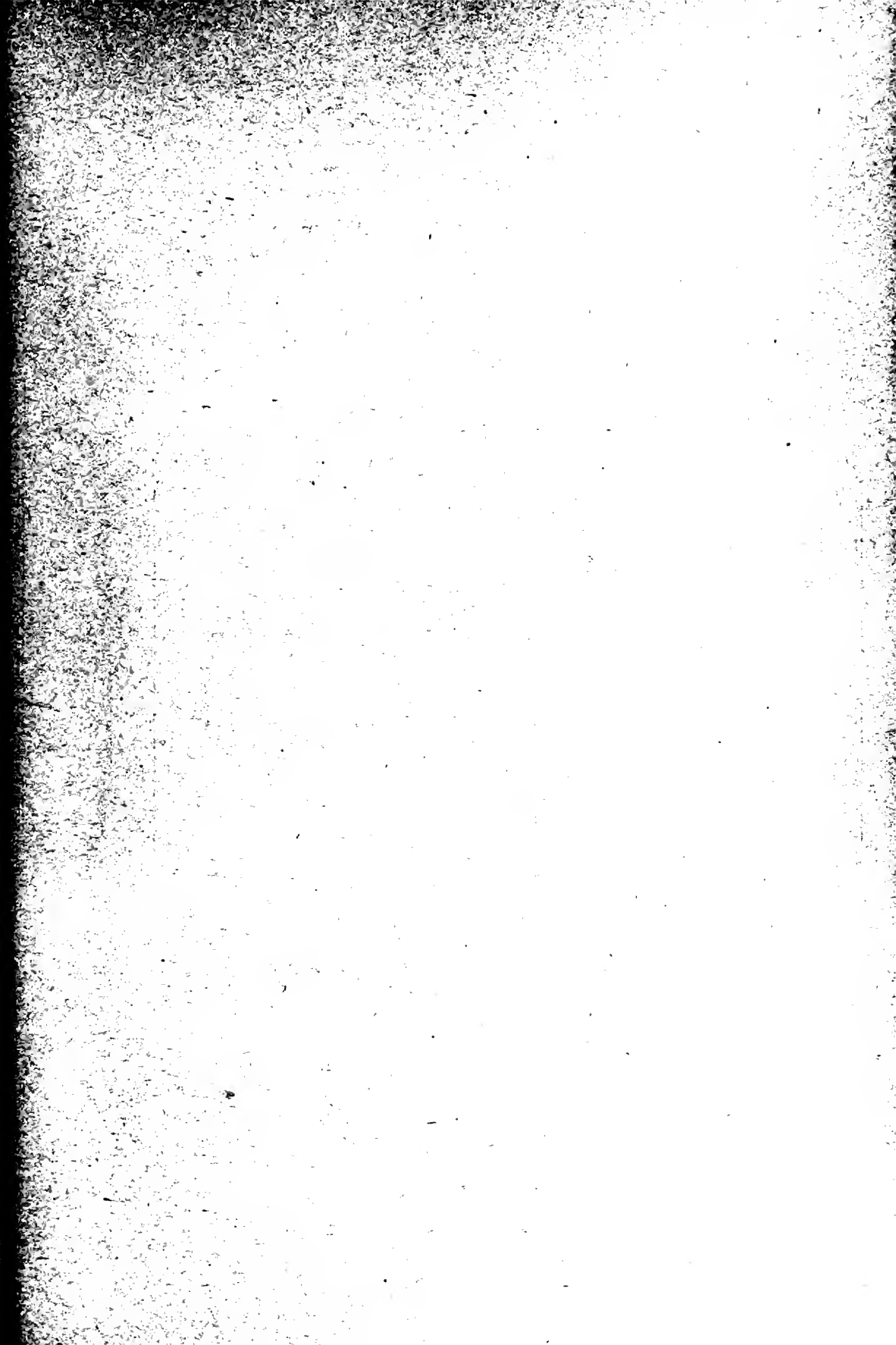
Payment to
University
authorized.

3. The Treasurer of Ontario is authorized to pay to the Governors of the University of Toronto out of the Consolidated Revenue Fund, the sum of \$75,000.

Commence-
ment of Act.

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





BILL.

The University Lands Act, 1930.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. HENRY (York East).

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

BILL

The University Lands Act, 1930.

MR. HENRY (East York).

BILL

The University Lands Act, 1930.

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 University Lands Act, 1930.*

Lands in
and about
Queen's
Park
vested in
Crown.

2. The lands described as follows, namely:

All and singular, that certain parcel or tract of land and premises, situate, lying and being in the city of Toronto, in the county of York and Province of Ontario, containing by admeasurement, one and seven-tenths (1.7) acres, be the same more or less and being composed of part of lot number 35, the whole of lot number 36 and part of lot number 37, lying south of and bounded by the southerly limit of St. Joseph Street, according to plan number D-178, registered in the Registry Office for the city of Toronto, which said parcel may be more conveniently known and described as follows:

Commencing at a point in the easterly limit of Queen's Park Drive, distant ninety (90) feet measured southerly thereon, from the northwest angle of lot number 35; thence northerly along the easterly limit of Queen's Park Drive, two hundred and eighty-one (281) feet, more or less, to a point nine (9) feet south of the northwest angle of lot number 37 and which point is also in the southerly limit of St. Joseph Street; thence easterly along the said southerly limit of St. Joseph Street, two hundred and sixty-four (264) feet, more or less to the easterly limit of lot number 37; thence southerly along the easterly limit of part of lot number 37, lot number 36 and part of lot number 35, two hundred and eighty-one (281) feet more or less to a point ninety (90) feet south of the

northerly limit of lot number 35; and thence westerly and parallel to the northerly limit of lot number 35, two hundred and sixty-four (264) feet more or less to the place of beginning,

are hereby vested in His Majesty the King in the right of the Province of Ontario for the general purposes of the Province, free from all covenants, conditions, restrictions, liens, charges and encumbrances whatsoever.

3. The Treasurer of Ontario is authorized to pay to the ^{Payment to University} ~~the~~ ^{authorized.} ~~Consolidated~~ ^{Revenue Fund,} the sum of \$75,000.

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

BILL.

The University Lands Act, 1930.

1st Reading

March 21st, 1930

2nd Reading

March 25th, 1930

3rd Reading

March 27th, 1930

MR. HENRY (East York).

No. 150

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

BILL

An Act for the Registration of Real Estate Brokers and Salesmen.

MR. FERGUSON.

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

BILL

An Act for the Registration of Real Estate Brokers and Salesmen.

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 Real Estate Brokers Act, 1930.*

Interpretation. **2.** In this Act,—

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

“Minister.” (b) “Minister” shall mean the member of the Executive Council to whom the Registrar shall, by order of the Lieutenant-Governor in Council, be responsible;

“Person.” (c) “Person” shall mean an individual, partnership, association, syndicate and any unincorporated organization;

“Real estate.” (d) “Real estate” shall include real property and leasehold;

“Real estate broker.” (e) “Real estate broker” shall mean every person or company trading in real estate for whole or part time, for another or others, and for compensation, gain or profit or hope or promise thereof, alone or through one or more officials or salesmen, and every person or company in any way holding himself or itself out as such, and shall include such officials of a company as may be designated by the regulations;

“Registrar.” (f) “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."
"Salesman."
"Trade."
- (g) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act;
- (h) "Salesman" shall mean every person employed, appointed or authorized by any real estate broker to trade in real estate whether directly or through sub-agents, and shall include sub-agents;
- (i) "Trade" or "trading" shall include any disposition of, transaction in, offer or attempt to dispose of real estate by sale, agreement of sale, exchange, purchase, option, lease, rental or otherwise, 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.

3.—(1) No person shall,

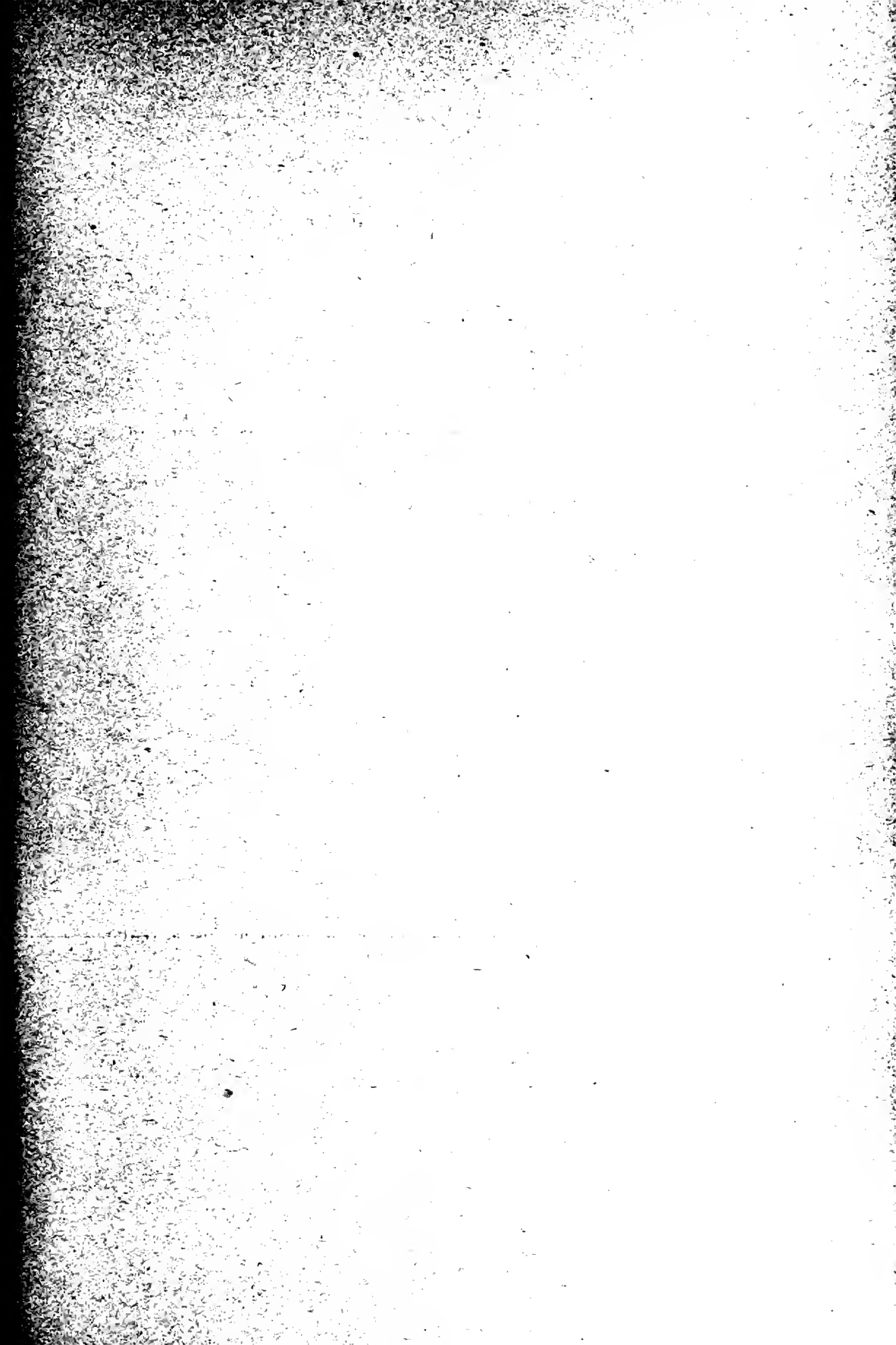
Agents,
officials and
salesmen to
register.

- (a) trade in real estate unless he is registered as a real estate broker or salesman of a registered real estate broker;
- (b) act as an official of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker, unless he or the partnership or company is registered as a real estate agent;
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate agent 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 Minister any partnership or company may be registered as a real estate broker whereupon the partnership or company may trade in real estate, and the members and officials of the partnership, and the



officials of the 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 trades in real estate by,

R.S.C., c. 11,
Rev. Stat.,
cc. 218, 88,
R.S.C.,
c. 213.

(a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of *The Bankruptcy Act*, *The Companies Act*, *The Judicature Act*, *The Winding-up Act*, or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust;

(b) any person or company not usually trading in real estate as an agent in respect of specific real estate owned by such person or company where such trade is not made in the course of continued and successive transactions of a like character;

(c) any bank, or any loan, trust or insurance company;

Rev. Stat.,
c. 45.

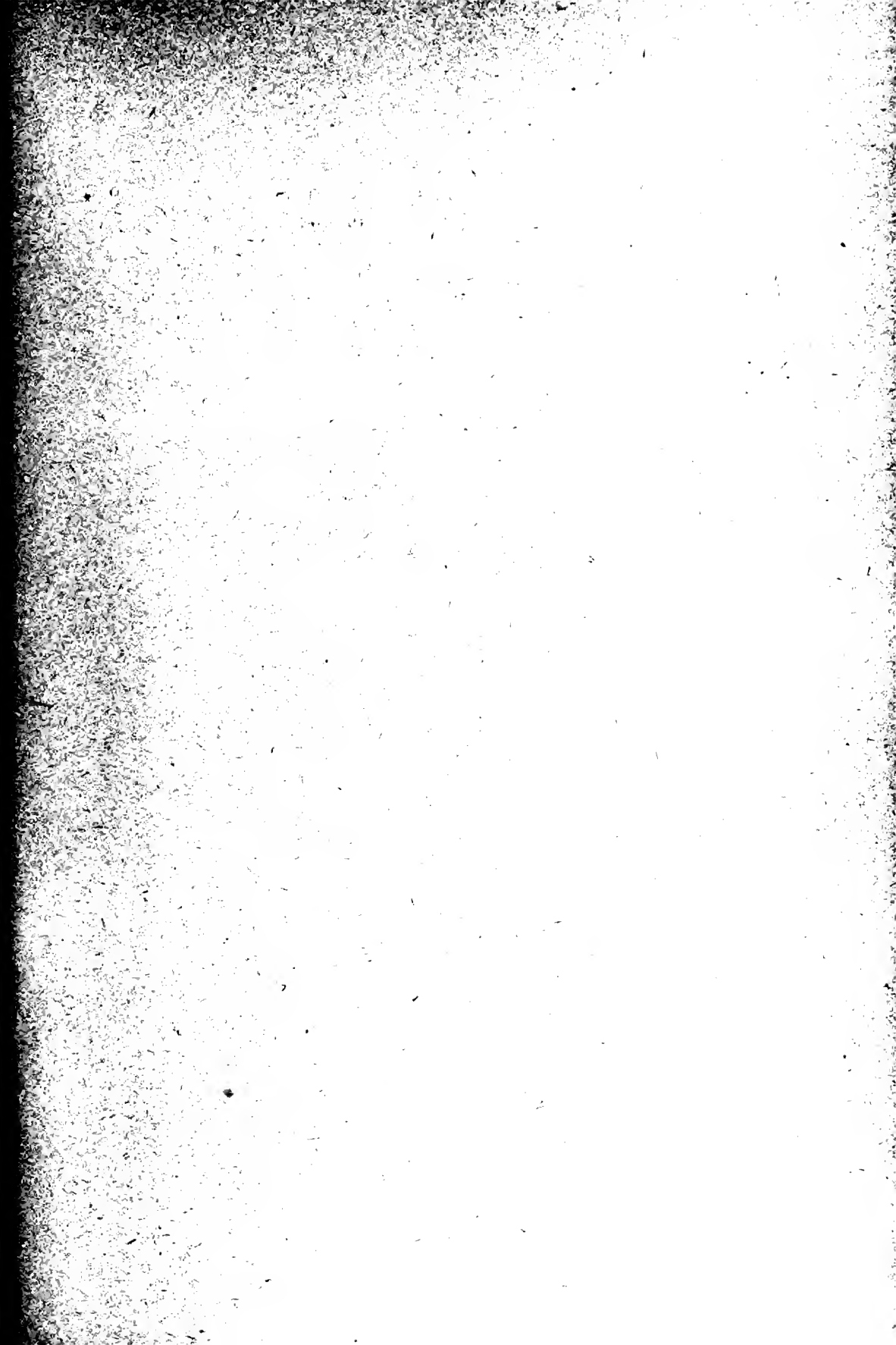
(d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate comprised in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted.

(e) any person in any rural portion of Ontario specified in the regulations, who are carrying on any other business under license or authority from the Government of Ontario;

(f) any class of trades in real estate, or of real estate agents or salesmen specifically exempted by the regulations.

Application
of *The
Security
Frauds
Prevention
Act*.

5. Sections 5 to 9 inclusive of Part I and Parts II and V, except section 3 of *The Security Frauds Prevention Act, 1930*, shall, *mutatis mutandis*, apply to this Act, save that the words "Attorney-General" wherever it appears in Part I except section 9 and in Part V shall be read as "Minister," and in section 9 and in Part II as "Minister or the Registrar."



PART II.

GENERAL PROVISIONS.

Consulta-
tion with
Advisory
Board.

6. The Minister or the Registrar may, in respect of any matter of registration or investigation, confer with any committee appointed by any organization of real estate brokers of any locality to act as an advisory board in respect of matters arising within such locality.

Fraud.

7. The definitions of "fraud," "fraudulent" and "fraudulent act" as set forth in sub-clauses (i), (ii), (vi), (vii) and (viii) of clause (c) of section 2 of *The Security Frauds Prevention Act, 1930*, shall, *mutatis mutandis*, apply to this Act.

Regulations.

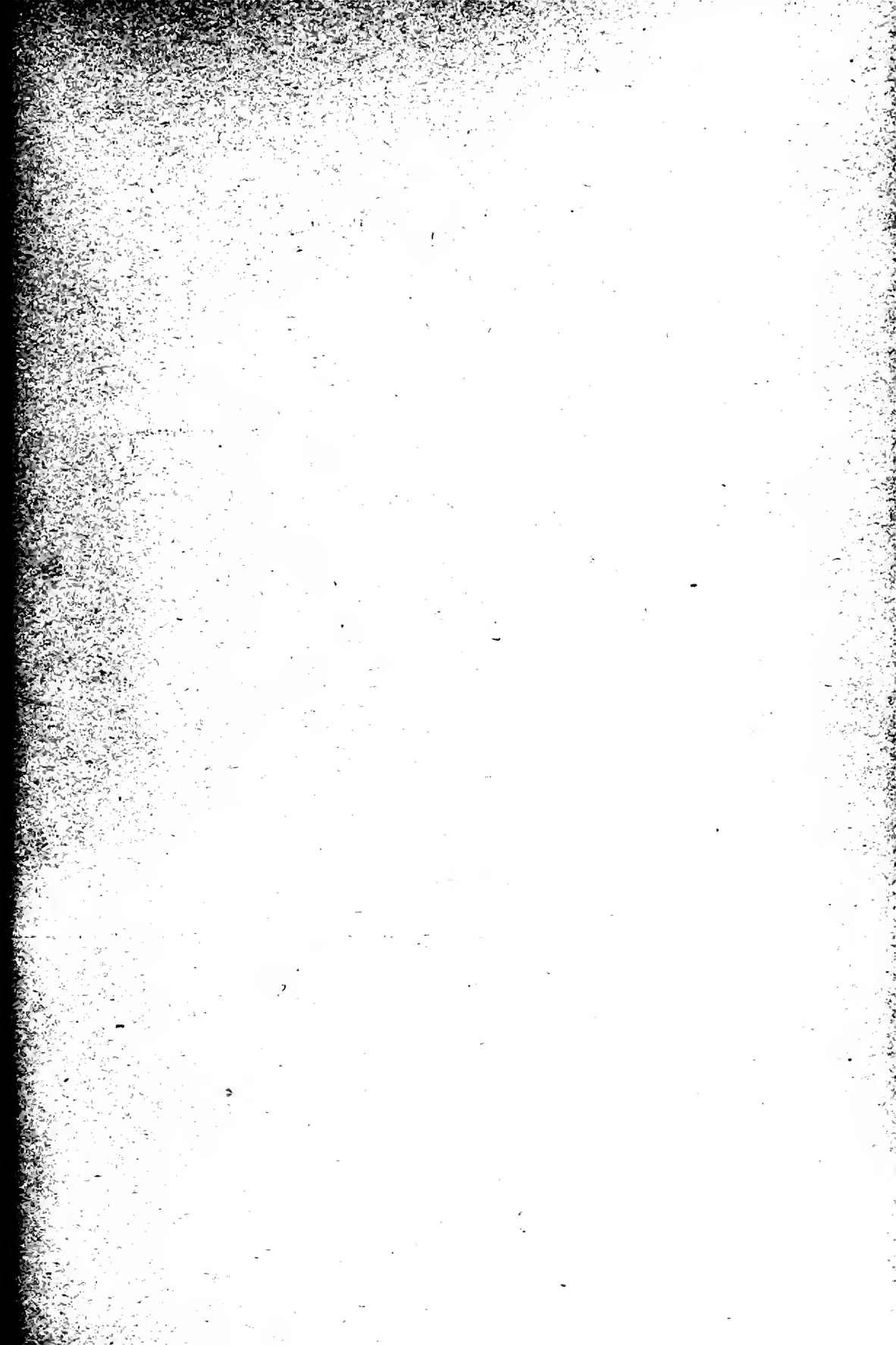
8. The Lieutenant-Governor in Council may make, and from time to time amend, alter or repeal, regulations not inconsistent with this Act,

- (a) for the regulation of trading in real estate and of the records relating thereto;
- (b) for the furnishing of information by real estate brokers or salesmen to the public;
- (c) for the preparation and filing of financial statements of real estate brokers;
- (d) for defining offences against this Act or the regulation and imposing penalties therefor;
- (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*.

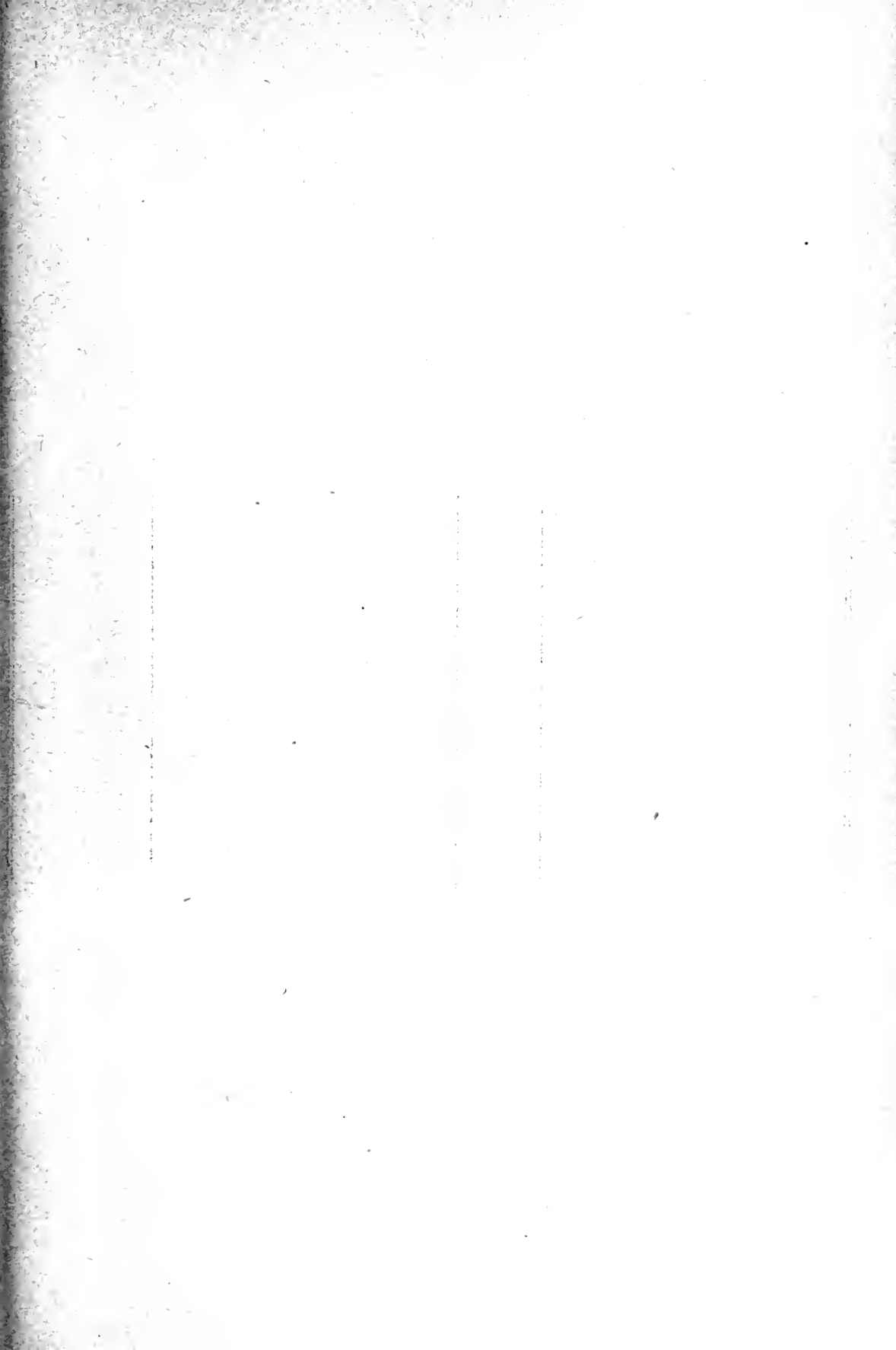
Commission
not recover-
able if not
registered.

9. No action shall be brought for commission or other remuneration for services as an agent in connection with a trade in real estate unless at the time of rendering such services the person or company bringing such action was registered or exempt from registration under this Act, and the court may stay any such action at any time upon summary application.



Expenses,
Rev. Stat.,
c. 25. **10.** Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act.

Commence-
ment of Act. **11.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.



BILL.

An Act for the Registration of Real Estate
Brokers and Salesmen.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

No. 150

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

BILL

An Act for the Registration of Real Estate Brokers and Salesmen.

MR. FERGUSON.

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

BILL

An Act for the Registration of Real Estate Brokers and Salesmen.

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 Real Estate Brokers Act, 1930.*

Interpretation. **2.** In this Act,—

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

“Minister.” (b) “Minister” shall mean the member of the Executive Council to whom the Registrar shall, by order of the Lieutenant-Governor in Council, be responsible;

“Person.” (c) “Person” shall mean an individual, partnership, association, syndicate and any unincorporated organization;

“Real estate.” (d) “Real estate” shall include real property and leasehold;

“Real estate broker.” (e) “Real estate broker” shall mean every person or company trading in real estate for whole or part time, for another or others, and for compensation, gain or profit or hope or promise thereof, alone or through one or more officials or salesmen, and every person or company in any way holding himself or itself out as such, and shall include such officials of a company as may be designated by the regulations;

“Registrar.” (f) “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;

- (g) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act; ^{"Regulations."}
- (h) "Salesman" shall mean every person employed, appointed or authorized by any real estate broker to trade in real estate whether directly or through sub-agents, and shall include sub-agents; ^{"Salesman."}
- (i) "Trade" or "trading" shall include any disposition of, transaction in, offer or attempt to dispose of real estate by sale, agreement of sale, exchange, purchase, option, lease, rental or otherwise, 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. ^{"Trade."}

PART I.

REGISTRATION.

3.—(1) No person shall,

- (a) trade in real estate unless he is registered as a real estate broker or salesman of a registered real estate broker; ^{Agents, officials and salesmen to register.}
- (b) act as an official of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker, unless he or the partnership or company is registered as a real estate broker;
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker 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 Minister any partnership or company may be registered as a real estate broker whereupon the partnership or company may trade in real estate, and the members and officials of the partnership, and the ^{Partnership or company may be registered.}

officials of the 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 trades in real estate by,

R.S.C., c. 11,
Rev. Stat.,
cc. 218, 88,
R.S.C.,
c. 213.

(a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of *The Bankruptcy Act*, *The Companies Act*, *The Judicature Act*, *The Winding-up Act*, or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust;

(b) any person or company not usually trading in real estate as an agent in respect of specific real estate owned by such person or company where such trade is not made in the course of continued and successive transactions of a like character;

(c) any bank, or any loan, trust or insurance company;

Rev. Stat.,
c. 45

(d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate comprised in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted.

(e) any person in any rural portion of Ontario specified in the regulations, who are carrying on any other business under license or authority from the Government of Ontario;

(f) any class of trades in real estate, or of real estate broker or salesmen specifically exempted by the regulations.

Application
of *The
Security
Frauds
Prevention
Act*.

5. Sections 5 to 9 inclusive of Part I and Parts II and V, except section 31 of *The Security Frauds Prevention Act, 1930*, shall, *mutatis mutandis*, apply to this Act, save that the words "Attorney-General" wherever it appears in Part I except section 9 and in Part V shall be read as "Minister," and in section 9 and in Part II as "Minister or the Registrar."

PART II.

GENERAL PROVISIONS.

6. The Minister or the Registrar may, in respect of any matter of registration or investigation, confer with any committee appointed by any organization of real estate brokers of any locality to act as an advisory board in respect of matters arising within such locality. ^{Consultation with Advisory Board.}

7. The definitions of "fraud," "fraudulent" and "fraudulent act" as set forth in sub-clauses (i), (ii), (vi), (vii) and (viii) of clause (c) of section 2 of *The Security Frauds Prevention Act, 1930*, shall, *mutatis mutandis*, apply to this Act. ^{Fraud.}

8. The Lieutenant-Governor in Council may make, and from time to time amend, alter or repeal, regulations not inconsistent with this Act, ^{Regulations.}

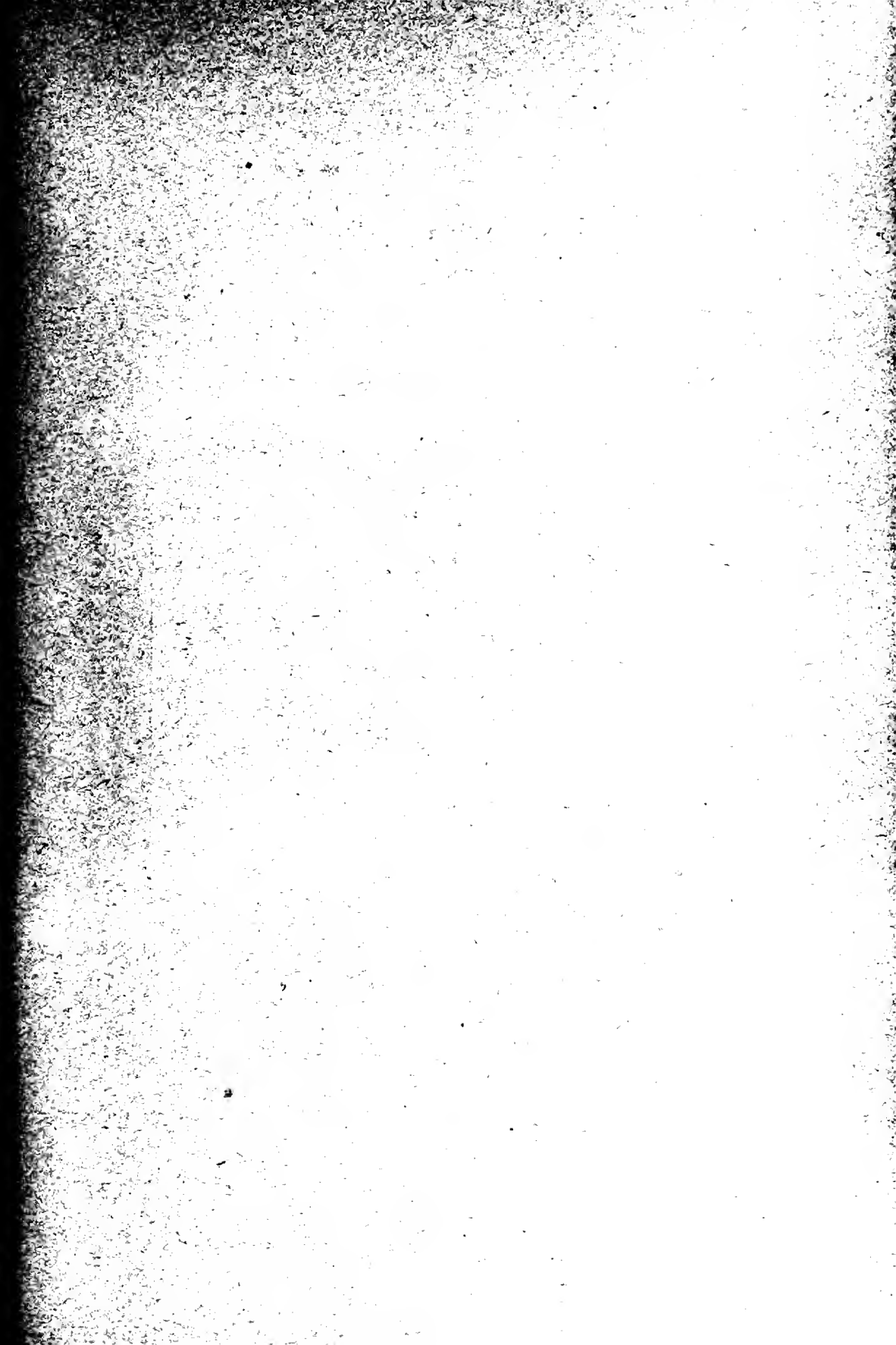
- (a) for the regulation of trading in real estate and of the records relating thereto;
- (b) for the furnishing of information by real estate brokers or salesmen to the public;
- (c) for the preparation and filing of financial statements of real estate brokers;
- (d) for defining offences against this Act or the regulation and imposing penalties therefor;
- (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*.

9. No action shall be brought for commission or other remuneration for services as an agent in connection with a trade in real estate unless at the time of rendering such services the person or company bringing such action was registered or exempt from registration under this Act, and the court may stay any such action at any time upon summary application. ^{Commission not recoverable if not registered.}

Expenses,
Rev. Stat.,
c. 25. **10.** Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act.

Commence-
ment of Act. **11.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.



BILL.

An Act for the Registration of Real Estate
Brokers and Salesmen.

1st Reading

March 21st, 1930

2nd Reading

March 25th, 1930

3rd Reading

March 27th, 1930

MR. FERGUSON.

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

BILL

The School Law amendment Act, 1930.

MR. FERGUSON.

No. 151.

1930.

BILL

The School Law amendment Act, 1930.

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

Rev. Stat.,
c. 322.

1. Subsection 1 of section 3 of *The Department of Education Act* is amended by striking out the word "technical" in the fifth line and inserting in lieu thereof the word "vocational," so that the subsection will now read as follows:

Powers
of Minister.

- (1) The Minister shall have the administration and enforcement of the statutes and regulations respecting public schools, separate schools, kindergatren departments, supervised and outdoor playgrounds, consolidated schools, high schools, collegiate institutes, continuation schools, vocational schools, school cadet corps, all departments of any such schools, night schools, school gardens, school libraries, public libraries, travelling libraries, library institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established.

Rev. Stat.,
c. 322, s. 5,
subs. 1,
amended.

2.—(1) Subsection 1 of section 5 of *The Department of Education Act* is amended by striking out the clauses lettered a to g inclusive, and substituting the following therefor:

Apportion-
ment of
school
grants.

- (a) Subject to the regulations to apportion all sums of money appropriated for public and separate schools among the several cities, towns and villages, and among the rural schools, having regard to the attendance at the schools, the value of the property liable to taxation for school purposes, the expenditure of the board upon education, and to such other considerations as, in the opinion of the Minister, should affect such apportionment.

EXPLANATORY NOTES.

Section 1. A change in terminology to conform to other references to vocational schools in the Schools Acts.

Section 2. To combine all the grants into one vote in order to make it possible to provide for a system of distribution which will be the same for all types of schools, and to distribute the money on a basis which takes into account all the activities of the schools, and the needs of individual school areas.

Statement of
Assembly.

- (i) A statement showing the amount apportioned to every rural public school and to every separate school under clause *a* shall be laid before the Assembly within ten days after the commencement of the session held in the year next after that in which the apportionment takes place.

Payment of
grants to
urban
schools.

- (b) to pay, on or before the 1st day of August in each year, the grants apportioned to urban public, and separate schools, to the boards of public and separate school trustees upon the warrants of public and separate school inspectors, respectively.

(2) Subsections 2, 3, 4, and 5 of the said section 5 are repealed.

Rev. Stat.,
c. 323, s. 1,
amended.

3. Section 1 of *The Public Schools Act* is amended by striking out the clauses lettered *b*, *c*, *d* and *e*, and by striking out the clauses lettered *s* and *t* and inserting in lieu thereof the following:

Inter-
pretation.
Inspectors.

- (s) "City Inspector" shall mean an inspector who devotes his full time to the inspection of the public schools of a city.
- (t) "City Inspectorate" shall mean a city where there are one or more inspectors devoting full time to the inspection of the public schools of the city.

Rev. Stat.,
c. 323, s. 30,
subs. 19,
amended.

4. Subsection 19 of section 30 of *The Public Schools Act* is amended by adding thereto the following clauses:

School
arbitrations
payment
of award.

- (a) Where the award directs the payment of any sum of money by one municipal corporation to another, the corporation liable may pass a by-law for borrowing the money by the issue and sale of debentures and it shall not be necessary to obtain the assent of the electors to any such by-law, or to observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Debentures
to be a
charge
on public
school rates.

- (b) The debentures and the money to be raised annually for the payment thereof shall be chargeable only upon the property of ratepayers who are the supporters of public schools.

Term
and form of
debentures.

- (c) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the prin-

Section 3. These changes in definitions conform to the new scheme for the appointment of public school inspectors.

Section 4. To give power to a municipality to issue debentures to satisfy the terms of an award as determined by the arbitrators in the case of the dissolution of a union school section.

cipal and interest payable in annual or other instalments in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 323, s. 38,
subs. 7,
amended.

5. Subsection 7 of section 38 of *The Public Schools Act* is amended by striking out the word "county" in the third line and substituting therefor the word "township."

Rev. Stat.,
c. 323, s. 74,
repealed.

6. Section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

Who may
vote at
urban
school
elections.

74. Every person named in the last revised voters' list as being entitled to vote at municipal elections shall be entitled to vote at the election of school trustees in urban municipalities, excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools.

Rev. Stat.,
c. 323, s. 88,
amended.

7. Section 88 of *The Public Schools Act* is amended by adding thereto the following clause:

Duties
of trustees.

(bb) to provide and pay for such equipment as may be necessary for the teaching of agriculture, and, if deemed expedient, to contribute toward the support of rural school fairs.

Rev. Stat.,
c. 323, s. 109,
amended.

8. Section 109 of *The Public Schools Act* is amended by adding thereto the following subsection:

Township
to raise
salary and
expenses of
attendance
officers
under Rev.
Stat., c. 332,
c. 333.

(5) The council of every township shall each year levy and collect by assessment upon the taxable property of the whole township not included in an urban municipality or annexed thereto, for school purposes, such a sum as is required to pay the salary and expenses of the attendance officer or officers appointed by said council under authority of *The School Attendance*, and *The Adolescent School Attendance Act*.

Rev. Stat.,
c. 323.

9. Sections 113 to 118 of *The Public Schools Act* are repealed and the following substituted therefor:

Number of
inspectors
and limits of
inspection
to be fixed
by Minister.

113.—(1) The Minister shall determine the number of inspectors to be appointed throughout the Province and he shall also define the limits of the inspectorate of each inspector except in the case of a city inspector.

Section 5. To conform to the new legislation regarding county inspectors.

Section 6. To clear up a point in connection with the qualifications of voters which has given rise to some confusion.

Section 7. To extend the powers of public school boards in the matter of encouraging agricultural education.

Section 8. To give township municipal councils the power to raise money for the salaries and expenses of attendance officers appointed by the councils.

Section 9.—(1) To give power to the Minister to determine the numbers of inspectors and to define the limits of the inspectorates.

In cities were several inspectors.

- (2) Where more inspectors than one are appointed in a city, the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, and subject to the like approval may assign to each inspector such duties in addition to those prescribed by the regulations as the board may deem expedient.

Appointment in cities where no duties outside.

- 114.—(1) Where the duties of an inspector are confined entirely to the public schools of a city, the appointment of such inspector, shall be made by the board of education or the public school board, as the case may be, of the city.

Appointments elsewhere to be made by Crown.

- (2) The appointment of all other inspectors shall be made by the Lieutenant-Governor upon the recommendation of the Minister and they shall hold office during pleasure.

Appointments to fill vacancies in cities.

- (3) Where the Minister directs the appointment of an additional inspector in a city, or when a vacancy occurs in the office of city inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving such direction or after the vacancy occurs.

Resolution to be sent to Minister.

- (4) The secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post.

Appointment by Minister on neglect of board.

- (5) Where a public school board or board of education of a city for one month after a vacancy occurs or after the Minister has directed the appointment of an inspector neglects to make an appointment the same may be made by the Minister.

Ratification of appointment by Minister.

- (6) Every appointment of a city inspector shall be subject to ratification by the Minister and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the board shall appoint another inspector as provided for by this Act.

Chief Inspector for city assignment of duties.

- (7) Where more inspectors than one are appointed in a city the board may, subject to the approval of the Minister, designate one of the inspectors to be chief inspector; and, subject also to the approval of the Minister the board may assign such duties in addition to those prescribed in the regulations to the chief inspector and to each inspector, as the board may deem expedient.

2. To give power to the Lieutenant-Governor in Council, on the recommendation of the Minister, to appoint and pay inspectors:

- (a) in rural areas;
- (b) in villages and towns not separated from the county;
- (c) in towns separated from the county and in cities which for inspection purposes are joined with rural areas.

3. To enlarge the duties of inspectors.

Where
Inspector to
be appointed
for city only.

- (8) When the number of teachers in a city occupying separate classrooms with separate registers becomes 100, the public school board or the board of education, as the case may be, of the city shall appoint a city inspector.

Where city
Inspector
may be
appointed
elsewhere.

- (9) In a city where the number of teachers occupying separate classrooms with separate registers is fewer than 100, the public school board or board of education, as the case may be, of the city may make application to the Minister for power to appoint a city inspector and the Minister shall have authority to approve of the request.

Suspension
or removal of
Inspector by
Minister.

- 115.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

By board.

- (2) (a) The board of a city by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

Report
to Minister.

- (b) The secretary of the board of the city shall forthwith report such suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office and the decision of the Minister shall be final.

Direction as
to payment
of forfeiture
of salary.

- (3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just.

Regulations
as to quali-
fication.

- 116.—(1) The Minister shall have power to make regulations from time to time governing the qualifications of inspectors; and he shall also have power to make provision for courses of training for inspectors.

Inspector
removed not
to be em-
ployed.

- (2) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister.

Quali-
fication
of city
inspector.

- (3) An inspector appointed by the board of education or the public school board, as the case may be, of a city shall hold the qualifications for an inspector prescribed by the regulations and shall be required to take such courses of training as may be required under the regulations.

Whole
time to be
given.

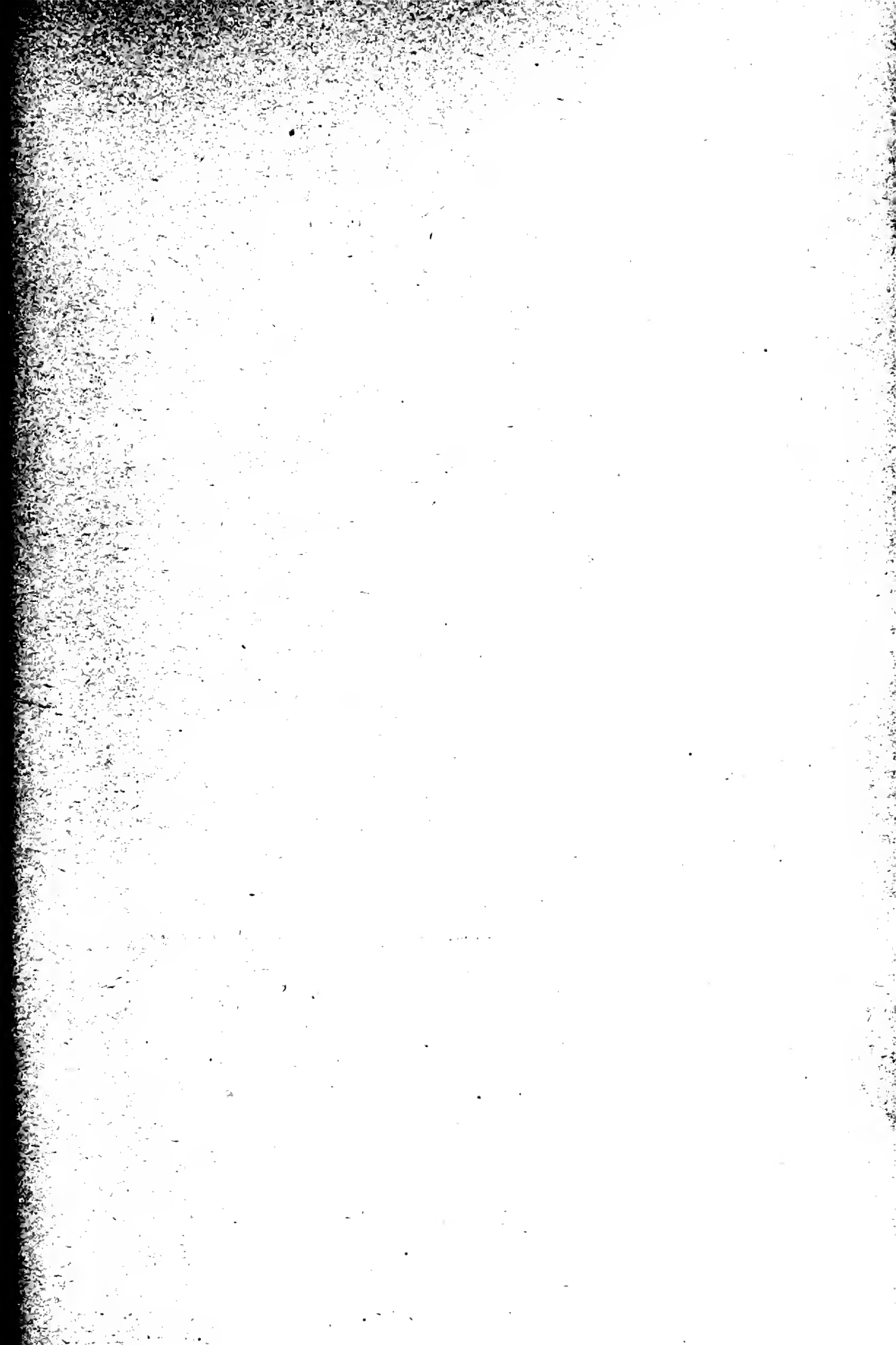
- (4) An inspector shall not accept any other office or employment and may not follow any other profession

or calling during his tenure of office as an inspector, without the approval of the Minister.

Duties of
Inspectors.

117.—(1) Subject to the regulations it shall be the duty of every public school inspector,—

- (a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;
- (b) to assist and co-operate with school boards to the end that the public schools may best serve the needs of the children in each community;
- (c) to visit in every year each school room in his inspectorate, having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (d) to prepare a report of every such visit in the form prescribed by the regulations;
- (e) to forward within ten days after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (f) to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister of Education and also to the board of the city in the case of a city inspectorate;
- (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (h) to furnish the Minister with information respecting any public school in his inspectorate whenever required to do so;
- (i) to withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant,—
 - (i) where any school has been kept open for less than six months in the year except



where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease;

- (ii) where the board fails to transmit promptly the annual or other school returns properly filled up;
- (iii) where the board fails to comply with this Act or with the regulations;
- (iv) where the teacher uses or permits to be used as a text book, any book not authorized by the regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

- (j) to discharge such other duties as may be required by the Minister or regulations;
- (k) on retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister.

Responsibility to Minister.

- (2) Every inspector shall be directly responsible to the Minister for the due performance of his duties, and, subject to the regulations, shall obey the direction of the board in the case of a city inspectorate.

Power to take evidence on oath.

- (3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases.

How salaries to be fixed.

- 118.—(1) On and after July 1st, 1930, the salaries and travelling and other expenses of all inspectors, except city inspectors, shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

1901

In cities.

- (2) The salary and the travelling and other expenses of a city inspector shall be fixed by the board of education or the board of public school trustees, as the case may be, and shall be payable by the treasurer of the board.

Grant to City Inspectorate towards salary.

- (3) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually in the month of December pay to the board of a city inspectorate the sum of \$6 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the inspector.

Rev. Stat., c. 323, s. 126, amended.

- 10.** Section 126 of *The Public Schools Act* is amended by striking out the words "and the county council in the case of a county inspector," in the fifth and sixth lines.

Rev. Stat., c. 327, s. 11, repealed.

- 11.** Section 11 of *The Boards of Education Act* is repealed.

Rev. Stat., c. 325, s. 6, repealed.

- 12.** Section 6 of *The Continuation Schools Act* is repealed and the following substituted therefor:

Where continuation schools not to be established.

6. A continuation school shall not be established or maintained in any part of a high school district established in accordance with the provisions of section 6 of *The High Schools Act*, nor shall such school be established or maintained in a city or separated town in which a high school has been established in accordance with the provisions of section 7 of the same Act.

Rev. Stat., c. 325, s. 7, subs. 2, (1929, c. 84, s. 6), amended. County grant.

- 13.** Subsection 2 of section 7 of *The Continuation Schools Act* is amended by striking out the words added by section 6 of *The School Law Amendment Act, 1929*, and by adding to the said subsection the following clause:

Cost of education of county pupils, what to include.

- (bb) There shall be paid also by the county to a continuation school established in an incorporated village or in a consolidated school district the share of the cost of the education of county pupils which the area which constitutes a continuation school district of an incorporated village or a consolidated school district which maintains a continuation school paid to the county during the preceding year, as included in the rates levied by the county council according to the relative equalized value, but for the purposes of this clause the cost of education of county pupils shall not be deemed to include any sum paid by a high school district to a board of high or continuation school trustees or a board of education in any other county or in any city or separated town in the same

Section 10. To conform to the changes in *The Public Schools Act* regarding the appointment of inspectors.

Section 11. To conform to the changes in *The Public Schools Act* regarding the appointment of inspectors.

Section 12. To make clear the intention of the section the purpose of which was to prevent the establishment of continuation schools within high school districts.

Section 13. To make clear the basis on which the rebate of the county levy for the cost of education of county pupils is made to the continuation school district and to provide for this rebate in the case of continuation schools in towns.

or any other county on account of the attendance of pupils who are resident in the county of which this high school district is a part at schools in other counties, cities or separated towns, or on account of the attendance of pupils resident within the high school district at other high schools within the county.

Rev. Stat.,
c. 326, s. 6,
amended.

14.—(1) Section 6 of *The High Schools Act* is amended by adding thereto the following subsection:

Calling first
meeting of
new board.

(1a) The clerk of the municipality shall call the first meeting of a newly organized high school board.

High school
boards in the
provisional
judicial
districts.

(2) Subsections 3, 4 and 4a of the said section 6 of *The High Schools Act* are repealed and the following substituted therefor:

(3) In a provisional judicial district the council of a township may by by-law with the approval of the Minister, establish the township as a high school district,—

(a) The board of trustees shall be composed of six members who shall be appointed by the council of the township;

(b) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.,
c. 326, s. 25,
amended.

15. Section 25 of *The High Schools Act* is amended by striking out the words "to be given upon the recommendation of the high school inspector" in the first and second lines, and by inserting the words "or vocational school" after the word "institute" in the fourth line, and the words "or vocational" after the word "high" in the fifth line, so that the section will now read as follows:

Providing
for scholars
attendance
at other
schools.

25. With the approval of the Minister, the board may arrange for the instruction at a high school or collegiate institute or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Section 14. To remove an uncertainty as to who should call the first meeting of a newly organized high school board and to make clear the relation between subsections (3) and (4) of section 6 of *The High Schools Act*.

Section 15. To put the vocational school in the same class as the high school in regard to payment of fees and transportation expenses of pupils who attend schools in high school districts other than those in which the said pupils are resident.

Rev. Stat.,
c. 326, s. 35,
subs. 2,
amended.

16.—(1) Subsection 2 of section 35 of *The High Schools Act* is amended by striking out the following words, “and to the resulting amount there shall be added the share of the cost of education of county pupils which the area which constitutes the high school district paid to the county during the preceding year as included in the rates levied by the county council, according to the relative equalized value, and the total amount so ascertained shall be the sum payable by the council to the board.”

Cost of
education
of county
pupils.

Rev. Stat.,
c. 326, s. 35,
amended.

(2) Section 35 of *The High Schools Act* is further amended by adding thereto the following subsection (2a):

County
grant.

(2a) There shall be paid also by the county to the high school board the share of the cost of education of county pupils which the high school district which maintains the high school paid to the county during the preceding year as included in the rates levied by the county council according to the relative equalized value and the total amount so ascertained shall be the sum payable by the council to the board; but for the purposes of this subsection the cost of education of county pupils shall not be deemed to include any sum paid by a high school district to a board of high or continuation school trustees or a board of education in any other county or in any city or separated town in the same or any other county on account of the attendance of pupils who are resident in the county of which this high school district is a part at schools in other counties, cities or separated towns, or on account of the attendance of pupils resident within the high school district at other high schools within the county.

Rev. Stat.,
c. 326, s. 49,
subs. 1, cl. c,
amended.

17. The clause lettered *c* in subsection 1 of section 49 of *The High Schools Act* is amended by striking out the word “provincial” in the first line, and inserting in lieu thereof the word “permanent”, so that the clause will now read as follows:

Quali-
fication of
teachers.

(c) a permanent second-class certificate, and has had three years' experience as a teacher.

Teachers' and Inspectors' Superannuation Act.

Rev. Stat.,
c. 331, s. 5,
subs. 4,
repealed.

18. Subsection 4 (and its clauses *a* and *b*) of section 5 of *The Teachers' and Inspectors' Superannuation Act* are repealed and the following substituted therefor:

Section 16. To make clear the basis on which the rebate of the county levy to the high school district for the cost of education of county pupils is made to the high school district.

Section 17. To correct a typographical error in the former Act.

Section 18. To place doubtful cases of permanent disability in one category and sure cases in another and to make sure that no teacher receives an annuity of less than \$240.

Retire-
ment on
account of
permanent
disability.

- (4) Every teacher and inspector who has been employed for at least fifteen years and who makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1.

Retire-
ment on
account of
disability in
other cases.

- (4a) Every teacher and inspector who has been employed for at least fifteen years and who makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment may be granted an annual allowance actuarially equivalent to that provided in the case of a teacher or inspector retiring after thirty-nine years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than \$240 per annum, with an additional \$10 over and above that amount for each year by which the age of the applicant exceeds sixty years.

Medical
certificate.

- (4b) The certificate of the legally qualified medical practitioner shall state whether or not the disability is likely to be permanent and whether or not there is any prospect of the teacher or inspector becoming again capable of employment.

Further
evidence as
to condition.

- (4c) The Commission may require a teacher or inspector who has been granted an annual allowance under subsection 4 or 4a to furnish such evidence from time to time of his physical condition as the regulations may prescribe.

Rev. Stat.,
c. 331, s. 6,
amended.

19. Section 6 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting before the commencement thereof the words "subject to the regulations," and also by inserting after the words "per annum" in the fifth line, the words "compounded half-yearly," so that the section will now read as follows:

Section 19. To bring section 6 in conformity with section 5 (5) in regard to interest.

Return of contributions on retirement after five years' service.

6. Subject to the regulations, a teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the fund together with interest thereon at the rate of four per centum per annum compounded half-yearly from the date of his retirement.

Rev. Stat., c. 332, s. 2, amended.

20. Section 2 of *The School Attendance Act* is amended by inserting after the word "resides" in the third line the words "or the school which he is required or entitled to attend," so that the section will now read as follows:

School attendance required.

- (2) Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides or the school which he is required or entitled to attend is open each year, unless excused for the reasons hereinafter mentioned.

Rev. Stat., c. 332, s. 4, subs. 1, amended.

21.—(1) Subsection 1 of section 4 of *The School Attendance Act* is amended by adding thereto the following clause:

Excused from attendance.

- (h) the child is officially excluded from attendance at school under any provisions of *The Schools Act* or regulations.

Blind and deaf pupils.

(2) The said section 4 is further amended by adding to subsection 2 thereof the following words: "and, in case of need, his fitness shall be determined by a committee to be appointed by the Minister," so that the subsection will now read as follows:

- (2) The fact that a child is blind or deaf shall not be deemed an unavoidable cause within the meaning of clause *b* of section 1 if the child is a fit subject for admission to the Ontario School for the Blind or the Ontario School for the Deaf, and, in case of need, his fitness shall be determined by a committee to be appointed by the Minister.

Rev. Stat., c. 332, s. 5, subs. 2, repealed.

22. Subsection 2 of section 5 of *The School Attendance Act* is repealed and the following substituted therefor:

Certificate relieving from attendance during employment.

- (2) Where in the opinion of the school attendance officer the services of a child under the age of fourteen years are required in husbandry, or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, the school attendance officer may, by certificate setting forth the reasons therefor, relieve such child

Section 20. To provide for the attendance of disabled children at special schools and of expelled children at corrective institutions.

Section 21.—(1) To provide for a new condition not previously provided for.

(2) To provide for a committee to determine who is a fit subject for admission to the Ontario School for the Blind or to the Ontario School for the Deaf.

Section 22. To confine to attendance officers the power of granting certificates of legitimate absence from school.

from attending school for any period not exceeding six weeks out of each school term so long as such child is required in any occupation stated in the certificate.

Rev. Stat.,
c. 332, s. 8,
subs. 1,
amended.

23.—(1) Subsection 1 of section 8 of *The School Attendance Act* is amended by adding thereto the following words:

Appoint-
ment of
school at-
tendance
officers.

“but two or more of the said school corporations may appoint the same attendance officer or officers, if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. The appointment or re-appointment of a school attendance officer shall be made by the appointing body not later than the last meeting for the year, and any vacancy created by resignation or otherwise shall be filled by the said body at the earliest possible time after the vacancy occurs.”

so that the subsection will now read as follows:

(1) The board of education or public school board, high school board and separate school board in every urban municipality shall appoint a school attendance officer or two or more school attendance officers for the enforcement of this Act, but two or more of the said school corporations may appoint the same attendance officer or officers, if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. The appointment or re-appointment of a school attendance officer shall be made by the appointing body not later than the last meeting for the year, and any vacancy created by resignation or otherwise shall be filled by the said body at the earliest possible time after the vacancy occurs.

Rev. Stat.,
c. 332, s. 8,
subs. 4,
repealed.

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor:

In un-
surveyed or
unorganized
territory.

(4) A board of public school trustees or a board of separate school trustees may appoint a school attendance officer or school attendance officers,—

(a) for any school or schools over which they have charge in unsurveyed territory or in territory without municipal organization;

(b) for any public or separate school in the Province in which not fewer than five teachers are employed.

Section 23.—(1) To prevent a division of authority in the matter of school attendance in a locality.

(2) To remove an ambiguity in the reading of the existing subsection.

Rev. Stat.,
c. 332, s. 8,
subs. 7,
amended.

(3) Subsection 7 of the said section 8 is amended by inserting after the word "given" in the second line the words "in writing," and by adding at the end thereof the following words, "and to the public and separate school inspectors," so that the subsection will now read as follows:

Notice of
appointment
of attend-
ance officer.

(7) Notice of every appointment made under this section shall be given in writing by the appointing body to the provincial school attendance officer and to the inspector, and in case of an appointment by the council of the township, to every public and separate school board of the township, and to the public and separate school inspectors.

Rev. Stat.,
c. 332, s. 13,
subs. 1,
repealed.

24. Subsection 1 of section 13 of *The School Attendance Act* is repealed and the following substituted therefor:

Report
of teacher
on non-
attendance.

(1) The teacher or principal of every public, separate, high or vocational school shall report to the school attendance officer in charge of the school at such times and in such manner as is required by the regulations in that behalf, the names, ages, and residences of all pupils of school age who have not attended school as required by the Act, together with such other information as the school attendance officer may require for the enforcement of the Act.

Rev. Stat.,
c. 332, s. 16,
repealed.

25. Section 16 of *The School Attendance Act* is repealed and the following substituted therefor:

Penalties,
recovery and
application
of.

16. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and the moneys accruing from said penalties shall be handed to the board of education or the board of trustees of the school of which the person penalized is a supporter, to be applied to school purposes.

1928, c. 54,
s. 5, subs. 3,
amended.

26. Subsection 3 of section 5 of *The School Sites Act, 1928*, is amended by striking out the word "two" in the second line, and inserting in lieu thereof the word "five," so that the subsection will now read as follows:

Restrictions
as to site.

(3) This section shall not apply to that part of a township which lies within five miles from the limits of a city having a population of over 100,000.

Rev. Stat.,
c. 337, s. 30,
subs. 1,
amended.

27. Subsection 1 of section 30 of *The University Act* is amended by striking out the figures 2,000,000 in the seventh line, and inserting in lieu thereof the figures 4,000,000, so that the subsection will now read as follows:

(3) To provide for official notice to the provincial school attendance officer and to the public and separate school inspectors concerned where an attendance officer is appointed in the township.

Section 24. To put the matter of reports in regard to non-attendance of pupils under the control of the Department of Education.

Section 25. To provide for the destination of moneys accruing from penalties due to fines under *The School Attendance Act*.

Section 26. To meet a situation in the thickly settled suburban areas of large cities where it is difficult to secure a suitable school property at least 100 yards away from a house or orchard.

Sections 27 and 28. To make possible a more extensive building programme than was possible under the terms of the Act, which terms were fixed when the demands for accommodation at the university were much lower than at present.

Borrowing
powers.

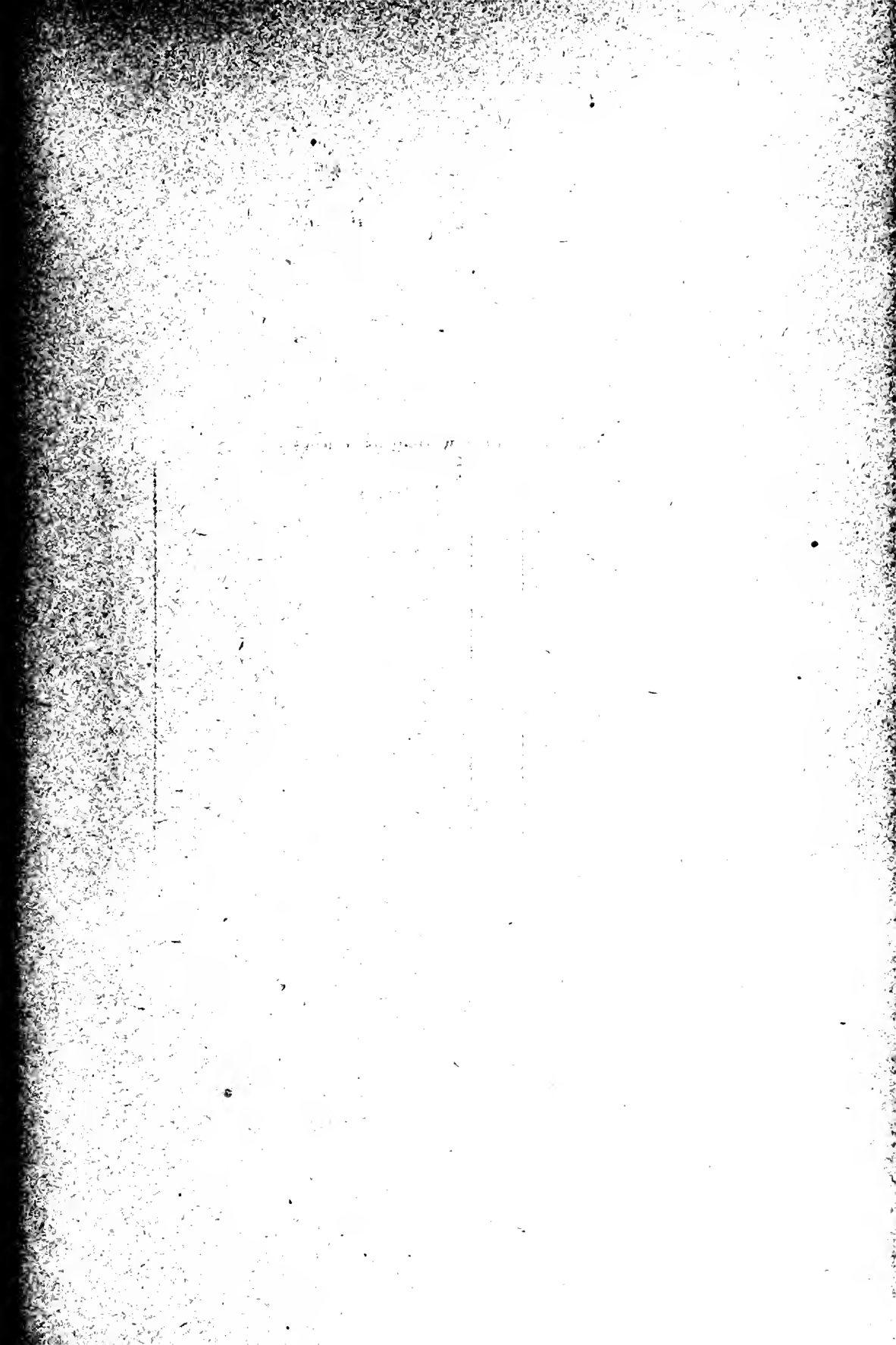
- (1) In order to enable the board to provide for the purchase of such land, and the erection of such buildings as from time to time may be necessary for the purposes of the University and University College, including additions to, improvements of, and equipment for buildings now or hereafter erected the board may from time to time borrow such sums not exceeding in the whole \$4,000,000, as may be necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon.

Rev. Stat.,
c. 337, s. 30,
subs. 4,
amended.

28. Subsection 4 of section 30 of *The University Act* is amended by striking out the figures 2,000,000 in the fourth line, and inserting in lieu thereof the figures 4,000,000, so that the subsection will now read as follows:

Borrowing
powers
exercisable
from time
to time.

- (4) The power of borrowing hereby conferred shall be a continuing one, and shall include the power of re-borrowing, but the amount of the principal money at any time owing shall not exceed in the whole \$4,000,000.



BILL.

The School Law Amendment Act, 1930.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

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

BILL

The School Law amendment Act, 1930.

MR. FERGUSON.

No. 151.

1930.

BILL

The School Law amendment Act, 1930.

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

Rev. Stat.,
c. 322.

1. Subsection 1 of section 3 of *The Department of Education Act* is amended by striking out the word "technical" in the fifth line and inserting in lieu thereof the word "vocational," so that the subsection will now read as follows:

Powers
of Minister.

- (1) The Minister shall have the administration and enforcement of the statutes and regulations respecting public schools, separate schools, kindergartren departments, supervised and outdoor playgrounds, consolidated schools, high schools, collegiate institutes, continuation schools, vocational schools, school cadet corps, all departments of any such schools, night schools, school gardens, school libraries, public libraries, travelling libraries, library institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established.

Rev. Stat.,
c. 322, s. 5,
subs. 1,
amended.

2.—(1) Subsection 1 of section 5 of *The Department of Education Act* is amended by striking out the clauses lettered a to g inclusive, and substituting the following therefor:

Apportion-
ment of
school
grants.

- (a) Subject to the regulations to apportion all sums of money appropriated for public and separate schools among the several cities, towns and villages, and among the rural schools, having regard to the attendance at the schools, the value of the property liable to taxation for school purposes, the expenditure of the board upon education, and to such other considerations as, in the opinion of the Minister, should affect such apportionment.

(i) A statement showing the amount apportioned to every rural public school and to every separate school under clause *a* shall be laid before the Assembly within ten days after the commencement of the session held in the year next after that in which the apportionment takes place. Statement of Assembly.

(b) to pay, on or before the 1st day of August in each year, the grants apportioned to urban public, and separate schools, to the boards of public and separate school trustees upon the warrants of public and separate school inspectors, respectively. Payment of grants to urban schools.

(2) Subsections 2, 3, 4, and 5 of the said section 5 are repealed.

3. Section 1 of *The Public Schools Act* is amended by striking out the clauses lettered *b*, *c*, *d* and *e*, and by striking out the clauses lettered *s* and *t* and inserting in lieu thereof the following: Rev. Stat., c. 323, s. 1, amended.

(s) "City Inspector" shall mean an inspector who devotes his full time to the inspection of the public schools of a city. Interpretation. Inspectors.

(t) "City Inspectorate" shall mean a city where there are one or more inspectors devoting full time to the inspection of the public schools of the city.

4. Subsection 19 of section 30 of *The Public Schools Act* is amended by adding thereto the following clauses: Rev. Stat., c. 323, s. 30, subs. 19, amended.

(a) Where the award directs the payment of any sum of money by one municipal corporation to another, the corporation liable may pass a by-law for borrowing the money by the issue and sale of debentures and it shall not be necessary to obtain the assent of the electors to any such by-law, or to observe the other formalities in relation thereto prescribed by *The Municipal Act*. School arbitrations payment of award.

(b) The debentures and the money to be raised annually for the payment thereof shall be chargeable only upon the property of ratepayers who are the supporters of public schools. Debentures to be a charge on public school rates.

(c) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the prin- Term and form of debentures.

cipal and interest payable in annual or other instalments in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 323, s. 38,
subs. 7,
amended.

5. Subsection 7 of section 38 of *The Public Schools Act* is amended by striking out the word "county" in the third line and substituting therefor the word "township."

Rev. Stat.,
c. 323, s. 57,
subs. 1,
amended.

6. Subsection 1 of section 57 of *The Public Schools Act* is amended by adding thereto the following words: "on the warrant of the proper inspector."

Rev. Stat.,
c. 323, s. 74,
repealed.

7. Section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

Who may
vote at
urban
school
elections.

74. Every person named in the last revised voters' list as being entitled to vote at municipal elections shall be entitled to vote at the election of school trustees in urban municipalities, excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools.

Rev. Stat.,
c. 323, s. 88,
amended.

8. Section 88 of *The Public Schools Act* is amended by adding thereto the following clause:

Duties
of trustees.

(bb) to provide and pay for such equipment as may be necessary for the teaching of agriculture, and, if deemed expedient, to contribute toward the support of rural school fairs.

Rev. Stat.,
c. 323, s. 109,
amended.

9. Section 109 of *The Public Schools Act* is amended by adding thereto the following subsections:

Township
to raise
salary and
expenses of
attendance
officers
under Rev.
Stat., c. 332,
c. 333.

(5) The council of every township shall each year levy and collect by assessment upon the taxable property of the whole township not included in an urban municipality or annexed thereto, for school purposes, such a sum as is required to pay the salary and expenses of the attendance officer or officers appointed by said council under authority of *The School Attendance*, and *The Adolescent School Attendance Act*.

Payments
to boards.

(6) the payments to the boards under this section shall be made on the warrant of the proper inspector.

Rev. Stat.,
c. 323.

10. Sections 113 to 118 of *The Public Schools Act* are repealed and the following substituted therefor:

Number of
inspectors
and limits of
inspection
to be fixed
by Minister.

113.—(1) The Minister shall determine the number of inspectors to be appointed throughout the Province and he shall also define the limits of the inspectorate of each inspector except in the case of a city inspector.

- (2) Where more inspectors than one are appointed in a city, the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, and subject to the like approval may assign to each inspector such duties in addition to those prescribed by the regulations as the board may deem expedient. In cities were several inspectors.
- 114.—(1) Where the duties of an inspector are confined entirely to the public schools of a city, the appointment of such inspector, shall be made by the board of education or the public school board, as the case may be, of the city. Appointment in cities where no duties outside.
- (2) The appointment of all other inspectors shall be made by the Lieutenant-Governor upon the recommendation of the Minister and they shall hold office during pleasure. Appointments elsewhere to be made by Crown.
- (3) Where the Minister directs the appointment of an additional inspector in a city, or when a vacancy occurs in the office of city inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving such direction or after the vacancy occurs. Appointments to fill vacancies in cities.
- (4) The secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post. Resolution to be sent to Minister.
- (5) Where a public school board or board of education of a city for one month after a vacancy occurs or after the Minister has directed the appointment of an inspector neglects to make an appointment the same may be made by the Minister. Appointment by Minister on neglect of board.
- (6) Every appointment of a city inspector shall be subject to ratification by the Minister and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the board shall appoint another inspector as provided for by this Act. Ratification of appointment by Minister.
- (7) Where more inspectors than one are appointed in a city the board may, subject to the approval of the Minister, designate one of the inspectors to be chief inspector; and, subject also to the approval of the Minister the board may assign such duties in addition to those prescribed in the regulations to the chief inspector and to each inspector, as the board may deem expedient. Chief Inspector for city assignment of duties.

Where Inspector to be appointed for city only.

- (8) When the number of teachers in a city occupying separate classrooms with separate registers becomes 100, the public school board or the board of education, as the case may be, of the city shall appoint a city inspector.

Where city Inspector may be appointed elsewhere.

- (9) In a city where the number of teachers occupying separate classrooms with separate registers is fewer than 100, the public school board or board of education, as the case may be, of the city may make application to the Minister for power to appoint a city inspector and the Minister shall have authority to approve of the request.

Suspension or removal of Inspector by Minister.

- 115.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

By board.

- (2) (a) The board of a city by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

Report to Minister.

- (b) The secretary of the board of the city shall forthwith report such suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office and the decision of the Minister shall be final.

Direction as to payment of forfeiture of salary.

- (3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just.

Regulations as to qualification.

- 116.—(1) The Minister shall have power to make regulations from time to time governing the qualifications of inspectors; and he shall also have power to make provision for courses of training for inspectors.

Inspector removed not to be employed.

- (2) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister.

Qualification of city inspector.

- (3) An inspector appointed by the board of education or the public school board, as the case may be, of a city shall hold the qualifications for an inspector prescribed by the regulations and shall be required to take such courses of training as may be required under the regulations.

Whole time to be given.

- (4) An inspector shall not accept any other office or employment and may not follow any other profession

or calling during his tenure of office as an inspector, without the approval of the Minister.

117.—(1) Subject to the regulations it shall be the duty ^{Duties of} of every public school inspector,—
Inspectors.

- (a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;
- (b) to assist and co-operate with school boards to the end that the public schools may best serve the needs of the children in each community;
- (c) to visit in every year each school room in his inspectorate, having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (d) to prepare a report of every such visit in the form prescribed by the regulations;
- (e) to forward within ten days after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (f) to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister of Education and also to the board of the city in the case of a city inspectorate;
- (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (h) to furnish the Minister with information respecting any public school in his inspectorate whenever required to do so;
- (i) to withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant,—
 - (i) where any school has been kept open for less than six months in the year except

where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease;

(ii) where the board fails to transmit promptly the annual or other school returns properly filled up;

(iii) where the board fails to comply with this Act or with the regulations;

(iv) where the teacher uses or permits to be used as a text book, any book not authorized by the regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

(j) to discharge such other duties as may be required by the Minister or regulations;

(k) on retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister.

Responsibility to Minister.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties, and, subject to the regulations, shall obey the direction of the board in the case of a city inspectorate.

Power to take evidence on oath.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases.

How salaries to be fixed.

118.—(1) On and after July 1st, 1930, the salaries and travelling and other expenses of all inspectors, except city inspectors, shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

- (2) The salary and the travelling and other expenses of a city inspector shall be fixed by the board of education or the board of public school trustees, as the case may be, and shall be payable by the treasurer of the board. In cities.
- (3) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually in the month of December pay to the board of a city inspectorate the sum of \$6 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the inspector. Grant to City Inspectorate towards salary.
- 11.** Section 126 of *The Public Schools Act* is amended by striking out the words "and the county council in the case of a county inspector," in the fifth and sixth lines. Rev. Stat., c. 323, s. 126, amended.
- 12.** Section 6 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 325, s. 6, repealed.
6. A continuation school shall not be established or maintained in any part of a high school district established in accordance with the provisions of section 6 of *The High Schools Act*, nor shall such school be established or maintained in a city or separated town in which a high school has been established in accordance with the provisions of section 7 of the same Act. Where continuation schools not to be established.
- 13.** Subsection 2 of section 7 of *The Continuation Schools Act* is amended by striking out the words added by section 6 of *The School Law Amendment Act, 1929*, and by adding to the said subsection the following clause: Rev. Stat., c. 325, s. 7, subs. 2, (1929, c. 84, s. 6), amended. County grant.
- (bb) There shall be paid also by the county to a continuation school established in an incorporated village or in a consolidated school district the share of the cost of the education of county pupils which the area which constitutes a continuation school district of an incorporated village or a consolidated school district which maintains a continuation school paid to the county during the preceding year, as included in the rates levied by the county council according to the relative equalized value, but for the purposes of this clause the cost of education of county pupils shall not be deemed to include any sum paid by a high school district to a board of high or continuation school trustees or a board of education in any other county or in any city or separated town in the same or any other county on account of the attendance of pupils who are resident in the county of which this high school district is a part at schools in other counties, cities or separated towns, or on account of the attendance of pupils resident within the high school district at other high schools within the county. Cost of education of county pupils, what to include.

Rev. Stat.,
c. 326, s. 6,
amended.

14.—(1) Section 6 of *The High Schools Act* is amended by adding thereto the following subsection:

Calling first
meeting of
new board.

(1a) The clerk of the municipality shall call the first meeting of a newly organized high school board.

High school
boards in the
provisional
judicial
districts.

(2) Subsections 3, 4 and 4a of the said section 6 of *The High Schools Act* are repealed and the following substituted therefor:

(3) In a provisional judicial district the council of a township may by by-law with the approval of the Minister, establish the township as a high school district,—

(a) The board of trustees shall be composed of six members who shall be appointed by the council of the township;

(b) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.,
c. 326, s. 25,
amended.

15. Section 25 of *The High Schools Act* is amended by striking out the words “to be given upon the recommendation of the high school inspector” in the first and second lines, and by inserting the words “or vocational school” after the word “institute” in the fourth line, and the words “or vocational” after the word “high” in the fifth line, so that the section will now read as follows:

Providing
for scholars
attendance
at other
schools.

25. With the approval of the Minister, the board may arrange for the instruction at a high school or collegiate institute or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat.,
c. 326, s. 35,
subs. 2,
amended.

16.—(1) Subsection 2 of section 35 of *The High Schools Act* is amended by striking out the following words, “and to the resulting amount there shall be added the share of the cost of education of county pupils which the area which constitutes the high school district paid to the county during the preceding year as included in the rates levied by the county council, according to the relative equalized value, and the total amount so ascertained shall be the sum payable by the council to the board.”

Cost of
education
of county
pupils.

(2) Section 35 of *The High Schools Act* is further amended by adding thereto the following subsection (2a): Rev. Stat., c. 326, s. 35, amended.

(2a) There shall be paid also by the county to the high school board the share of the cost of education of county pupils which the high school district which maintains the high school paid to the county during the preceding year as included in the rates levied by the county council according to the relative equalized value and the total amount so ascertained shall be the sum payable by the council to the board; but for the purposes of this subsection the cost of education of county pupils shall not be deemed to include any sum paid by a high school district to a board of high or continuation school trustees or a board of education in any other county or in any city or separated town in the same or any other county on account of the attendance of pupils who are resident in the county of which this high school district is a part at schools in other counties, cities or separated towns, or on account of the attendance of pupils resident within the high school district at other high schools within the county. County grant.

17. The clause lettered *c* in subsection 1 of section 49 of *The High Schools Act* is amended by striking out the word "provincial" in the first line, and inserting in lieu thereof the word "permanent", so that the clause will now read as follows: Rev. Stat., c. 326, s. 49, subs. 1, cl. c, amended.

(c) a permanent second-class certificate, and has had three years' experience as a teacher. Qualification of teachers.

18. Section 11 of *The Boards of Education Act* is repealed. Rev. Stat., c. 327, s. 11, repealed.

19. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat., c. 327, amended.

24. To remove doubts it is declared that a board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. Appropriation of property for purposes of board.

20. The clause lettered *f* in section 44 of *The Separate Schools Act* is amended by adding thereto the following words: "and such monies shall be paid to the board on the warrant of the proper inspector." Rev. Stat., c. 328, s. 44, cl. f, amended.

Rev. Stat.,
c. 331, s. 5,
subs. 4,
repealed.

21. Subsection 4 (and its clauses *a* and *b*) of section 5 of *The Teachers' and Inspectors' Superannuation Act* are repealed and the following substituted therefor:

Retire-
ment on
account of
permanent
disability.

(4) Every teacher and inspector who has been employed for at least fifteen years and who makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1.

Retire-
ment on
account of
disability in
other cases.

(4a) Every teacher and inspector who has been employed for at least fifteen years and who makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment may be granted an annual allowance actuarially equivalent to that provided in the case of a teacher or inspector retiring after thirty-nine years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than \$240 per annum, with an additional \$10 over and above that amount for each year by which the age of the applicant exceeds sixty years.

Medical
certificate.

(4b) The certificate of the legally qualified medical practitioner shall state whether or not the disability is likely to be permanent and whether or not there is any prospect of the teacher or inspector becoming again capable of employment.

Further
evidence as
to condition.

(4c) The Commission may require a teacher or inspector who has been granted an annual allowance under subsection 4 or 4a to furnish such evidence from time to time of his physical condition as the regulations may prescribe.

Rev. Stat.,
c. 331, s. 6,
amended.

22. Section 6 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting before the commencement thereof the words "subject to the regulations," and also by inserting after the words "per annum" in the fifth line, the words "compounded half-yearly," so that the section will now read as follows:

6. Subject to the regulations, a teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the fund together with interest thereon at the rate of four per centum per annum compounded half-yearly from the date of his retirement.
- Return of contributions on retirement after five years' service.

23. Section 2 of *The School Attendance Act* is amended by inserting after the word "resides" in the third line the words "or the school which he is required or entitled to attend," so that the section will now read as follows:

Rev. Stat., c. 332, s. 2, amended.

- (2) Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides or the school which he is required or entitled to attend is open each year, unless excused for the reasons hereinafter mentioned.
- School attendance required.

24.—(1) Subsection 1 of section 4 of *The School Attendance Act* is amended by adding thereto the following clause:

Rev. Stat., c. 332, s. 4, subs. 1, amended.

- (h) the child is officially excluded from attendance at school under any provisions of *The Schools Act* or regulations.
- Excused from attendance.

(2) The said section 4 is further amended by adding to subsection 2 thereof the following words: "and, in case of need, his fitness shall be determined by a committee to be appointed by the Minister," so that the subsection will now read as follows:

Blind and deaf pupils.

- (2) The fact that a child is blind or deaf shall not be deemed an unavoidable cause within the meaning of clause *b* of section 1 if the child is a fit subject for admission to the Ontario School for the Blind or the Ontario School for the Deaf, and, in case of need, his fitness shall be determined by a committee to be appointed by the Minister.

25. Subsection 2 of section 5 of *The School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat., c. 332, s. 5, subs. 2, repealed.

- (2) Where in the opinion of the school attendance officer the services of a child under the age of fourteen years are required in husbandry, or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, the school attendance officer may, by certificate setting forth the reasons therefor, relieve such child
- Certificate relieving from attendance during employment.

from attending school for any period not exceeding six weeks out of each school term so long as such child is required in any occupation stated in the certificate.

Rev. Stat.,
c. 332, s. 8,
subs. 1,
amended.

26.—(1) Subsection 1 of section 8 of *The School Attendance Act* is amended by adding thereto the following words:

Appoint-
ment of
school at-
tendance
officers.

“but two or more of the said school corporations may appoint the same attendance officer or officers, if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. The appointment or re-appointment of a school attendance officer shall be made by the appointing body not later than the last meeting for the year, and any vacancy created by resignation or otherwise shall be filled by the said body at the earliest possible time after the vacancy occurs.”

so that the subsection will now read as follows:

- (1) The board of education or public school board, high school board and separate school board in every urban municipality shall appoint a school attendance officer or two or more school attendance officers for the enforcement of this Act, but two or more of the said school corporations may appoint the same attendance officer or officers, if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. The appointment or re-appointment of a school attendance officer shall be made by the appointing body not later than the last meeting for the year, and any vacancy created by resignation or otherwise shall be filled by the said body at the earliest possible time after the vacancy occurs.

Rev. Stat.,
c. 332, s. 8,
subs. 4,
repealed.

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor:

In un-
surveyed or
unorganized
territory.

- (4) A board of public school trustees or a board of separate school trustees may appoint a school attendance officer or school attendance officers,—

- (a) for any school or schools over which they have charge in unsurveyed territory or in territory without municipal organization;
- (b) for any public or separate school in the Province in which not fewer than five teachers are employed.

(3) Subsection 7 of the said section 8 is amended by inserting after the word "given" in the second line the words "in writing," and by adding at the end thereof the following words, "and to the public and separate school inspectors," so that the subsection will now read as follows:

Rev. Stat.,
c. 332, s. 8,
subs. 7,
amended.

(7) Notice of every appointment made under this section shall be given in writing by the appointing body to the provincial school attendance officer and to the inspector, and in case of an appointment by the council of the township, to every public and separate school board of the township, and to the public and separate school inspectors.

Notice of
appointment
of attend-
ance officer.

27. Subsection 1 of section 13 of *The School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 332, s. 13,
subs. 1,
repealed.

(1) The teacher or principal of every public, separate, high or vocational school shall report to the school attendance officer in charge of the school at such times and in such manner as is required by the regulations in that behalf, the names, ages, and residences of all pupils of school age who have not attended school as required by the Act, together with such other information as the school attendance officer may require for the enforcement of the Act.

Report
of teacher
on non-
attendance.

28. Section 16 of *The School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 332, s. 16,
repealed.

16. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and the moneys accruing from said penalties shall be handed to the board of education or the board of trustees of the school of which the person penalized is a supporter, to be applied to school purposes.

Penalties,
recovery and
application
of.

29. Subsection 1 of section 30 of *The University Act* is amended by striking out the figures 2,000,000 in the seventh line, and inserting in lieu thereof the figures 4,000,000, so that the subsection will now read as follows:

Rev. Stat.,
c. 337, s. 30,
subs. 1,
amended.

(1) In order to enable the board to provide for the purchase of such land, and the erection of such buildings as from time to time may be necessary for the purposes of the University and University College, including additions to, improvements of, and equipment for buildings now or hereafter erected the board may from time to time borrow such sums not exceeding in the whole \$4,000,000, as may be

Borrowing
powers.

necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon.

Rev. Stat.,
c. 337, s. 30,
subs. 4,
amended.

30. Subsection 4 of section 30 of *The University Act* is amended by striking out the figures 2,000,000 in the fourth line, and inserting in lieu thereof the figures 4,000,000, so that the subsection will now read as follows:

Borrowing
powers
exercisable
from time
to time.

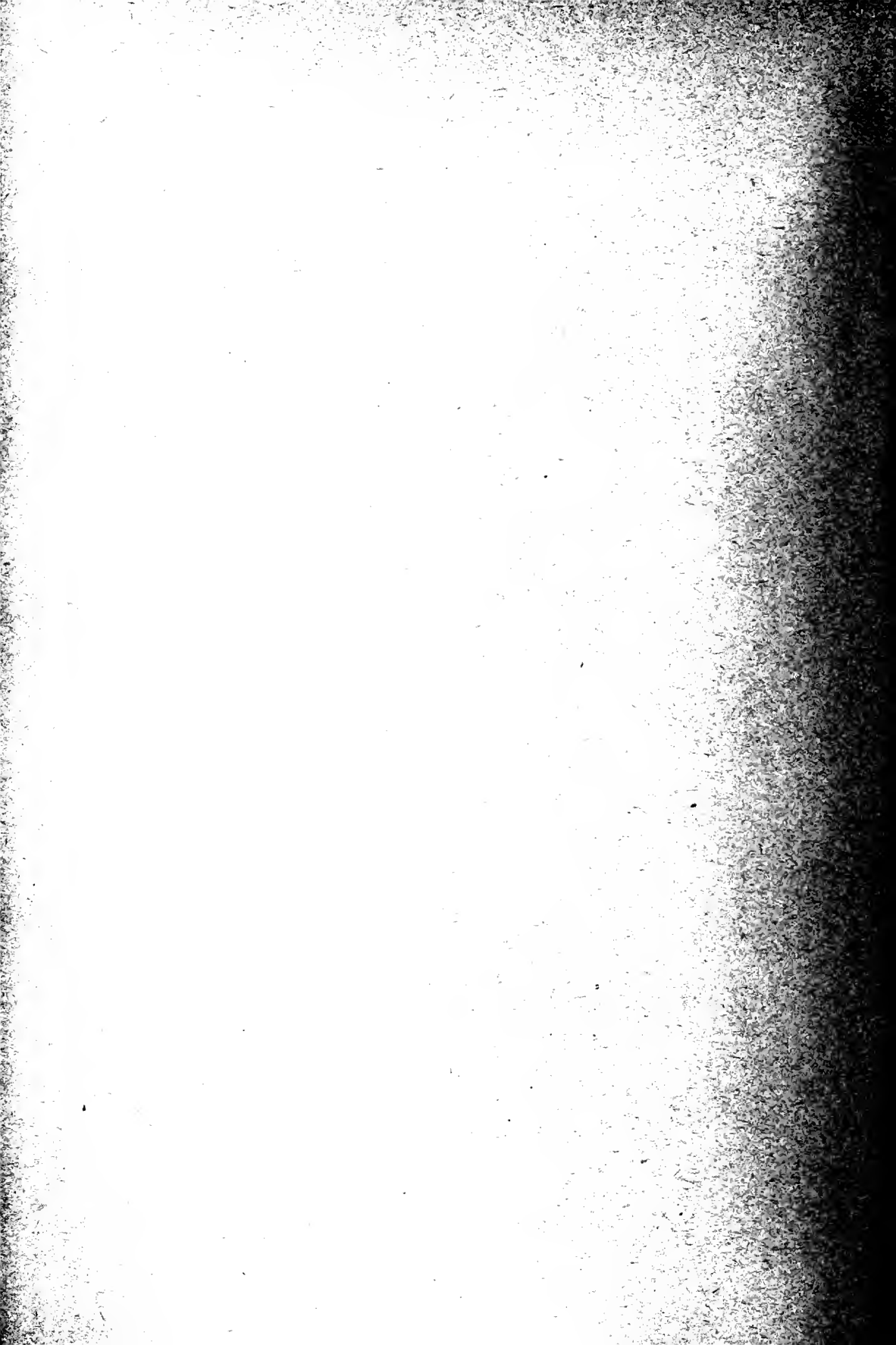
- (4) The power of borrowing hereby conferred shall be a continuing one, and shall include the power of re-borrowing, but the amount of the principal money at any time owing shall not exceed in the whole \$4,000,000.

1928, c. 54,
s. 5, subs. 3,
amended.

31. Subsection 3 of section 5 of *The School Sites Act, 1928*, is amended by striking out the word "two" in the second line, and inserting in lieu thereof the word "five," so that the subsection will now read as follows:

Restrictions
as to site.

- (3) This section shall not apply to that part of a township which lies within five miles from the limits of a city having a population of over 100,000.



THE SCHOOL LAW AMENDMENT ACT, 1930.

BILL.

1st Reading

March 21st, 1930

2nd Reading

March 28th, 1930

3rd Reading

March 28th, 1930

MR. FERGUSON.

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

BILL

An Act respecting Vocational Education.

MR. FERGUSON.

No. 152.

1930.

BILL

An Act respecting Vocational Education.

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 Vocational Education Act, 1930.*
- Interpretation. **2.** In this Act,—
- “Board.” (a) “Board” shall mean and include a board of education, a board of high school trustees, and a continuation school board;
- “Minister.” (b) “Minister” shall mean Minister of Education;
- “Regulations.” (c) “Regulations” shall mean regulations made under the authority of *The Department of Education Act* or of this Act. R.S.O. 1927, c. 334, s. 1.

PART I

VOCATIONAL SCHOOLS ESTABLISHED BY BOARDS.

Application
of Act.

3. This Part shall apply to all art, industrial and technical schools and courses, heretofore established under Acts of this Legislature respecting high schools and technical schools and in operation at the time of the passing of *The Industrial Education Act*; to the industrial and art schools and courses and to the technical, the agricultural, and the commercial high schools and high school courses heretofore established under *The Industrial Education Act* and under the regulations; and to the vocational schools and departments hereafter established under this Part. R.S.O. 1927, c. 334, s. 2.

EXPLANATORY NOTE.

The proposed legislation has for its object:—

1. The withdrawal of the optional system of administering the vocational schools through either a single vocational committee or a number of vocational committees.

2. The provisions that boards may bear the cost of education of pupils from the high school districts concerned who are in attendance at vocational schools in other high school districts as is the case in connection with high schools.

3. The provision for the appointment of a supervising principal as is the case under *The High Schools Act*.

4. To make clear the action of the board in the matter of charging fees to day pupils.

NOTE—The whole *Vocational Education Act* is reprinted because the change in the form of administration from several committees to one necessitated so many changes throughout the Act that it was simpler to have the Act re-enacted than to call attention by numerous amendments to the various minor changes which are for the most part simply verbal in character.

Classes of schools which may be established.

4. With the approval of the Minister, a high school board, a board of education, or a continuation school board of any municipality or school section may provide for duly admitted pupils in the following classes of vocational schools:

- (1) Industrial schools and departments.
- (2) Home-making schools and departments.
- (3) Art schools and departments.
- (4) Technical high schools and departments.
- (5) Agricultural high schools and departments.
- (6) Commercial high schools and departments.

R.S.O. 1927, c. 334, s. 3.

Vocational Schools.

5. Subject to the regulations or with the approval of the Minister, courses of instruction in the vocational schools provided for in this Part may include:

- (a) General full-time day school courses of instruction.
- (b) Special full-time day school courses of instruction.
- (c) Part-time day school courses of instruction.
- (d) Evening school courses of instruction.

R.S.O. 1927, c. 334, s. 5.

Admission of pupils to vocational schools.

6.—(1) Pupils who may be duly admitted under the regulations to a day high school may be admitted to any of the vocational schools or departments provided for in this Part.

Certificate, when required.

(2) For admission to a general full-time day course of instruction in a commercial or a technical high school or department, applicants shall hold certificates qualifying them for admission to a day high school.

Report of Principal.

(3) Subject to the regulations and on the report of the principal approved by the Advisory Committee, pupils of at least the standing of the fourth form of the public and separate schools may be admitted to

- (a) a general, special, or part-time course of instruction in an industrial, home-making, or art school or department;
- (b) a general, special, or part-time course of instruction in an agricultural high school or department;
- (c) a special or a part-time course of instruction in a commercial or technical high school or department.

Workmen
and
workwomen
employed
by day.

(4) Workmen or workwomen employed during the day may be admitted to a vocational evening school or course subject to the regulations and on the report of the principal, approved by the advisory vocational committee, that they are competent to receive instruction therein.

Admission
of pupils
from
auxiliary
training
classes.

(5) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary training classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial classes established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it. *See R.S.O. 1927, c. 334, s. 5.*

Outside
students.

(6) With the approval of the Minister, the board may arrange for the instruction in any school controlled by a high school board, continuation school board or board of education in Ontario, of pupils who desire to take courses which are not provided by the board, and who are the children of ratepayers in the school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. *New.*

Fees.

(7) No fees shall be payable by pupils who, under the provisions of this Act, have a right to attend a vocational school for instruction in the following courses of study:—

- (a) General or special full-time day school courses;
- (b) Part-time special courses for apprentices and employed adolescents.

Appoint-
ment and
jurisdiction
of
committee.

7. Where, in accordance with the regulations, one or more schools or departments to which this Part applies have been, or may hereafter be established by a board, the said schools or departments shall be under the management and control of an advisory vocational committee appointed by the board. *R.S.O. 1927, c. 334, s. 6, part.*

Advisory
Vocational
Committee,
how
composed.

8. The advisory vocational committee provided for in section 7 shall be composed of eight or twelve persons, as the board may direct, the members of which shall be appointed by the board as follows:

- (1) When the number of persons is eight:
 - (a) Four members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, four members of the board, one of whom shall be a representative of the separate school board;

- (b) Two persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate.

(2) When the number of persons is twelve:

- (a) Six members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, six members of the board, one of whom shall be a representative of the separate school board;
- (b) Three persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Three other persons not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate. *See R.S.O. 1927, c. 334, s. 7.*

Case where separate school not represented on board of education.

9. Where a board of education has been established and the board of separate school trustees has not appointed a member of such board the board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on the advisory committee constituted under section 8 and the member so elected shall hold office until the expiry of the period for which he was elected or appointed to the board of education. *R.S.O. 1927, c. 334, s. 8.*

Appoint-
ment of
members of
committee.

10.—(1) The first members of the advisory committee shall be appointed at the meeting of the board at which a school or department is established for which the advisory committee is to be appointed under this Part.

Tenure of
office of
members
who are
members
of board.

(2) The members appointed under clause *a* of subsection 1 or in subsection 2 of section 8 shall hold office until the expiry of the period for which they were elected or appointed to the board.

Tenure of
office of
other
members.

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Filling
vacancies
caused by
retirement.

(4) The board, at its first meeting in each year after the establishment of the school or department, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Filling
other
vacancies.

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum.

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a committee.

Chairman
voting.

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. *See R.S.O. 1927, c. 334, s. 9.*

Co-opted
members.

11.—(1) The advisory committee may, at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable, and members of the board may be so appointed; but an equal number of the persons so appointed shall be chosen from each of the classes mentioned in clauses *b* and *c* of subsection 1 and in subsection 2 of section 8.

Tenure of
office.

(2) The term for which co-opted members of the committee shall respectively hold office shall be fixed by the committee, but shall not exceed three years. *See R.S.O. 1927, c. 334, s. 10.*

Qualifications of members.

12. The members of the advisory committee appointed under this Part, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or department under the charge of the committee. *See R.S.O. 1927, c. 334, s. 11.*

Powers of committee subject to approval of Minister and board.

13.—(1) Subject to the approval of the Minister and the board, the advisory committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or department in a high, public, separate or continuation school building or other building in the municipality, and to prescribe courses of study and provide for examinations and diplomas.

Powers subject to approval of board.

(2) Subject to the approval of the board, the committee shall employ teachers and fix their salaries, report on every school or department under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or department during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school or department under its management and control.

When approval withheld.

(3) The board shall not refuse its approval of any report of the advisory committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which such report may be referred by the chairman of the advisory committee or by another member of the advisory committee appointed for that purpose.

Officers of the committee.

(4) The secretary and other officers of the board shall be the officers of the advisory committee.

Appointment of co-ordinating officers.

(5) Subject to the approval of the Minister the advisory committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools or departments, and to make the necessary arrangements between employers, employees, and the schools or departments for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer between the local industries and the schools or departments, and every such person so appointed shall be subject to the control of the advisory committee. *See R.S.O. 1927, c. 334, s. 12.*

Appointment of Vocational Guidance Officers.

(6) Subject to the approval of the Minister, the advisory committee may appoint one or more officers qualified accord-

ing to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the advisory committee as will enable them to plan intelligently for their vocational and educational advancement, and every person so appointed shall be subject to the control of the advisory committee. *See* 1929, c. 84, s. 14.

Appointment of Supervising Principal.

(7) Subject to the approval of the Minister and the board, the advisory committee may appoint a supervising principal with qualifications approved by the Minister. *New.*

Cost of establishing, equipping and maintaining a school.

14.—(1) Subject to the regulations the estimates of the committee of the cost of establishing, equipping and maintaining the school or department under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the council of the municipality for the year.

How provided.

(2) Subject to the regulations, the cost of establishing, equipping, furnishing, and maintaining, and of making additions, alterations or permanent improvements to every school established under section 4 or under *The Industrial Education Act*, being chapter 79 of the Acts passed in the 1st year of the reign of His Majesty King George the Fifth, shall be provided for in the same manner as in the case of a high school. *See* R.S.O. 1927, c. 334, s. 13.

County council's grant for county pupils.

(3) Grants towards the cost of education of county pupils, as defined in section 1 of *The High Schools Act*, in attendance at vocational schools or departments shall be made by county councils in the same manner as in the case of such pupils in attendance at high schools. 1929, c. 84, s. 15.

Apportionment of legislative grant.

15. Subject to the regulations the Minister shall apportion all sums of money appropriated by this Legislature for the establishment and maintenance of schools or departments to which this Part applies. R.S.O. 1927, c. 334, s. 14.

Regulations.

16. The regulations may provide as to any class of schools or departments for the qualifications of teachers, the courses of study, the character of the site, accommodations, and equipment, the maximum and minimum fees that may be charged to pupils, and generally as to any matter relating to the conduct and efficiency of the schools and departments not herein expressly provided for. R.S.O. 1927, c. 334, s. 15.

Establishing evening courses in other centres.

17. Subject to the approval of the Minister the advisory committee may also establish and conduct special evening

courses in any centre in the county outside of the district over which it has jurisdiction. R.S.O. 1927, c. 334, s. 17.

PART II.

PROVINCIAL TECHNICAL SCHOOLS.

Authority
to establish
schools.

18. The Minister, with the approval of the Lieutenant-Governor in Council, may establish, maintain, conduct and control schools for technical training required in any branches of the industry or may enter into an agreement with any organization in the interest of any branch of industry for that purpose. R.S.O. 1927, c. 334, s. 18.

Cost,
how borne.

19. The cost of establishing and maintaining a school established under this Part shall be borne and paid out of moneys appropriated by this Legislature or received from the Dominion Government for the purposes of technical education and out of any moneys contributed by any organization under an agreement made in pursuance of section 18 or under the regulations. R.S.O. 1927, c. 334, s. 19.

Board.

20. Every school established under this Part shall be maintained and conducted by a board to be appointed or elected in the manner provided by the regulations, and such regulations may provide for the representation upon the board of any organization of employers or employees in the particular branch of industry for which the school is established. R.S.O. 1927, c. 334, s. 20.

Regulations.

21. The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations for the establishment, organization, government, courses of study and examination of technical schools established under this Part, and generally the Minister and the Lieutenant-Governor in Council shall have and may exercise with respect to any such school the powers conferred by *The Department of Education Act* with respect to technical schools. R.S.O. 1927, c. 334, s. 21.

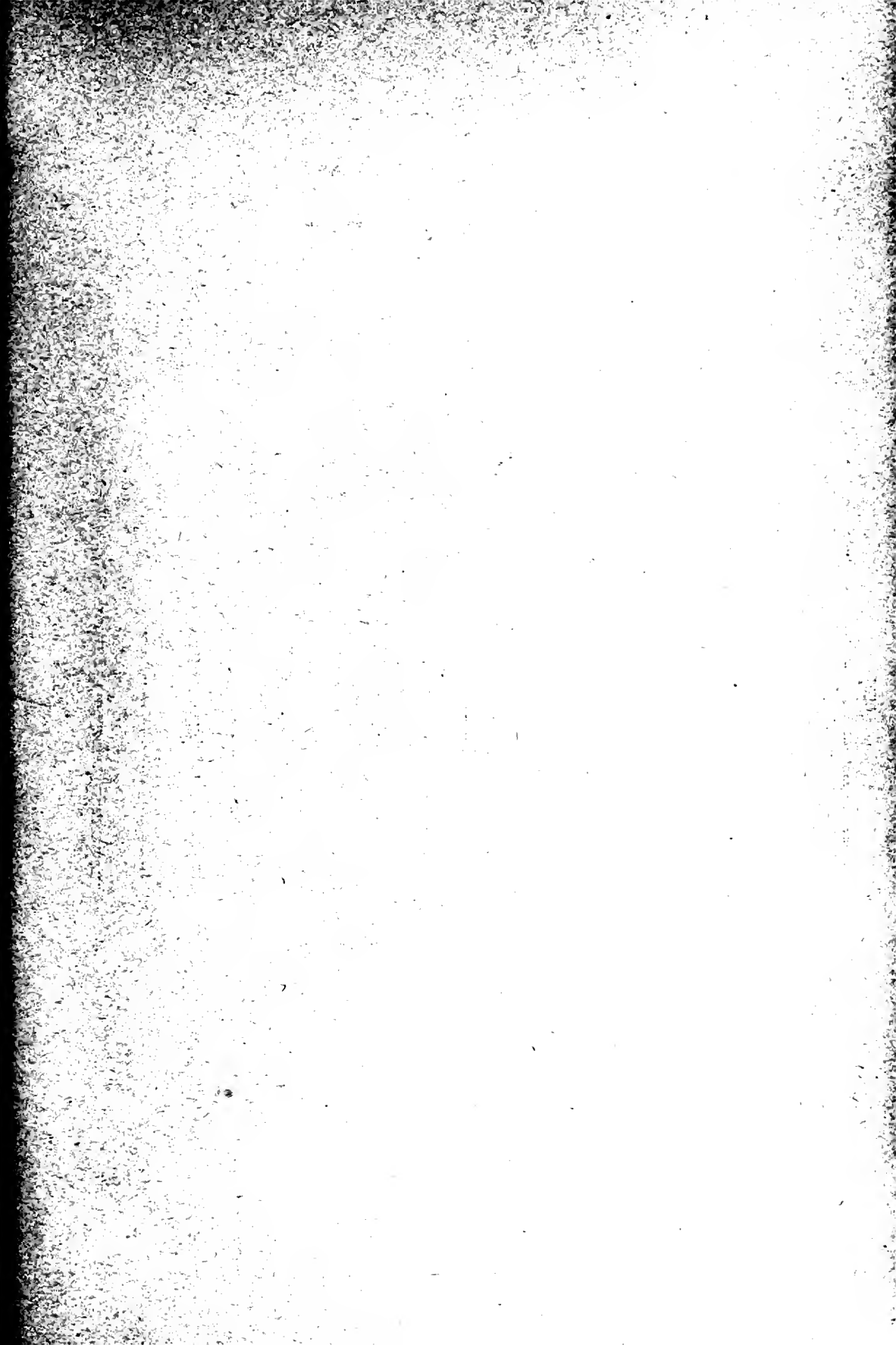
Rev. Stat.,
c. 322.

Repeal.

22. *The Vocational Education Act*, being chapter 334 of the Revised Statutes of Ontario, 1927, is hereby repealed.

Commence-
ment of Act.

23. This Act shall come into force on the 1st day of July, 1930.



BILL.

An Act respecting Vocational Education.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

No. 152

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

BILL

An Act respecting Vocational Education.

MR. FERGUSON.

TORONTO
PRINTED BY HERBERT H. BALL,
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No. 152.

1930.

BILL

An Act respecting Vocational Education.

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 Vocational Education Act, 1930.*

Interpretation. **2.** In this Act,—

“Board.” (a) “Board” shall mean and include a board of education, a board of high school trustees, and a continuation school board;

“Minister.” (b) “Minister” shall mean Minister of Education;

“Regulations.” (c) “Regulations” shall mean regulations made under the authority of *The Department of Education Act* or of this Act. R.S.O. 1927, c. 334, s. 1.

PART I.

VOCATIONAL SCHOOLS ESTABLISHED BY BOARDS.

Application of Act. **3.** This Part shall apply to all art, industrial and technical schools and courses, heretofore established under Acts of this Legislature respecting high schools and technical schools and in operation at the time of the passing of *The Industrial Education Act*; to the industrial and art schools and courses and to the technical, the agricultural, and the commercial high schools and high school courses heretofore established under *The Industrial Education Act* and under the regulations; and to the vocational schools and departments hereafter established under this Part. R.S.O. 1927, c. 334, s. 2.

4. With the approval of the Minister, a high school board, ^{Classes of schools which may be established.} a board of education, or a continuation school board of any municipality or school section may provide for duly admitted pupils in the following classes of vocational schools:

- (1) Industrial schools and departments.
- (2) Home-making schools and departments.
- (3) Art schools and departments.
- (4) Technical high schools and departments.
- (5) Agricultural high schools and departments.
- (6) Commercial high schools and departments.

R.S.O. 1927, c. 334, s. 3.

5. Subject to the regulations or with the approval of the ^{Vocational Schools.} Minister, courses of instruction in the vocational schools provided for in this Part may include:

- (a) General full-time day school courses of instruction.
- (b) Special full-time day school courses of instruction.
- (c) Part-time day school courses of instruction.
- (d) Evening school courses of instruction.

R.S.O. 1927, c. 334, s. 5.

6.—(1) Pupils who may be duly admitted under the ^{Admission of pupils to vocational schools.} regulations to a day high school may be admitted to any of the vocational schools or departments provided for in this Part.

(2) For admission to a general full-time day course of ^{Certificate, when required.} instruction in a commercial or a technical high school or department, applicants shall hold certificates qualifying them for admission to a day high school.

(3) Subject to the regulations and on the report of the ^{Report of Principal.} principal approved by the Advisory Committee, pupils of at least the standing of the fourth form of the public and separate schools may be admitted to

- (a) a general, special, or part-time course of instruction in an industrial, home-making, or art school or department;
- (b) a general, special, or part-time course of instruction in an agricultural high school or department;
- (c) a special or a part-time course of instruction in a commercial or technical high school or department.

Workmen
and
workwomen
employed
by day.

(4) Workmen or workwomen employed during the day may be admitted to a vocational evening school or course subject to the regulations and on the report of the principal, approved by the advisory vocational committee, that they are competent to receive instruction therein.

Admission
of pupils
from
auxiliary
training
classes.

(5) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary training classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial classes established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it. *See R.S.O. 1927, c. 334, s. 5.*

Outside
students.

(6) With the approval of the Minister, the board may arrange for the instruction in any school controlled by a high school board, continuation school board or board of education in Ontario, of pupils who desire to take courses which are not provided by the board, and who are the children of ratepayers in the school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. *New.*

Fees.

(7) No fees shall be payable by pupils who, under the provisions of this Act, have a right to attend a vocational school for instruction in the following courses of study:—

- (a) General or special full-time day school courses;
- (b) Part-time special courses for apprentices and employed adolescents.

Appoint-
ment and
jurisdiction
of
committee.

7. Where, in accordance with the regulations, one or more schools or departments to which this Part applies have been, or may hereafter be established by a board, the said schools or departments shall be under the management and control of an advisory vocational committee appointed by the board. *R.S.O. 1927, c. 334, s. 6, part.*

Advisory
Vocational
Committee,
how
composed.

8. The advisory vocational committee provided for in section 7 shall be composed of eight or twelve persons, as the board may direct, the members of which shall be appointed by the board as follows:

- (1) When the number of persons is eight:
 - (a) Four members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, four members of the board, one of whom shall be a representative of the separate school board;

- (b) Two persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate.

(2) When the number of persons is twelve:

- (a) Six members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, six members of the board, one of whom shall be a representative of the separate school board;
- (b) Three persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Three other persons not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate. *See R.S.O. 1927, c. 334, s. 7.*

9. Where a board of education has been established and the board of separate school trustees has not appointed a member of such board the board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on the advisory committee constituted under section 8 and the member so elected shall hold office until the expiry of the period for which he was elected or appointed to the board of education. R.S.O. 1927, c. 334, s. 8.

Case where separate school not represented on board of education.

Appoint-
ment of
members of
committee.

10.—(1) The first members of the advisory committee shall be appointed at the meeting of the board at which a school or department is established for which the advisory committee is to be appointed under this Part.

Tenure of
office of
members
who are
members
of board.

(2) The members appointed under clause *a* of subsection 1 or in subsection 2 of section 8 shall hold office until the expiry of the period for which they were elected or appointed to the board.

Tenure of
office of
other
members.

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Filling
vacancies
caused by
retirement.

(4) The board, at its first meeting in each year after the establishment of the school or department, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Filling
other
vacancies.

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum.

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a committee.

Chairman
voting.

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. *See* R.S.O. 1927, c. 334, s. 9.

Co-opted
members.

11.—(1) The advisory committee may, at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable, and members of the board may be so appointed; but an equal number of the persons so appointed shall be chosen from each of the classes mentioned in clauses *b* and *c* of subsection 1 and in subsection 2 of section 8.

Tenure of
office.

(2) The term for which co-opted members of the committee shall respectively hold office shall be fixed by the committee, but shall not exceed three years. *See* R.S.O. 1927, c. 334, s. 10.

12. The members of the advisory committee appointed under this Part, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or department under the charge of the committee. *See* R.S.O. 1927, c. 334, s. 11.

Qualifications of members.

13.—(1) Subject to the approval of the Minister and the board, the advisory committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or department in a high, public, separate or continuation school building or other building in the municipality, and to prescribe courses of study and provide for examinations and diplomas.

Powers of committee subject to approval of Minister and board.

(2) Subject to the approval of the board, the committee shall employ teachers and fix their salaries, report on every school or department under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or department during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school or department under its management and control.

Powers subject to approval of board.

(3) The board shall not refuse its approval of any report of the advisory committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which such report may be referred by the chairman of the advisory committee or by another member of the advisory committee appointed for that purpose.

When approval withheld.

(4) The secretary and other officers of the board shall be the officers of the advisory committee.

Officers of the committee.

(5) Subject to the approval of the Minister the advisory committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools or departments, and to make the necessary arrangements between employers, employees, and the schools or departments for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer between the local industries and the schools or departments, and every such person so appointed shall be subject to the control of the advisory committee. *See* R.S.O. 1927, c. 334, s. 12.

Appointment of co-ordinating officers.

(6) Subject to the approval of the Minister, the advisory committee may appoint one or more officers qualified accord-

Appointment of Vocational Guidance Officers.

ing to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the advisory committee as will enable them to plan intelligently for their vocational and educational advancement, and every person so appointed shall be subject to the control of the advisory committee. See 1929, c. 84, s. 14.

Appointment of Supervising Principal.

(7) Subject to the approval of the Minister and the board, the advisory committee may appoint a supervising principal with qualifications approved by the Minister. *New.*

Cost of establishing, equipping and maintaining a school.

14.—(1) Subject to the regulations the estimates of the committee of the cost of establishing, equipping and maintaining the school or department under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the council of the municipality for the year.

How provided.

(2) Subject to the regulations, the cost of establishing, equipping, furnishing, and maintaining, and of making additions, alterations or permanent improvements to every school established under section 4 or under *The Industrial Education Act*, being chapter 79 of the Acts passed in the 1st year of the reign of His Majesty King George the Fifth, shall be provided for in the same manner as in the case of a high school. See R.S.O. 1927, c. 334, s. 13.

County council's grant for county pupils.

(3) Grants towards the cost of education of county pupils, as defined in section 1 of *The High Schools Act*, in attendance at vocational schools or departments shall be made by county councils in the same manner as in the case of such pupils in attendance at high schools. 1929, c. 84, s. 15.

Apportionment of legislative grant.

15. Subject to the regulations the Minister shall apportion all sums of money appropriated by this Legislature for the establishment and maintenance of schools or departments to which this Part applies. R.S.O. 1927, c. 334, s. 14.

Regulations.

16. The regulations may provide as to any class of schools or departments for the qualifications of teachers, the courses of study, the character of the site, accommodations, and equipment, the maximum and minimum fees that may be charged to pupils, and generally as to any matter relating to the conduct and efficiency of the schools and departments not herein expressly provided for. R.S.O. 1927, c. 334, s. 15.

Establishing evening courses in other centres.

17. Subject to the approval of the Minister the advisory committee may also establish and conduct special evening

courses in any centre in the county outside of the district over which it has jurisdiction. R.S.O. 1927, c. 334, s. 17.

PART II.

PROVINCIAL TECHNICAL SCHOOLS.

18. The Minister, with the approval of the Lieutenant-Governor in Council, may establish, maintain, conduct and control schools for technical training required in any branches of the industry or may enter into an agreement with any organization in the interest of any branch of industry for that purpose. R.S.O. 1927, c. 334, s. 18. Authority to establish schools.

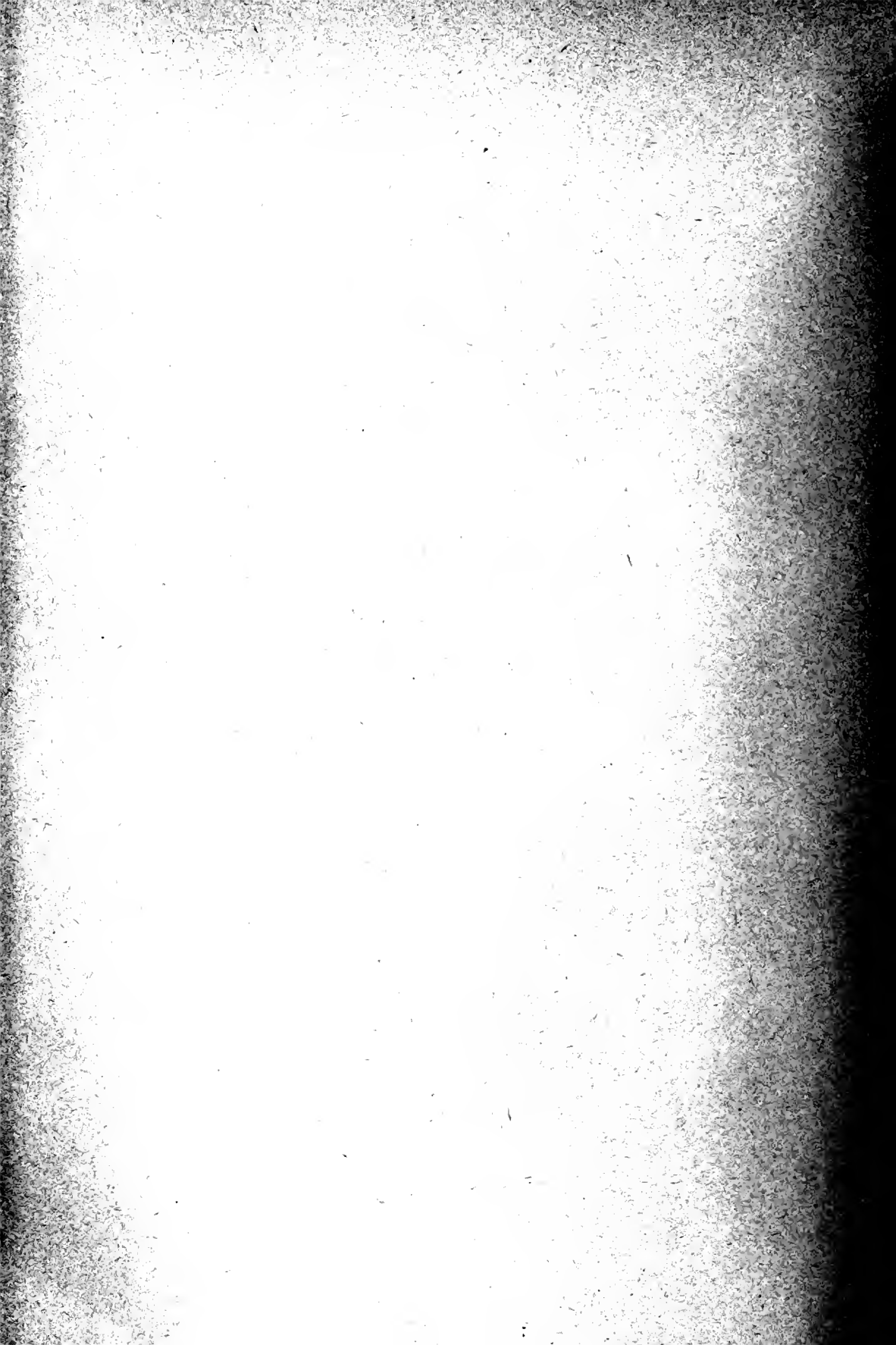
19. The cost of establishing and maintaining a school established under this Part shall be borne and paid out of moneys appropriated by this Legislature or received from the Dominion Government for the purposes of technical education and out of any moneys contributed by any organization under an agreement made in pursuance of section 18 or under the regulations. R.S.O. 1927, c. 334, s. 19. Cost, how borne.

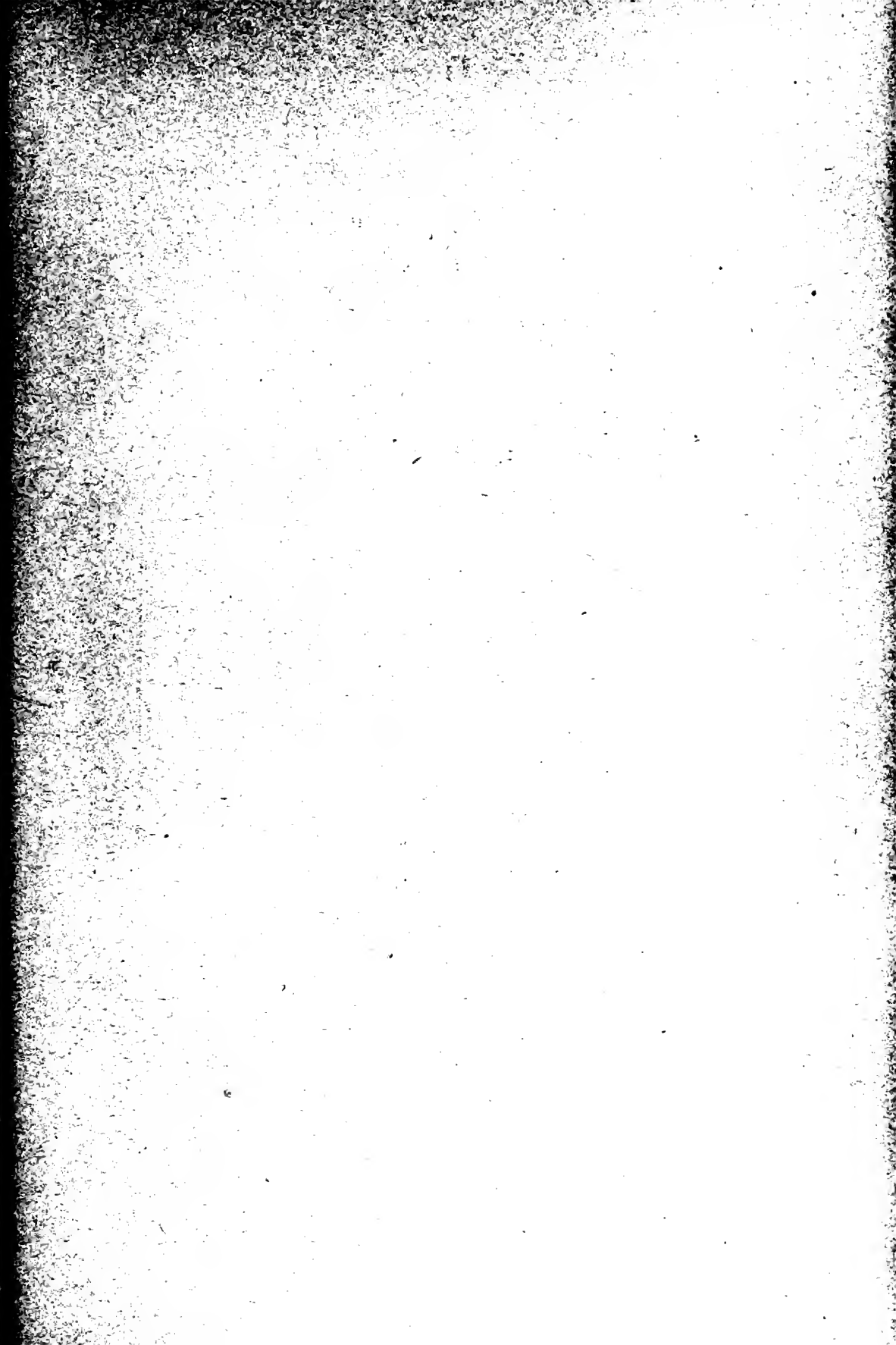
20. Every school established under this Part shall be maintained and conducted by a board to be appointed or elected in the manner provided by the regulations, and such regulations may provide for the representation upon the board of any organization of employers or employees in the particular branch of industry for which the school is established. R.S.O. 1927, c. 334, s. 20. Board.

21. The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations for the establishment, organization, government, courses of study and examination of technical schools established under this Part, and generally the Minister and the Lieutenant-Governor in Council shall have and may exercise with respect to any such school the powers conferred by *The Department of Education Act* with respect to technical schools. R.S.O. 1927, c. 334, s. 21. Regulations. Rev. Stat., c. 322.

22. *The Vocational Education Act*, being chapter 334 of the Revised Statutes of Ontario, 1927, is hereby repealed. Repeal.

23. This Act shall come into force on the 1st day of July, 1930. Commencement of Act.





BILL.

An Act respecting Vocational Education.

1st Reading

March 21st, 1930

2nd Reading

March 28th, 1930

3rd Reading

March 28th, 1930

MR. FERGUSON.

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

BILL

An Act to amend The Municipal Drainage Act.

MR. BONIS.

No. 153.

1930.

BILL

An Act to amend The Municipal Drainage 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 Municipal Drainage Act, 1930.*

Rev. Stat.,
c. 241, s. 89,
amended.

2. Section 89 of *The Municipal Drainage Act* is amended by striking out the words "interested in" in the fifth and sixth lines and substituting therefor the words "required to maintain."

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 section sought to be amended power is given to a municipality upon a petition signed by a majority of the owners interested in any ditch or drain constructed under the provisions of *The Ditches and Water-courses Act*, to assume it and deal with it as a work constructed under *The Municipal Drainage Act*.

The Bill asks that the petition in such a case should come from the owners who are required to maintain the ditch rather than from those who are interested in it.

BILL.
An Act to amend The Municipal
Drainage Act.

1st Reading
March 21st, 1930.

2nd Reading

3rd Reading

MR. BONIS.

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

BILL

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

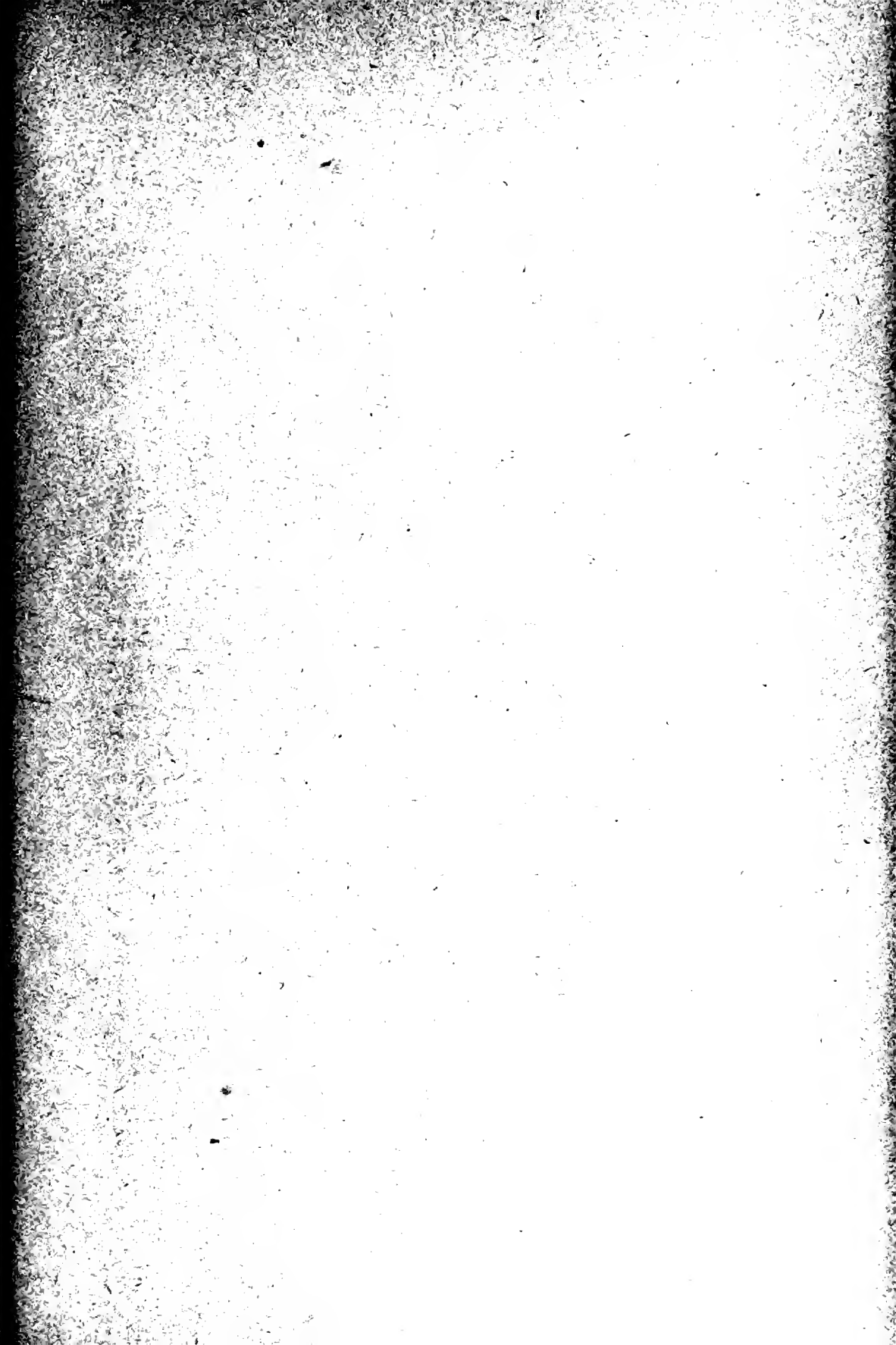
MR. COOKE.

BILL

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

Preamble.

WHEREAS pursuant to agreement dated 14th January, 1920 made between Detroit United Railway, of the first part, The Hydro-Electric Power Commission of Ontario, of the second part; Sandwich, Windsor & Amherstburg Railway, of the third part, and The Windsor & Tecumseh Electric Railway Company, of the fourth part, which agreement by virtue of *The Hydro-Electric Railway Act, 1920* is legal, valid and binding upon the parties thereto, The Hydro-Electric Power Commission of Ontario has acquired all the assets, undertakings and property of every kind and nature of the said Sandwich, Windsor & Amherstburg Railway and The Windsor & Tecumseh Electric Railway Company; and whereas pursuant to and upon the terms and conditions more particularly set forth in an agreement dated 1st January, 1920 and amendments thereof, made between The Hydro-Electric Power Commission of Ontario and the municipal corporations of the township of Sandwich East, township of Sandwich West, city of East Windsor (formerly the town of Ford City) town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg and city of Windsor, which agreement by virtue of *The Hydro-Electric Railway Act, 1920* is legal, valid and binding upon the parties thereto, the said Commission has constructed and equipped and is operating an electric railway which, as more particularly provided in said agreement, is vested in said Commission, on behalf of the said municipal corporations and certain other municipal corporations, namely, the town of Tecumseth and the town of Riverside, comprising territory formerly included in the township of Sandwich East, and the town of LaSalle, comprising territory formerly included in the township of Sandwich West, which additional municipal corporations have subsequently become parties to the said agreement; and whereas the property and assets comprising the said electric railway being operated by The Hydro-Electric Power Commission of Ontario as aforesaid consist of all the assets, undertaking and property of the said Sandwich, Windsor & Amherstburg Railway and The Windsor & Tecumseh Electric Railway Company acquired by The Hydro-Electric Power Commission



of Ontario under said agreement dated 14th January, 1920, together with the improvements, additions and extensions thereof and thereto made by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 1st January, 1920, and amendments thereof; and whereas pursuant to said agreement dated 1st January, 1920, and amendments thereof The Hydro-Electric Power Commission of Ontario has from time to time issued its bonds to an aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205) in the following respective amounts, bearing date, carrying interest, and maturing on the dates hereinafter mentioned, namely:

Principal amount of Bonds issued	Interest Rate	Date	Date of Maturity
\$2,100,000.00.....	4½%	1st April, 1920	1st April, 1960
900,000.00.....	6%	1st July, 1921	1st July, 1961
966,205.00.....	5%	1st Sept. 1923	1st Sept. 1945
750,000.00.....	5%	1st July, 1925	1st July, 1945
100,000.00.....	5%	1st Sept. 1925	1st Sept. 1945
1,000,000.00.....	5%	15th July, 1926	15th July, 1946
<hr/>			
\$5,816,205.00.....			

and whereas the said bonds issued by the said Commission as aforesaid to said aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205) have been guaranteed as to the payment of both principal and interest by the Province of Ontario; and whereas the municipal corporations, parties to said agreement dated 1st January, 1920, and amendments thereof, pursuant to requests by the said Commission from time to time in respect of said bonds issued by said Commission have, in accordance with said agreement, issued and deposited with said Commission debentures of said corporations to the aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205), which debentures under said agreement are held by said Commission as collateral security for the payment of said bonds of the Commission to be disposed of in trust for the holders of said bonds;

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 Sandwich, Windsor & Amherstburg Railway Act, 1930.*

Interpretation.

2. In this Act,—

"Corporations."

(a) "Corporations" shall mean the municipal corporations of the township of Sandwich East, township of Sandwich West, town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg, town of Tecumseh, town of Riverside, town of La Salle, city of East Windsor (formerly the town of Ford City), and city of Windsor, and any additional municipal corporations which may from time to time become parties to the agreement between the corporations and the company referred to in section 7 of this Act; and "Corporation" shall mean one of the "Corporations;"

"Railway."

(b) "Railway" or "Sandwich, Windsor & Amherstburg Railway" shall mean all the assets, undertakings and property of every kind and nature formerly belonging to the Sandwich, Windsor & Amherstburg Railway and The Windsor & Tecumseh Electric Railway Company, and acquired by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 14th January, 1920, and now being operated by The Hydro-Electric Power Commission of Ontario on behalf of said corporations, and every improvement, addition and extension thereof and thereto heretofore or hereafter made;

"Commission."

(c) "Commission" shall mean The Hydro-Electric Power Commission of Ontario;

"Bonds of the Commission."

(d) "Bonds of the Commission" shall mean the bonds heretofore issued by the Commission as aforesaid in respect of the railway and which may be from time to time outstanding;

"Company."

(e) "Company" shall mean the Sandwich, Windsor & Amherstburg Railway Company created a body corporate under the provisions of this Act.

Incorporation and Constitution of Company.

3.—(a) There is hereby created and constituted a body corporate and politic under the name of the "Sandwich, Windsor & Amherstburg Railway Company," consisting of as many members as shall be appointed by the corporations. Each of the corporations may by by-law appoint one member who, subject to his removal by the corporation which appointed him, shall hold office for three years and until his successor is appointed. The member appointed by any corporation may at any time for any cause be removed from office by such corporation by by-law passed with the affirmative vote of two-thirds of all the members of the council of such corporation at a meeting specially called for

considering such by-law. When and so often as a member of the company shall die, resign, be removed from office, or become unable to act, the council of the corporation which appointed such member shall by by-law forthwith appoint his successor. Every member of the company shall be a resident of the municipality represented by him and in case any member shall cease to reside in such municipality he shall be unable to act as a member of the company. Any member of the council of any of the corporations shall be eligible for appointment as a member of the company. A majority of the members shall form a quorum for the transaction of business. The first meeting of the company may be called by the member appointed by the city of Windsor by written notice mailed to each of the other members five days before the date fixed for such meeting, and at such first meeting the company may appoint one of its members as chairman and another as vice-chairman.

Expenses of Administration.

(b) All expenses of administration of the company and all gratuities, salaries and other remuneration of the members and officers of the company may to such amount as shall be approved by the commission, be paid by the commission as part of the working expenditure of the railway.

By-laws.

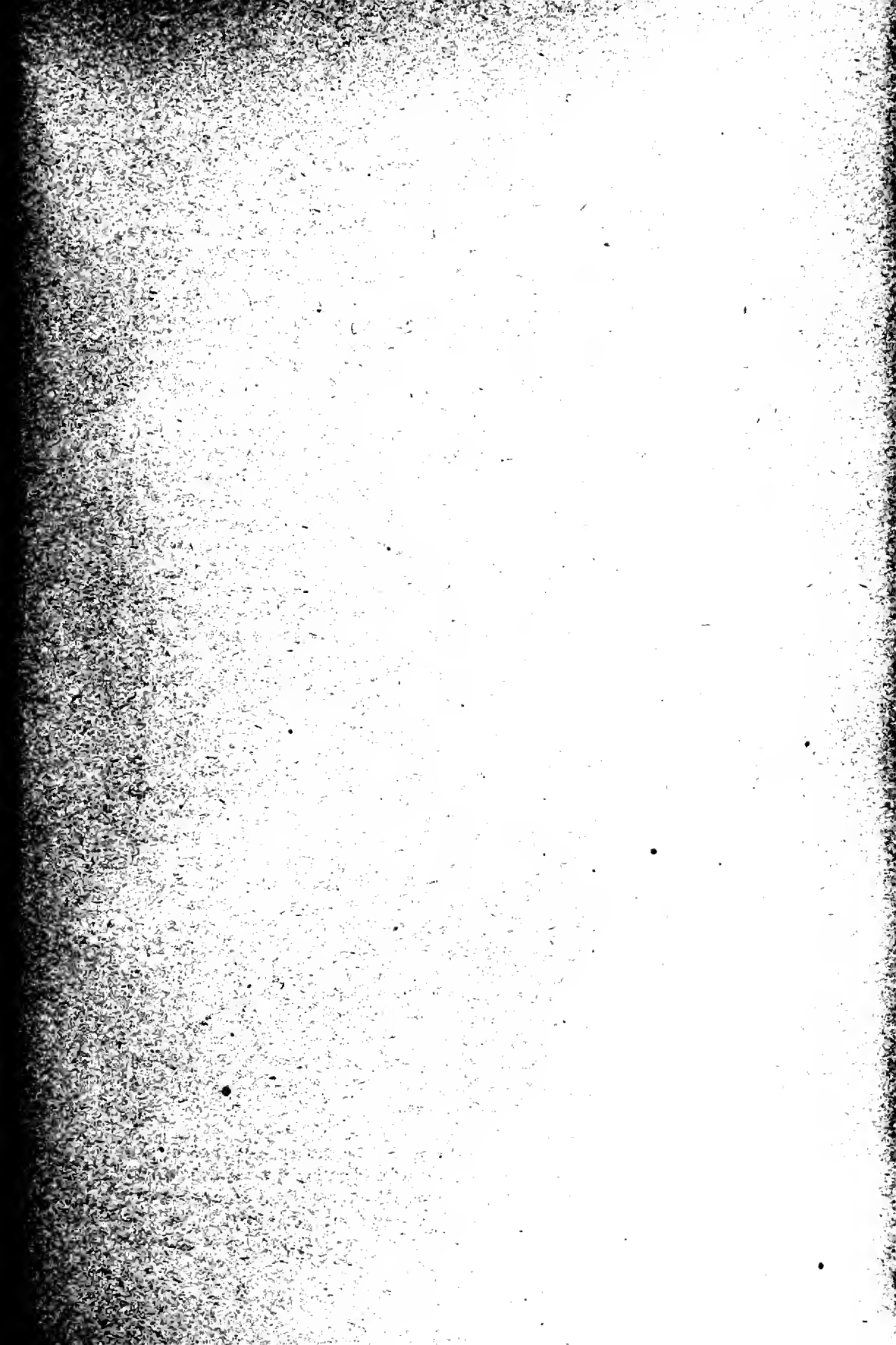
4. The company may from time to time enact, make, alter, repeal, amend, vary and re-enact by-laws for the carrying on, management and regulation of the undertaking of the company, and for governing the proceedings of the company, the conduct of its members, the calling of meetings of the company, and generally such by-laws as the company may consider necessary or expedient in connection with the business and affairs of the company, and the company may from time to time appoint such officers and employees as the company may deem necessary for the proper conduct of the business of the company, and may prescribe their duties and fix their remuneration.

Authentication of by-laws.

5. Every by-law of the company shall be under the seal of the company and shall be signed by the chairman or by the person presiding at the meeting at which the by-law has been passed and by the secretary or assistant secretary of the company.

Conveyance of railway to Company.

6. With the approval of the Lieutenant-Governor in Council and with the approval of a majority of the corporations, such last mentioned approval to be evidenced by by-law, the company may acquire and the Commission on behalf of the corporations may grant and convey to the company the railway, subject, however, to the liabilities incurred by the Commission in connection with the acquisition,



construction, equipment and operation of the railway and to the existing mortgage or charge in favour of the holders of the bonds of the Commission, and the payment of said liabilities and of the principal and interest of said bonds shall thenceforth be an obligation of the company and the company shall indemnify and save harmless the Commission against the same; provided always that all bonds of the Commission and all bonds issued by the company pursuant to this Act shall be equally charged upon and secured by the railway and every extension thereof and all lands and interests in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, tolls, revenue, sources of money, rights, powers, privileges, franchises and all properties and assets of or belonging to the company as a first mortgage or charge thereon. Upon the execution by The Hydro-Electric Power Commission of Ontario on behalf of the corporations and upon delivery to the company, of a grant and conveyance of the railway made or purporting to be made pursuant to this section, and upon the deposit of such grant and conveyance as hereinafter mentioned the railway shall be vested in the company free from all liens, charges and encumbrances whatsoever save and except the mortgage and charge aforesaid, and such grant and conveyance may be made in general terms and it shall not be necessary therein to particularly describe the property thereby granted and conveyed or to conform to or comply with the provisions of any law or statute relating to the transfer of real or personal property. It shall not be necessary to register or file such grant and conveyance under the provisions of any law respecting the registration, filing or recording of instruments affecting real or personal property but the same shall be deposited in the office of the Ontario Railway and Municipal Board, and thereupon the said grant and conveyance shall be legal, valid and binding upon the corporations and the Commission. A copy of such grant and conveyance may, however, be registered in the general register of the county of Essex and the registrar of deeds for the said county shall upon request enter in the abstract index of each parcel or tract of land the title to which is in any way affected by this Act, a note entry or memorandum showing that the title thereto has been changed or affected by this Act and referring to the date and registration number in the general register where the said grant and conveyance has been recorded or registered as aforesaid.

Effect of deposit of grant and conveyance with Railway Board.

7. Upon the deposit of said grant and conveyance in the office of the Ontario Railway and Municipal Board as aforesaid and upon the execution by the company of an agreement with the Commission in form set forth in schedule "A" to this Act with such variations, additions, alterations or amend-



ments as may be approved by the Lieutenant-Governor in Council either before or after the execution thereof, the Commission shall cease to have any further obligations to the corporations under said agreement between the Commission and the corporations dated 1st January, 1920 and amendments thereof but the said agreement, subject as hereinafter mentioned, shall thereafter be effective as a valid and binding agreement between the corporations and the company as fully and effectually as though the company had been named as a party to and throughout said agreement and amendments in the place and stead of the Commission, provided, however that for such purpose the said agreement shall be deemed to be amended as follows:—

Amendments
to Agreement
of
Jan. 1st,
1920.

(1) By striking out the words "The Hydro-Electric Power Commission of Ontario" and the "Commission" wherever the same appear throughout said agreement and any amendment thereto and substituting therefor the words "Sandwich, Windsor & Amherstburg Railway Company" and "Company" respectively.

(2) By substituting for the names of the municipal corporations who are parties of the second part to said agreement the names of the municipal corporations referred to in section 2 (a) of this Act.

(3) By striking out the recitals to the said agreement and substituting therefor the following:—

"Whereas The Hydro-Electric Power Commission of Ontario on behalf of the corporations has constructed and equipped and is operating a system of electric railways (known as the Sandwich, Windsor & Amherstburg Railway and hereinafter referred to as the "Railway") over the routes laid down in schedule "A" hereto; and whereas all the assets and undertakings of said railway have been acquired from said Commission by the company subject to the payment by the company of all liabilities incurred by the Commission in connection with such construction, equipment and operation and to the payment by the company, of the principal and interest of all bonds heretofore issued by said Commission in respect of said railway."

(4) By striking out subsections (a) and (b) of section 1 and substituting therefor the following:—

"to equip, operate and maintain the railway over the routes laid down in schedule "A" and through the districts in which the corporations are situate."

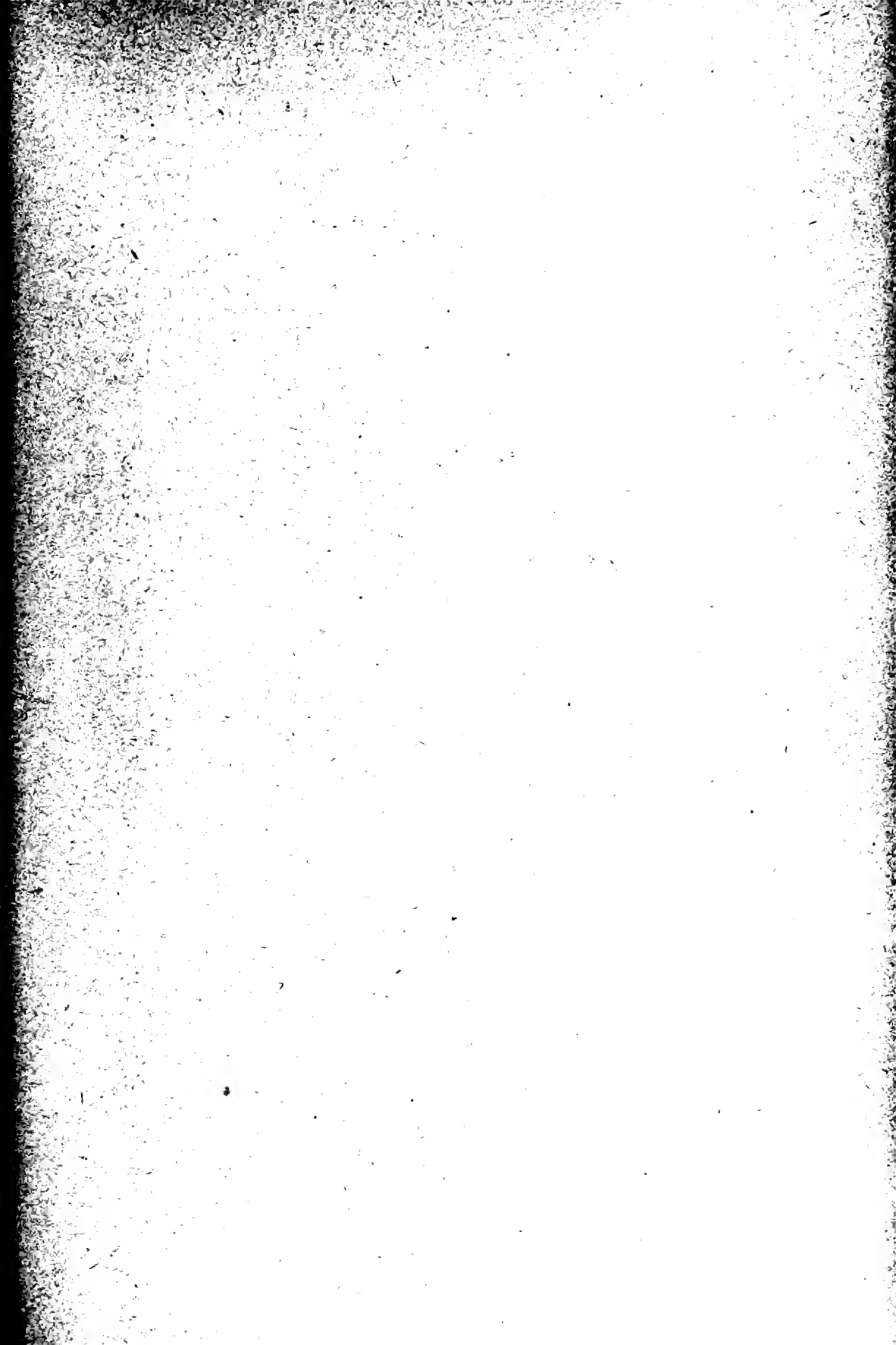
(5) By striking out subsections (c), (g), (i) and (n) of said section 1.

(6) By striking out subsections (k) and (l) of said section 1 and substituting therefor the following:—

“To apply the revenue derived from the operation of the railway and any other revenue derived from the undertaking of the company to the payment of operating expenses and working expenditure, the payment of interest and sinking fund in respect of the bonds heretofore issued by The Hydro-Electric Power Commission of Ontario for the railway and in respect of the bonds of the company to be issued for the railway, and the payment of all monies owing or payable to the trustee under the trust indentures securing said bonds of said Commission and of the company, in setting aside such sums as the company or The Hydro-Electric Power Commission of Ontario as agent for the company may deem desirable for reserves for working expenditure, obsolescence, depreciation and contingencies and for the renewal of any works belonging in whole or in part to the undertaking, and to reimburse the company for and indemnify the company against any expenditure, liability or obligation which may be undertaken or incurred by the company under this agreement or when purporting to act under this agreement or by The Hydro-Electric Power Commission of Ontario when operating the railway as agent of the company under an agreement between the company and said Commission; and it is hereby agreed that the company or said Commission as agent for the company may apply said revenue for any or all of the purposes aforesaid in such amounts, with such preferences and priorities or without any preference or priority as the company or said Commission may in its sole discretion determine.”

(7) By striking out subsections (j) and (m) of said section 1 and substituting therefor the following:—

“When all bonds issued by The Hydro-Electric Power Commission of Ontario and the company in respect of the said railway and all other liabilities and indebtedness of the company have been paid in full, to sell or otherwise dispose of the railway in such manner and at such time and for such price as may be approved by a majority of the corporations and to divide the proceeds of the sale of such assets among the corporations in the proportion agreed upon between them or failing such agreement in the proportion fixed by The Hydro-Electric Power Commission of Ontario whose decision shall be final.”



(8) By striking out the first three lines of section 2 and subsections (a) and (b) of section 2 and substituting the following:—

“In consideration of the premises and of the agreements herein set forth the corporations and each of them agree with each other and with the Commission as follows:—

(a) To issue and deposit their debentures with the company as provided by this agreement and to pay to the trustee for the holders of the bonds to be issued by the company and of the bonds heretofore issued by The Hydro-Electric Power Commission of Ontario in respect of the railway all monies which may be demanded by said trustee in accordance with the provisions of this agreement and to become directly jointly and severally liable for the payment of the principal, premium if any, and interest of and on all bonds issued by the company, and the corporations do hereby jointly and severally agree to pay said principal, premium if any, and interest as the same respectively fall due.”

(9) By adding to subsection (c) of said section 2 the following:—

“To take all means within their power to ensure to the company the exclusive right of furnishing transportation within the limits of the municipalities of the corporations and to pass and enforce such by-laws as they may legally pass to prevent the operation of busses, jitneys or vehicles or any other system of transportation which would compete with the transportation services furnished by the company.”

(10) By striking out paragraph 3 of said agreement and substituting therefor the following:—

“3.—(a) The company from time to time, subject to the provisions of this agreement, may issue bonds for such amount as the company may deem necessary to cover the capital cost of extensions, improvements and additional properties, works and equipment of any kind or any of them for use on or in connection with the railway; and the company from time to time upon such terms as it deems proper may sell, hypothecate, pledge or otherwise dispose of any bonds of the company issued under this agreement, but only after deposit with the company of the debentures of the corporations as provided in this agreement;

(b) Subject as hereinafter in this sub-clause (b) provided the company shall obtain the consent of a majority of the corporations (including always the corporation of the city of Windsor) before the issue of any bonds, such consent in each case to be in the form of a by-law passed by the council of the corporation for which the assent of the electors shall not be necessary, provided that where such bonds are being issued to cover capital cost within the limits of one municipality only the consent of the corporation of that municipality alone shall be necessary; and provided further that it shall not be necessary to obtain the consent of any of the corporations in respect to the issue of bonds from time to time up to an amount not exceeding ten per centum (10%) of the aggregate amount of the bonds of The Hydro-Electric Power Commission of Ontario heretofore issued in respect of the railway and of the bonds of the company issued with the consent of the corporations as above mentioned and outstanding from time to time;

(c) The bonds issued by the company from time to time under this agreement shall respectively bear such date, carry such rate of interest, be payable at such place or places and in such monies and upon such terms and conditions, and mature within such period not exceeding fifty (50) years from the date thereof as the company may determine; and all bonds of the company hereafter issued under this agreement and all bonds of The Hydro-Electric Power Commission of Ontario heretofore issued in respect of the railway shall be equally charged upon and secured by the railway and every extension thereof and all lands and interests in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, tolls, revenue, sources of money, rights, powers, privileges, franchises, and all properties and assets of or belonging to the company as a first mortgage or charge thereon;

(d) In order to provide for the payment of any issue of bonds of the company, the company may in each year during the currency of such bonds commencing in such year as the company may determine, out of such monies of the company as may be available therefor, set aside and pay or cause to be set aside and paid annually as a sinking fund such sum as the company may deem desirable, and such sinking fund may be applied by or on behalf of the company from time to time in the purchase or redemption of bonds issued by the company at such time or times and in such manner and for such price or prices as the company may deem desirable; and

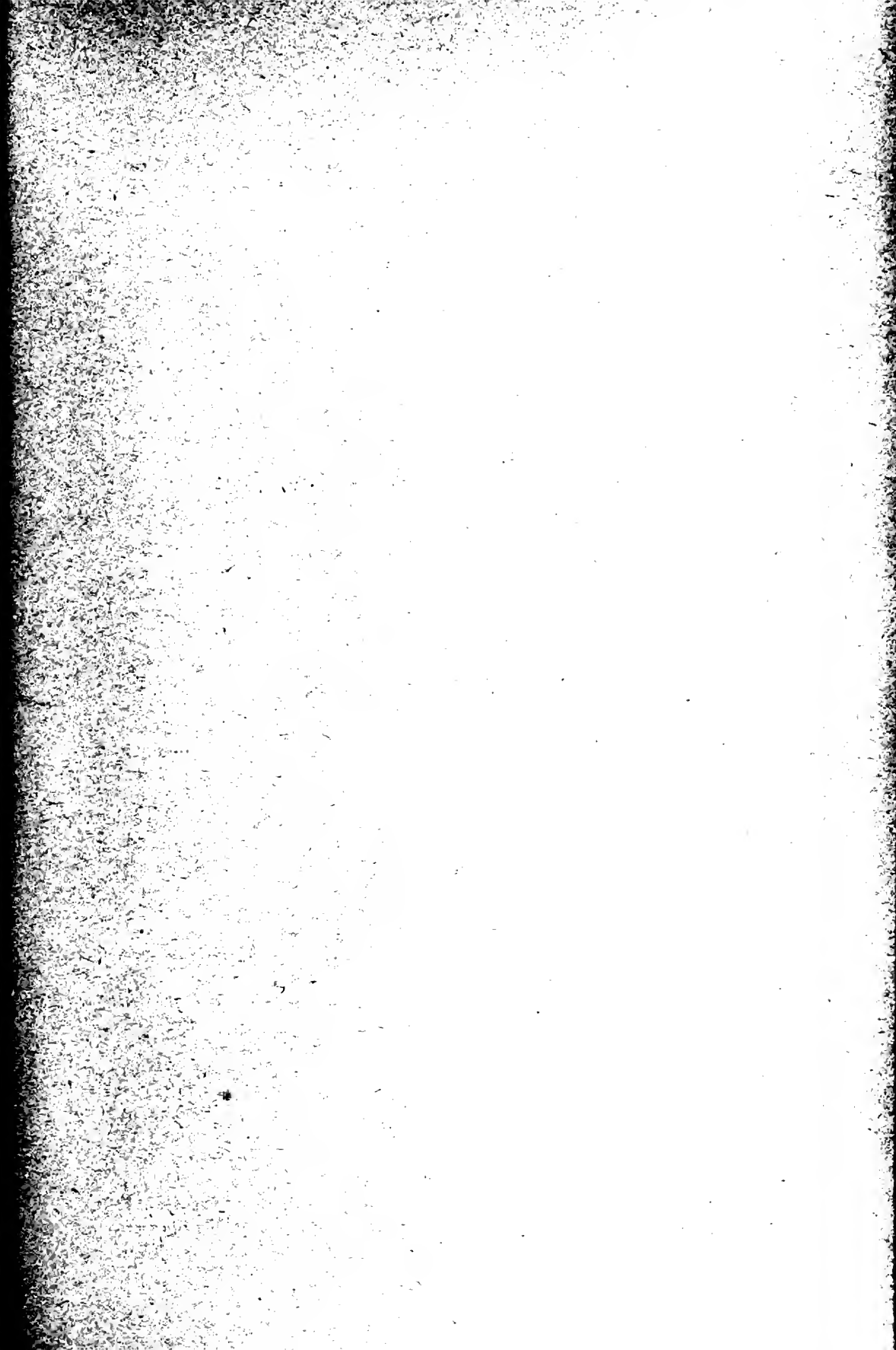


the company shall have power at such times as it may deem expedient to issue further bonds to such amount as will realize the net sum required after the application of the accumulated sinking fund on hand available therefor to repay its outstanding bonds as the same respectively mature;

(e) In order to provide for the payment of the bonds heretofore issued by The Hydro-Electric Power Commission of Ontario in respect of the railway the company may in each year during the currency of such bonds commencing in such year as the company may determine, out of such monies of the company as may be available therefor, set aside and pay or cause to be set aside and paid such sum for sinking fund as the company may determine and such sinking fund payments may be held by a trustee for the said outstanding bonds of said Commission and shall be applied towards the repayment or retirement of the said bonds respectively or any renewal or refunding thereof at maturity and in the meantime may be invested in securities authorized for investment by trustees in the Province of Ontario or in call loans guaranteed by said trustee and the company shall have power at such times as it may deem expedient to issue further bonds to such amount as will realize the net sum required after the application of the accumulated sinking fund on hand available therefor to repay the said bonds as the same respectively mature.

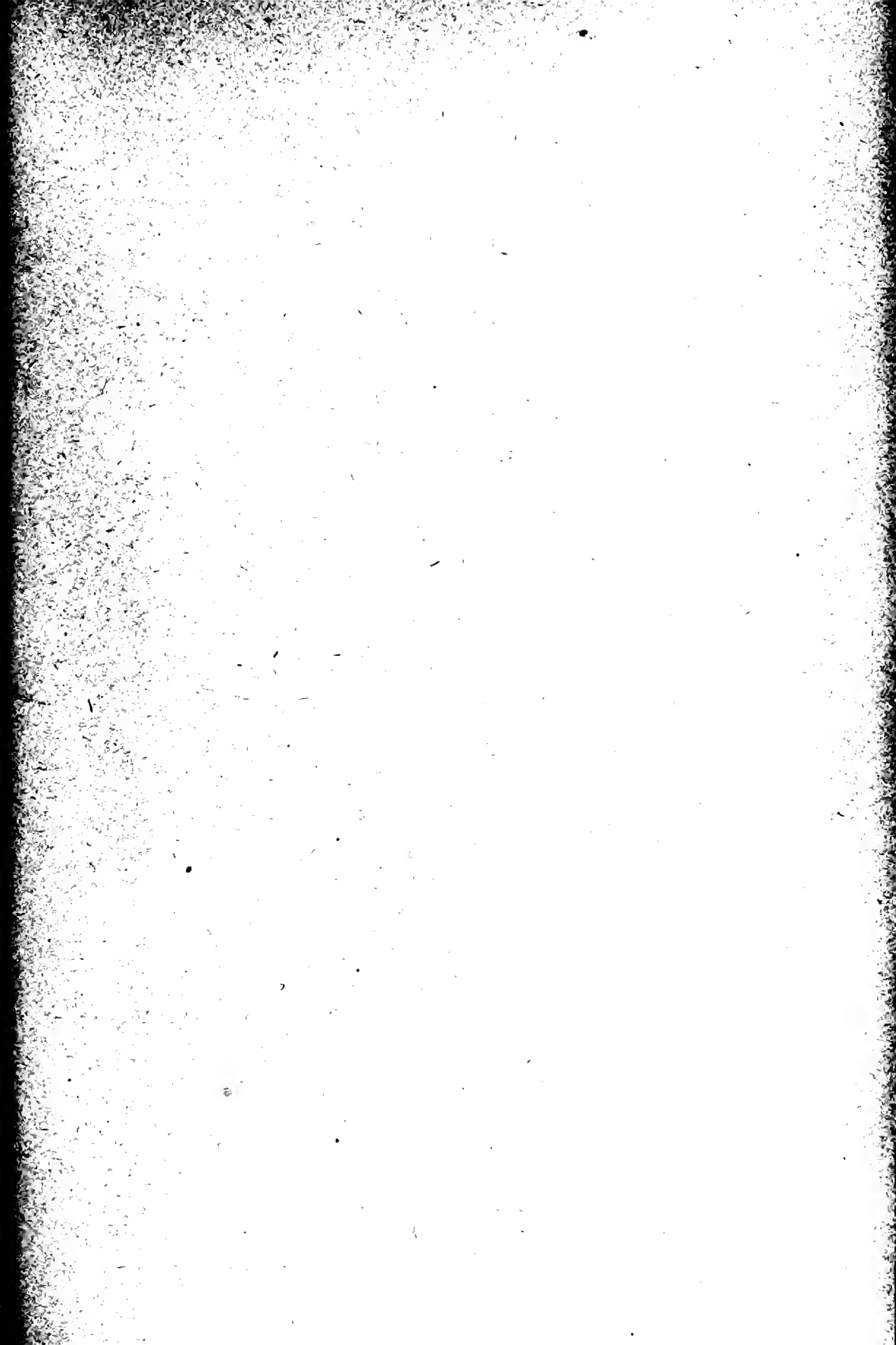
(f) Upon the issue of further bonds by the company for the purpose of repaying, renewing or refunding any outstanding bonds of said Commission or of the company as provided in the foregoing subsections (d) and (e) of this section 3 all of the provisions of this agreement relating to the issue and deposit with the company and the disposal by the company of debentures of the corporations will apply as hereinafter more particularly provided.

(g) From time to time whenever the company shall authorize an issue of bonds as hereinbefore provided the corporations upon requisition in writing from the company approved by The Hydro-Electric Power Commission of Ontario shall issue and deposit with the company debentures to the respective amounts specified in the said requisition; the said debentures shall be for an aggregate principal amount of not less than one hundred and ten per centum (110%) of the principal amount of the bonds of the company to be issued as aforesaid; shall bear such date, shall carry interest payable half-yearly at such rate, shall mature on such date and shall



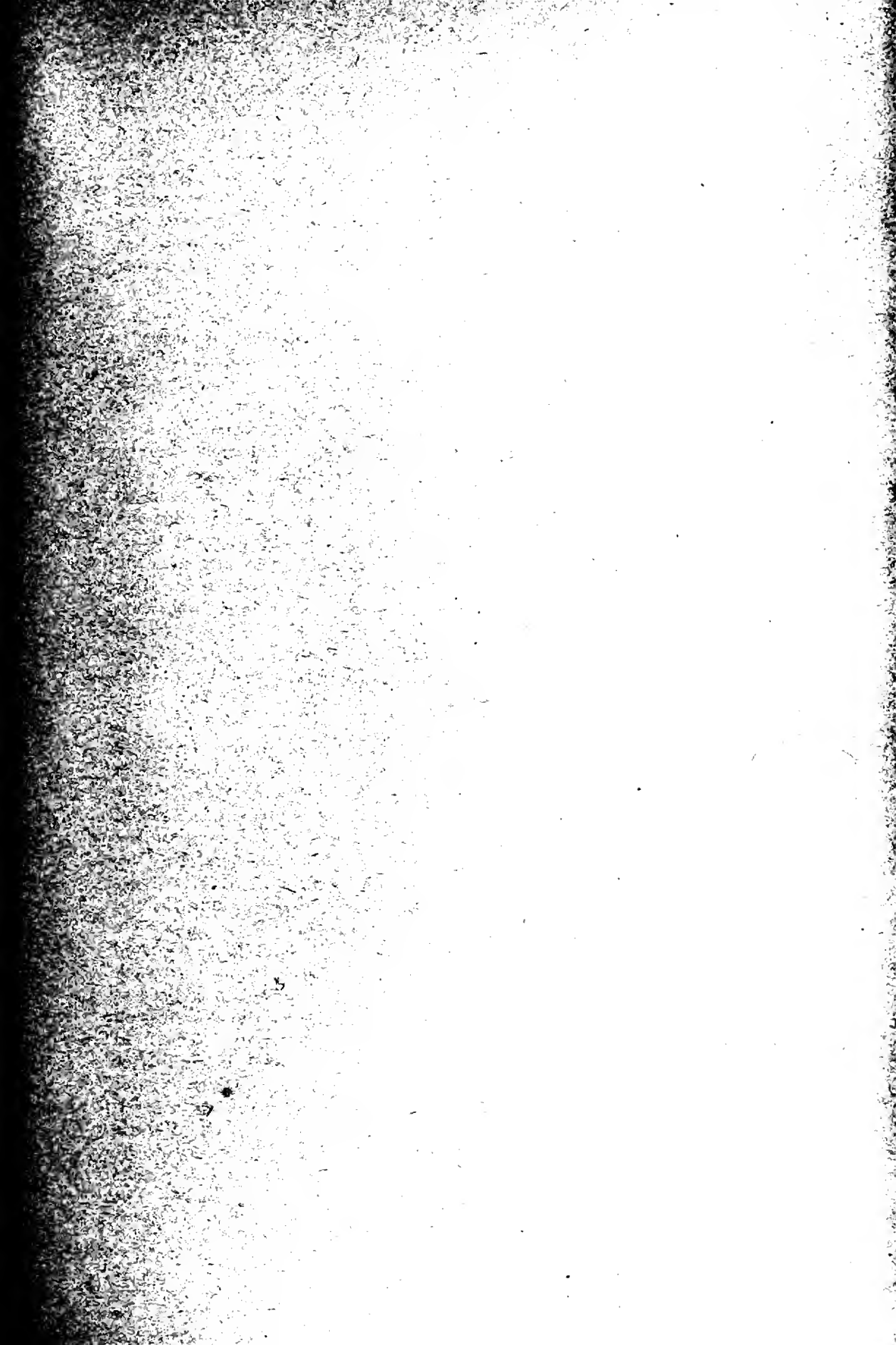
be payable as to both principal and interest in lawful money of Canada at Toronto, Ontario, and in such other currency or currencies and at such other place or places, if any, as the company in each case may specify in such requisition.

(h) Debentures issued by any municipal corporation or corporations pursuant to a request by the company, in respect of any extension, improvement, additional works or equipment required for the railway for which bonds of the company are issued or to be issued, may be held or disposed of by the company in trust exclusively for the holders of such bonds of the company and as security for the payment of such bonds of the company in respect of which such debentures have been issued and deposited in such manner and at such time or times and upon such terms and conditions as the company in its sole discretion may determine and without limiting the generality of the foregoing the company as security for the repayment of the principal of said bonds, and the interest and premium, if any, thereon may execute, deliver and enter into any trust indenture or other document with a trust company or corporation as trustee for the holders of said bonds of the company containing such powers, terms and conditions and such provisions as to sinking fund, redemption or otherwise, and such protection to the trustee in the exercise of its duties thereunder and such security to said trustee for the payment of its fees, compensation and disbursements by way of lien on all monies, debentures and other property in its hands or otherwise, and such mortgage, charge and pledge (subject always to the rights of the holders of the outstanding bonds of the Commission as hereinbefore in sub-paragraph (c) of this paragraph 3 mentioned) as the company in its sole discretion shall deem to be in the best interests of the company and of the holders of said bonds, and may by said trust indenture or other document transfer, pledge, hypothecate, charge and mortgage the said debentures or any of them to said trustee for the exclusive benefit and security of the holders of the bonds of the company in respect of which said debentures have been issued and deposited with the company and may give said trustee such power to sell, dispose of or realize upon such debentures and the interest coupons attached thereto and such power to collect all monies payable by the corporations under this agreement, as the company in its sole discretion may deem advisable, and the company may by such trust indenture or other document, subject as aforesaid, mortgage and charge the railway and all the lands and interests in lands, buildings, fixtures, improvements,



terminals, rolling stock, equipment, income, tolls, revenues, sources of monies, rights, powers, privileges, franchises and all other properties and assets present and future belonging to or connected with said railway. Said trust indenture when executed by the company shall be legal, valid and binding upon the company and upon each of the corporations.

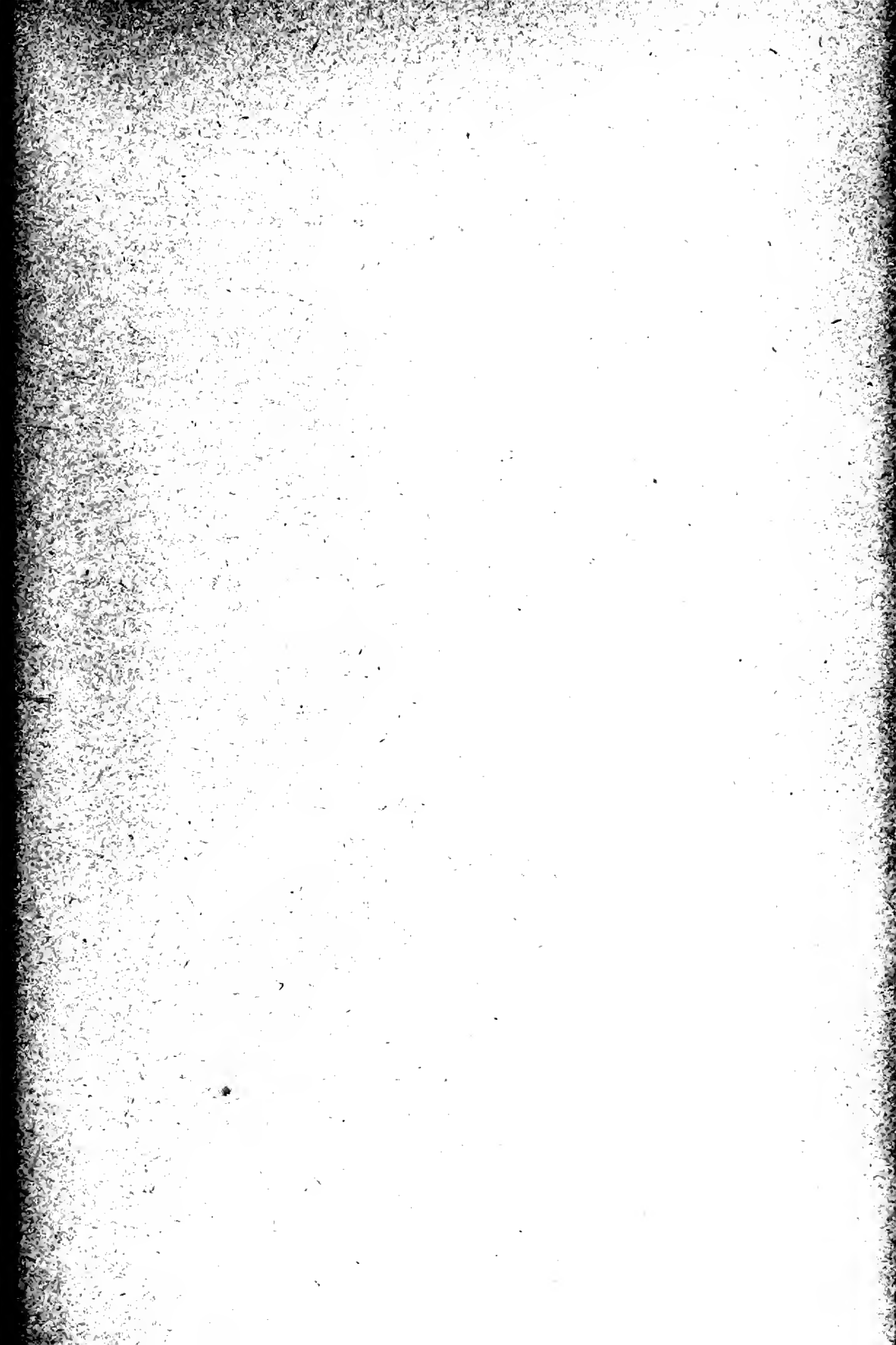
(i) The debentures of the corporations to the aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205) which have heretofore been issued by the corporations and deposited with The Hydro-Electric Power Commission of Ontario from time to time pursuant to requests by said Commission in respect of bonds issued by said Commission for the railway, the payment of the principal and interest of which bonds has been assumed by the company and is guaranteed by the Province of Ontario, and which debentures are held by said Commission as collateral security for the payment of said bonds to be disposed of in trust for the holders of said bonds, shall be delivered to the company by said Commission and shall be held or disposed of by the company in such manner and at such time or times and upon such terms or conditions as the company, subject to the approval of the Commission and the Lieutenant-Governor in Council, may determine, and without limiting the generality of the foregoing the company may for such purpose execute, deliver and enter into a trust indenture with a corporate trustee (who shall be the trustee for the holders of the bonds of the company) and may in such trust indenture as collateral security for the payment of the principal and interest of the said bonds of the Commission transfer, pledge, hypothecate, charge and mortgage the said debentures to said trustee for the benefit and security of the holders of the said bonds of the Commission, and may give said trustee such power to sell, dispose of or realize upon such debentures and the interest coupons attached thereto and to dispose of the proceeds of such sale, disposition or realization as the company in its discretion may determine and such power to collect all monies payable by the corporations under this agreement, and such trust indenture may contain such powers, terms, conditions and provisions, including provisions for payment of interest and sinking fund, and such protection to the trustee in the exercise of its duties thereunder and such security to said trustee for the payment of its fees, compensation and disbursements by way of lien on all monies, debentures and other property in its hands or otherwise, as the company may determine; provided that the disposition of or



dealing with the said debentures as provided by said trust indenture shall not become effective until approved by the said Commission and the Lieutenant-Governor in Council, and such disposition or dealing with said debentures and such trust indenture, shall, when approved by the said Commission and the Lieutenant-Governor in Council, be valid and binding upon the company, and upon such of the corporations. Any such trust indenture may with the like approvals be cancelled, altered or amended.

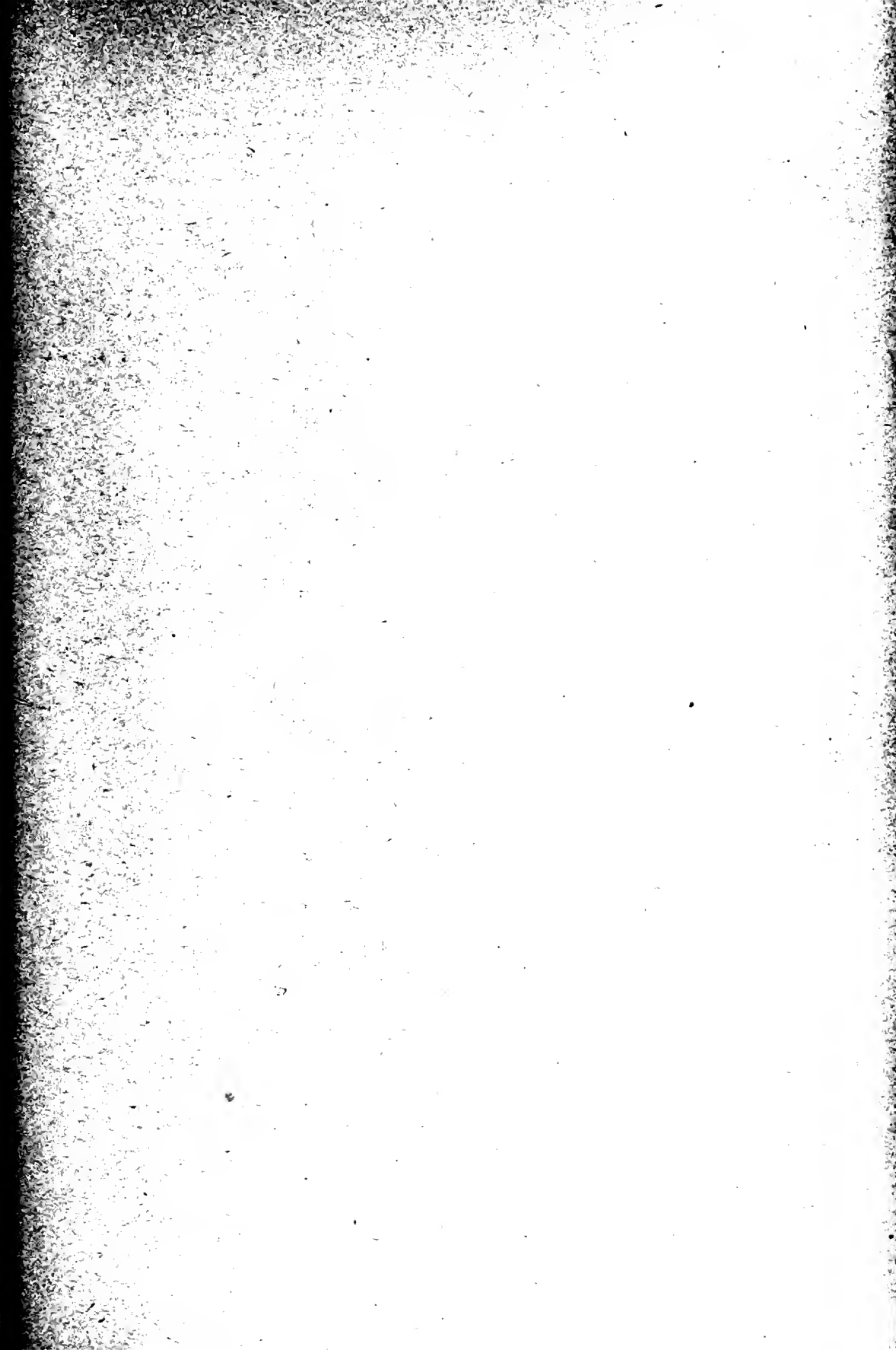
(j) The by-laws of the municipal corporations authorizing the issue of the debentures to be deposited with the company as aforesaid shall in each case provide for the raising in each year during the currency of the debentures of the annual interest thereon and of a specific sum as a sinking fund which with the estimated interest thereon at a rate not exceeding four per centum (4%) per annum capitalized yearly will be sufficient to pay the principal of the said debentures at maturity; provided that the respective amounts for interest and sinking fund to be raised by such municipal corporations in any year by special rates under any such by-law may be reduced or increased as hereinafter provided but such reduction shall in no way impair the obligation or liability of such municipal corporations to pay in full the amount of the principal of such debentures and of the interest coupons attached thereto.

(k) At least thirty (30) days prior to the respective dates on which interest and/or sinking fund payments fall due in respect of the bonds of the Commission and/or of the company. The Hydro-Electric Power Commission of Ontario, operating the railway as the agent of the company under the agreement hereinafter referred to, shall estimate and pay to the trustee or make arrangements satisfactory to the trustee for payment to the trustee of the amount of revenue, if any, from the operation of the railway which is available to be allocated to meet interest and sinking fund in respect of each issue of bonds made by the company and in respect of each issue of bonds heretofore made by the Commission in respect of the railway, and shall certify to the said trustee the amount remaining to be paid as hereinafter mentioned by each corporation for interest and/or sinking fund, such respective amounts to be determined from time to time by the Commission in its absolute discretion having regard to the service rendered by the railway to each corporation and the comparative benefits derived by each such corporation from the railway. The



said estimate and certificate of the Commission shall be final and conclusive and binding upon the company and the corporations and shall not be open to question.

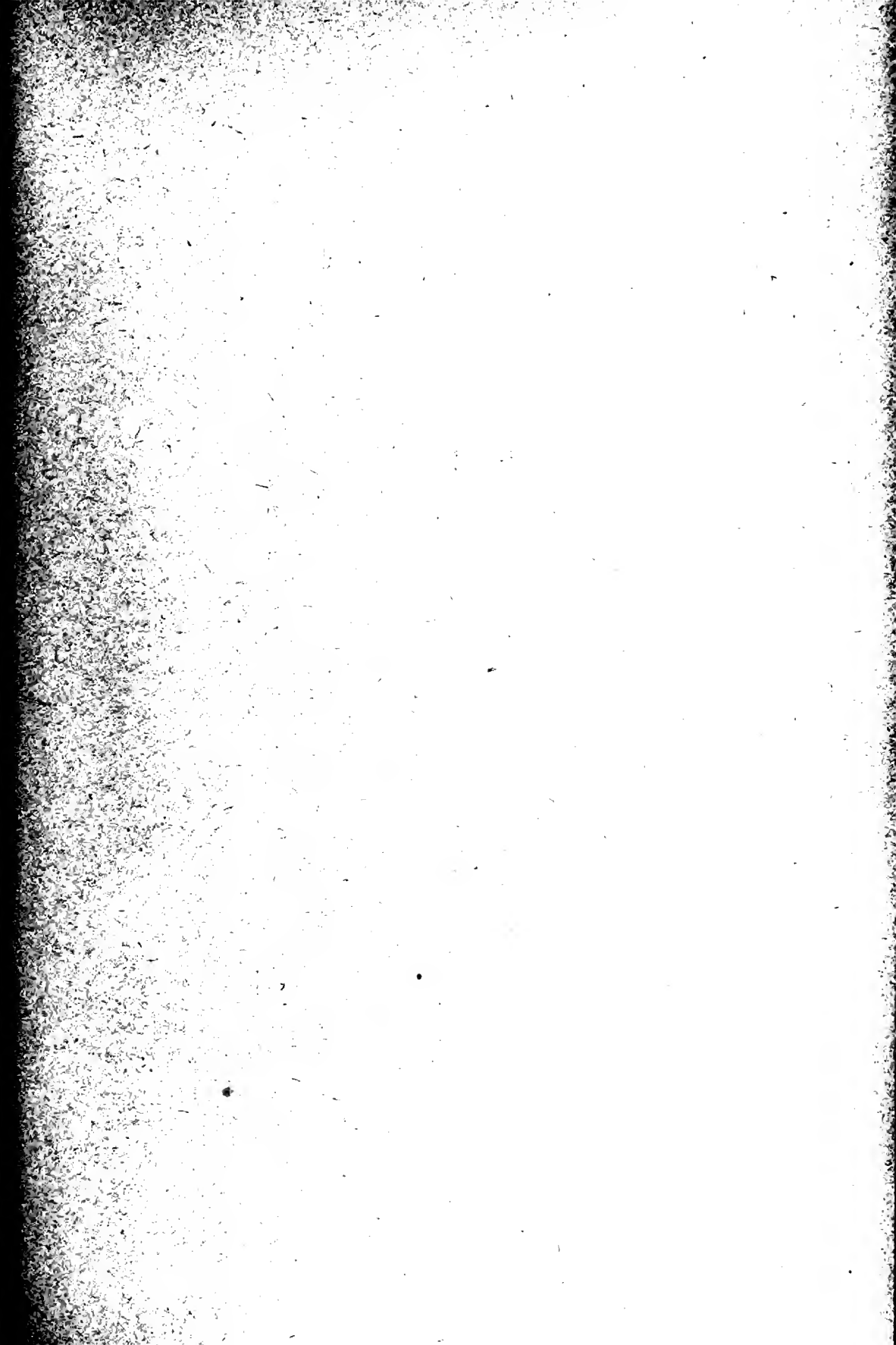
In the event that the Commission in any year shall have paid to the trustee the whole of the sinking fund and/or interest payments due in such year by the company to the trustee in respect of any issue of bonds of the company or of the Commission the corporations shall not be obliged to levy for that year any monies for sinking fund or interest under their by-laws authorizing the issue of debentures pledged to such trustee in respect of such bonds, but in the event that the Commission shall pay to the trustee for sinking fund and/or interest in any year any amount less than the whole amount of sinking fund and/or interest so payable such deficit shall forthwith on the demand of the trustee be paid to the trustee by the corporations in the respective amounts aforesaid, and pending the collection of the same by special rates the corporations may temporarily borrow the same from any bank, company or person on the credit of the corporation at large, and the respective amounts so payable shall be included by the respective corporations in their estimates for the current or next succeeding year and shall be raised and levied by each of said corporations by a special rate on all the rateable property in said respective municipalities rateable therefor and the monies so paid to said trustee for sinking fund shall be added to the sinking fund of the company and be applicable to the redemption of the bonds of the company and/or the Commission in respect of which the same has been paid and the monies so paid to the trustee for interest shall be made available by the trustee for the payment of the interest on the bonds of the company and/or the Commission respectively. Any monies payable as aforesaid by the said corporations to said trustee shall be debts due and owing by the respective corporations to said trustee and may be recovered by said trustee from each such corporation in any court of competent jurisdiction, together with interest at the rate of six per centum (6%) per annum from the date of such demand as aforesaid and the production by said trustee of such demands and proof of delivery thereof to the respective corporations shall be conclusive evidence of the amount due and owing by the respective corporations to said trustee as a debt. In the event that any corporation shall fail to pay to the trustee the amount payable by it as aforesaid within fifteen (15) days after the date of such demand, the trustee may sell, realize on or otherwise dispose of a sufficient number of debentures and/or interest



coupons of the defaulting corporation or corporations pledged to it to realize as nearly as may be the sum so in default and the surplus, if any, arising from the sale or realization of such debentures and/or interest coupons over and above the amount required to meet such sum in default may be added to the sinking fund or retained by the trustee to meet any subsequent default of such defaulting corporation or corporations. The corporation or corporations whose debentures have been so sold shall on demand by the trustee forthwith issue and deliver to the trustee new debentures of a like amount and payable upon the same terms as the debentures so sold, and the corporations are hereby authorized and required to pass all proper by-laws authorizing the issue and delivery of such new debentures.

(l) In addition to the annual deficits, if any, in respect of interest and/or sinking fund payable by the corporations to said trustee as provided in sub-paragraph (k) of this paragraph, the Commission shall certify to the trustee in each year the aggregate sum, if any, by which the revenue derived from the operation of the railway and any other revenue derived from the undertaking of the company is insufficient to meet in that year the operating expenses, working expenditure, reserves and other liabilities and obligations (other than for interest and sinking fund) to which the said revenue may be applied by the company as hereinbefore in this agreement provided, and the Commission shall also certify to the said trustee the respective amounts of such aggregate sum to be paid by each corporation, such respective amounts to be determined by the Commission and to be payable by the corporations to the trustee in the manner provided in sub-paragraph (k) of this paragraph. The certificates of the Commission herein provided for shall be final and conclusive and binding upon the company and the corporations and shall not be open to question. Such respective amounts when paid by the corporations to the trustee shall be paid by the trustee to the Commission.

(m) The trust indenture securing the bonds of the company may provide that the trustee may in each year release from the lien of the trust indenture and cancel and return to the respective corporations, municipal debentures (with all unmatured interest coupons attached) pledged to it in respect of any issue of bonds to an aggregate principal amount not exceeding the principal amount of such bonds of the company redeemed in such year out of sinking fund monies. The respective amounts of debentures of each corporation to be released



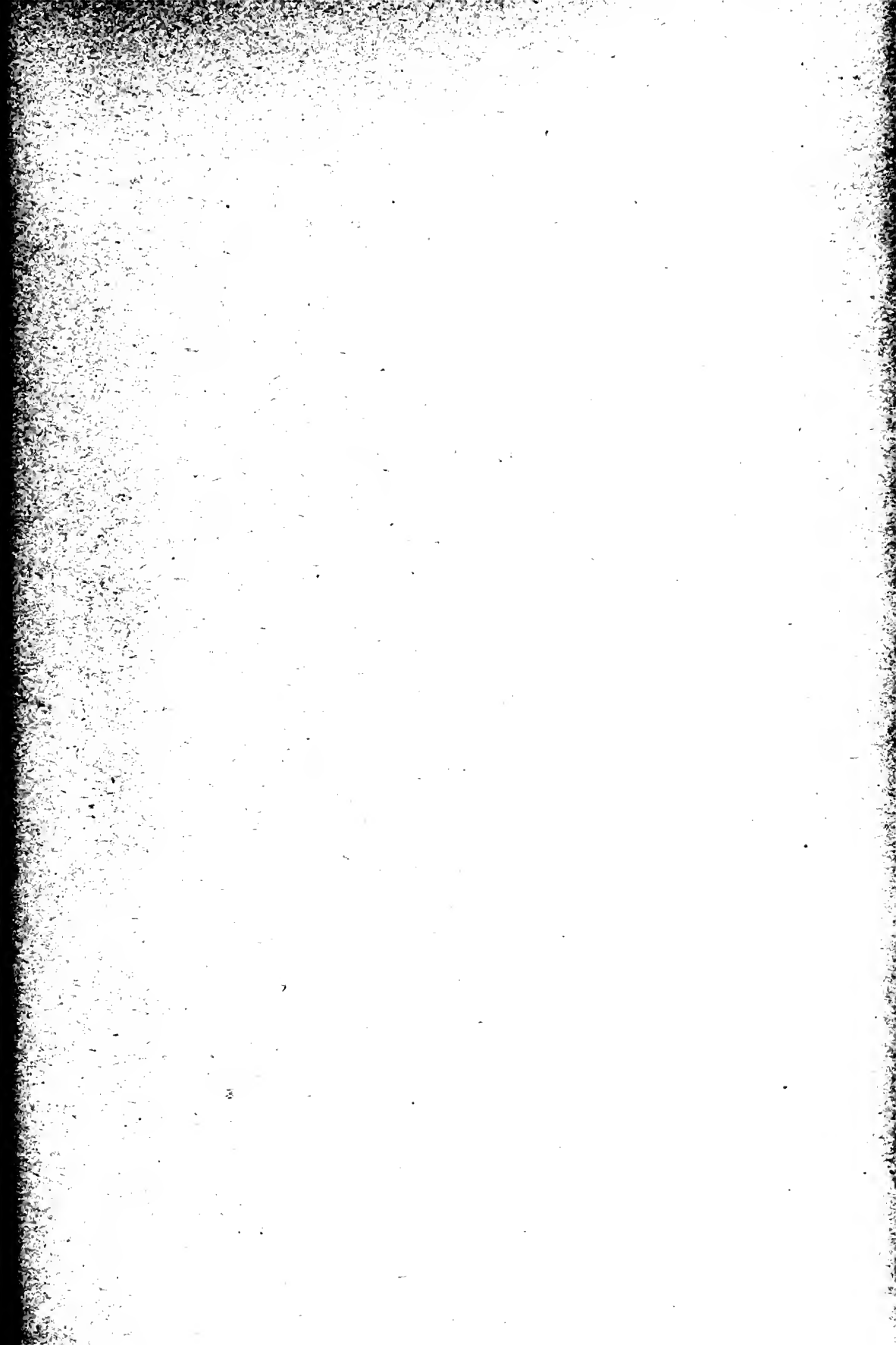
and cancelled as aforesaid shall be in the same proportion as nearly as may be as the proportion which the respective amounts of the debentures of each corporation pledged to the trustee in respect of such issue of bonds bear to the aggregate amount of municipal debentures pledged to the trustee in respect of such issue of bonds; provided that no release shall be made in respect of any fractional portion of any debenture; provided that no debentures will be returned to any municipal corporation which is in default in meeting any demand by the trustee.

(n) In the event that the security under a trust indenture securing bonds of the company shall have become enforceable, and the trustee thereof shall have determined or become bound to enforce the same, the trustee without the necessity of having recourse to any other security created by said trust indenture or otherwise may forthwith sell or otherwise dispose of any or all of the said debentures transferred, pledged, hypothecated, charged or mortgaged with or to it as aforesaid, in the manner and upon the conditions prescribed in said trust indenture, and the said debentures in the hands of the purchasers thereof shall be valid and binding upon the respective corporations and the ratepayers thereof and neither the validity of the by-laws authorizing the issue of such debentures nor the validity of any such debentures shall be open to question on any ground whatsoever.

(o) In the event that the said trustee shall enforce the security of said trust indenture as aforesaid and/or in the event the trustee shall sell or otherwise dispose of any or all of the debentures of the corporations mortgaged, hypothecated or pledged thereunder, the corporations shall in each year thereafter raise and levy the annual interest on such debentures and in lieu of the annual sinking fund levies provided for under the respective by-laws authorizing the issue of their debentures so disposed of shall raise and levy for sinking fund such amount as, with the estimated interest thereon at a rate not exceeding four per centum (4%) per annum, shall be sufficient to meet at maturity the debentures so sold or otherwise disposed of."

(11) By striking out paragraphs 4, 10, 11 and 16 of said agreement.

(12) By striking out paragraph 13 of said agreement and substituting therefor the following:—



“Any dispute between the corporations arising under this agreement shall be referred for settlement to The Hydro-Electric Power Commission of Ontario and said Commission may upon application fix a time and place to hear all representations that may be made by the corporations and the commission shall settle such dispute and such settlement shall be final. The said Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters.*”

(13) By striking out section 14 of said agreement and substituting therefor the following:—

“This agreement shall continue and extend for a period of fifty (50) years from the date the same goes into effect and at the expiration thereof be subject to renewal with the consent of the corporations from time to time for like periods of fifty (50) years. At the expiration of this agreement The Hydro-Electric Power Commission of Ontario shall determine and adjust the respective rights and liabilities of the corporations as among themselves having regard to the amounts paid or indebtedness incurred by them respectively pursuant to this agreement and to such other considerations as may appear equitable to The Hydro-Electric Power Commission of Ontario and are approved by the Lieutenant-Governor in Council.”

(14) By striking out section 15 and schedule “C” of said agreement and substituting therefor the following:—

“It is understood and agreed that all sums to be raised, levied and collected by the corporations pursuant to this agreement shall be raised, levied and collected by the respective municipal corporations by special rates upon all the rateable property in the respective municipalities with the exception of the municipality of the corporation of the township of Sandwich West wherein said rates shall be levied upon all the rateable property in that section only of said Township lying between the Anderdon town limit and Windsor that is bounded on the east side by the Malden Road, Huron Line, and the Tecumseh Road and on the west side by the Detroit river including property fronting on both sides of the roads forming the said easterly boundary, but excluding thereout all the property lying within the boundaries of the municipality of the town of LaSalle; provided that the council of the township of Sandwich West may at any time by by-law define an area in said township other than that above described and may submit to a vote of

the electors of such defined area in the manner prescribed by the *Municipal Act* a question as to the extension of the railway into such defined area, and if a majority of the electors vote in the affirmative, the railway, subject to the provisions of this agreement may be extended into such defined area, and in such case all sums to be raised, levied and collected by the township of Sandwich West under this agreement by reason of such extension into such defined area shall be raised, levied and collected by special rates upon all the rateable property in such defined area."

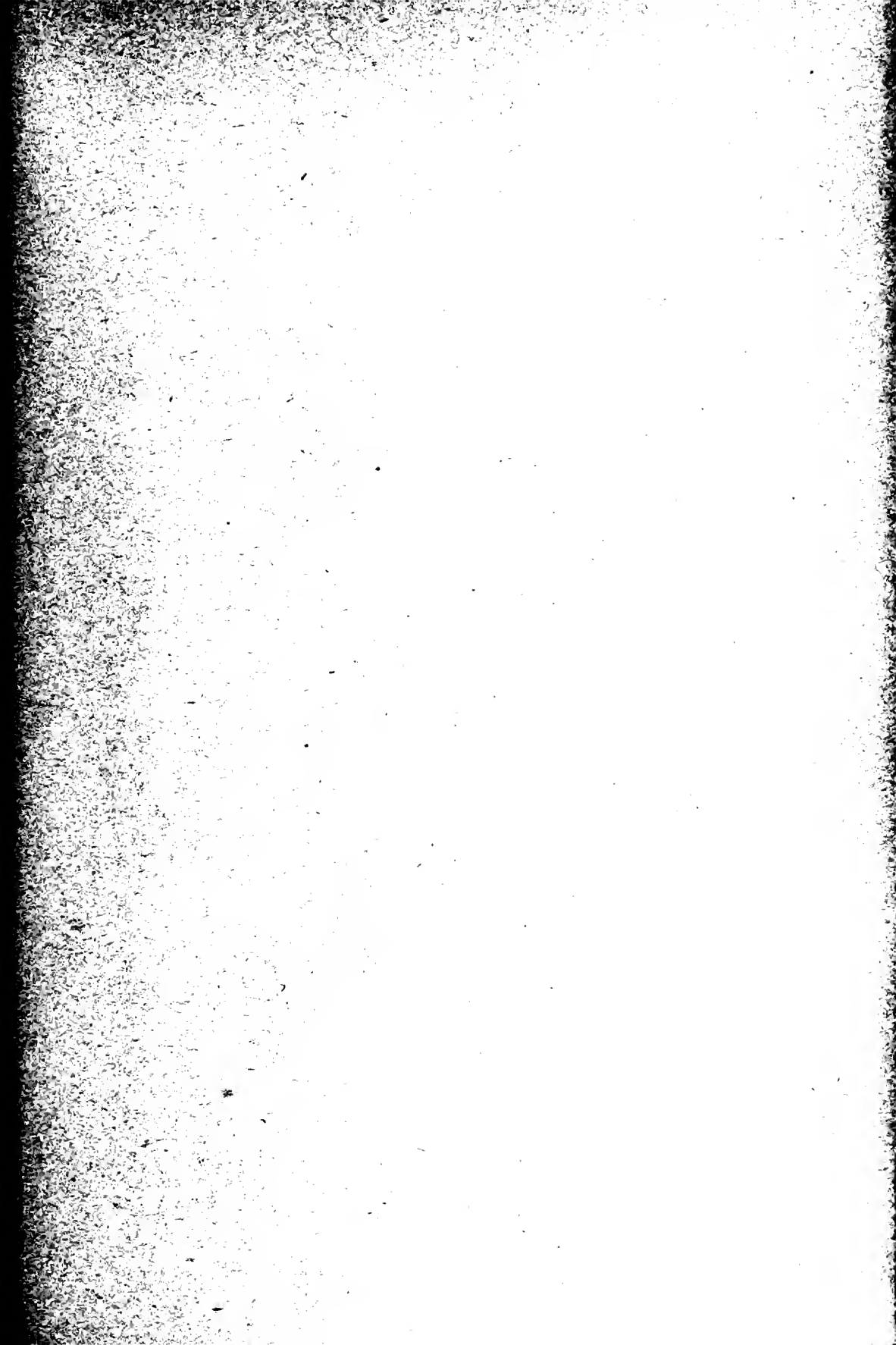
(15) By repealing section 3 of *The Hydro-Electric Railway Act, 1925*, in so far as the same applies to this agreement and the railway.

(16) By adding the following paragraphs to said agreement:

- (a) The company may enter into an agreement with The Hydro-Electric Power Commission of Ontario providing for the management, extension, improvement, completion, equipment, maintenance and operation of the railway as the agent of the company and for the performance by the Commission of any or all of the duties or obligations to be performed by the company under this agreement other than the issue of the bonds of the company.
- (b) This agreement may be amended by the company and the corporations with the consent of the Lieutenant-Governor in Council and the corporations shall pass all such by-laws as may be necessary to authorize, confirm and carry out every such amendment; provided that no such amendment shall in any way lessen or impair the obligations of the corporations or any of them or of the company under this agreement in respect to bonds issued by the company during the currency of this agreement.
- (c) The company may assign the benefit of this agreement or any part thereof to the trustee for the holders of the bonds of the company and/or the said bonds of The Hydro-Electric Power Commission of Ontario.

Temporary
transporta-
tion service
by buses,
etc.

8.—(1) Notwithstanding anything contained in this Act or in the agreement between the company and the corporations referred to in section 7 of this Act, the company, pending or in lieu of the permanent extension of the railway through any area in the municipality of any corporation, may with



the approval of the Commission provide for a temporary transportation service by motor bus or busses over any route or routes within any defined area of any such municipality; and the company and the corporation of any such municipality, subject to the provisions hereinafter contained, may from time to time enter into an agreement or agreements in order to provide for such service and for the repayment to the company by such corporation of the deficits, if any, arising from time to time in connection with the provision and operation of such service.

Sectional by-laws.

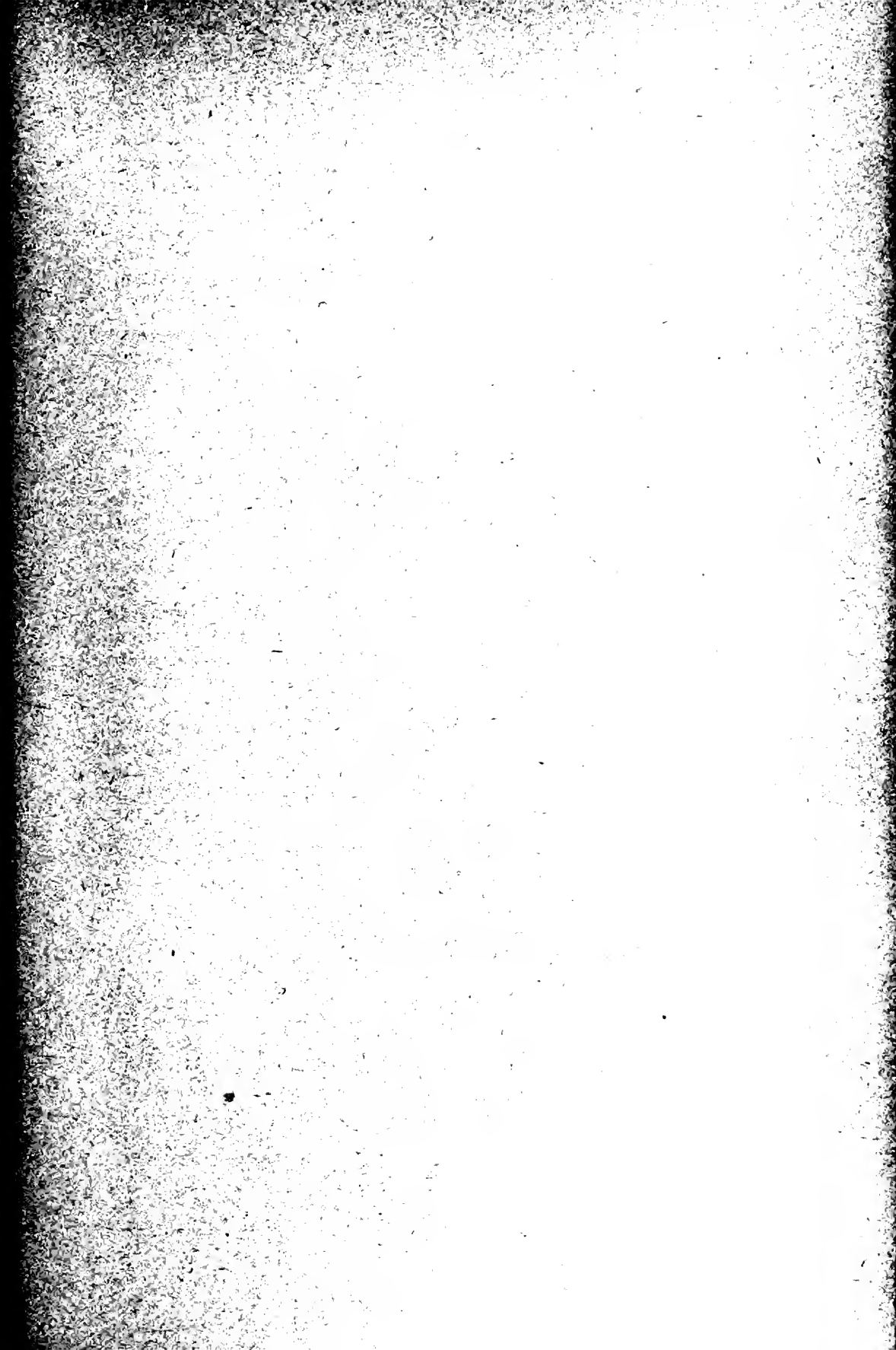
(2) The council of any corporation, upon petition signed by the owners representing at least one-half of the assessed value of the property in any area of the municipality or after a question for such purpose has been submitted and has received the assent of the electors in such area entitled to vote on money by-laws in the manner provided by *The Municipal Act*, shall have power by by-law to set aside a defined area for the purpose aforesaid and to authorize the execution of such agreement with the company and to provide that all such deficits, if any, payable to the company under such agreement shall be raised, levied and collected by a special rate on all the rateable property in such defined area.

Sectional by-law as to bus service already established.

(3) The council of any corporation in any area in the municipality of which the Commission has heretofore provided a temporary transportation service by motor bus, may without such petition or the submission of such question set aside a defined area and authorize the execution of an agreement with the company for the purpose aforesaid and any deficits already existing in connection with any such service heretofore furnished by the Commission or hereafter arising in connection with such service hereafter furnished by the company, shall be paid by the corporation to the company on demand and shall be raised, levied and collected by such corporation by a special rate sufficient therefor on all the rateable property in such defined area.

Agreement for operation by Commission.

9. The company may enter into an agreement with the Commission and the Commission may enter into an agreement with the company in the form set forth in the schedule to this Act with such amendments as may from time to time be made therein by the company and the Commission, and the company and the Commission shall have full power to carry out their powers, duties and obligations under said agreement and any amendments thereof. The Commission with respect to the management and operation of the railway shall maintain separate and distinct books and accounts from the books and accounts of any other undertaking in which it is engaged, and all monies received by it in connection with such operation shall be kept in a separate bank account and shall not be merged with its funds derived from any other source.

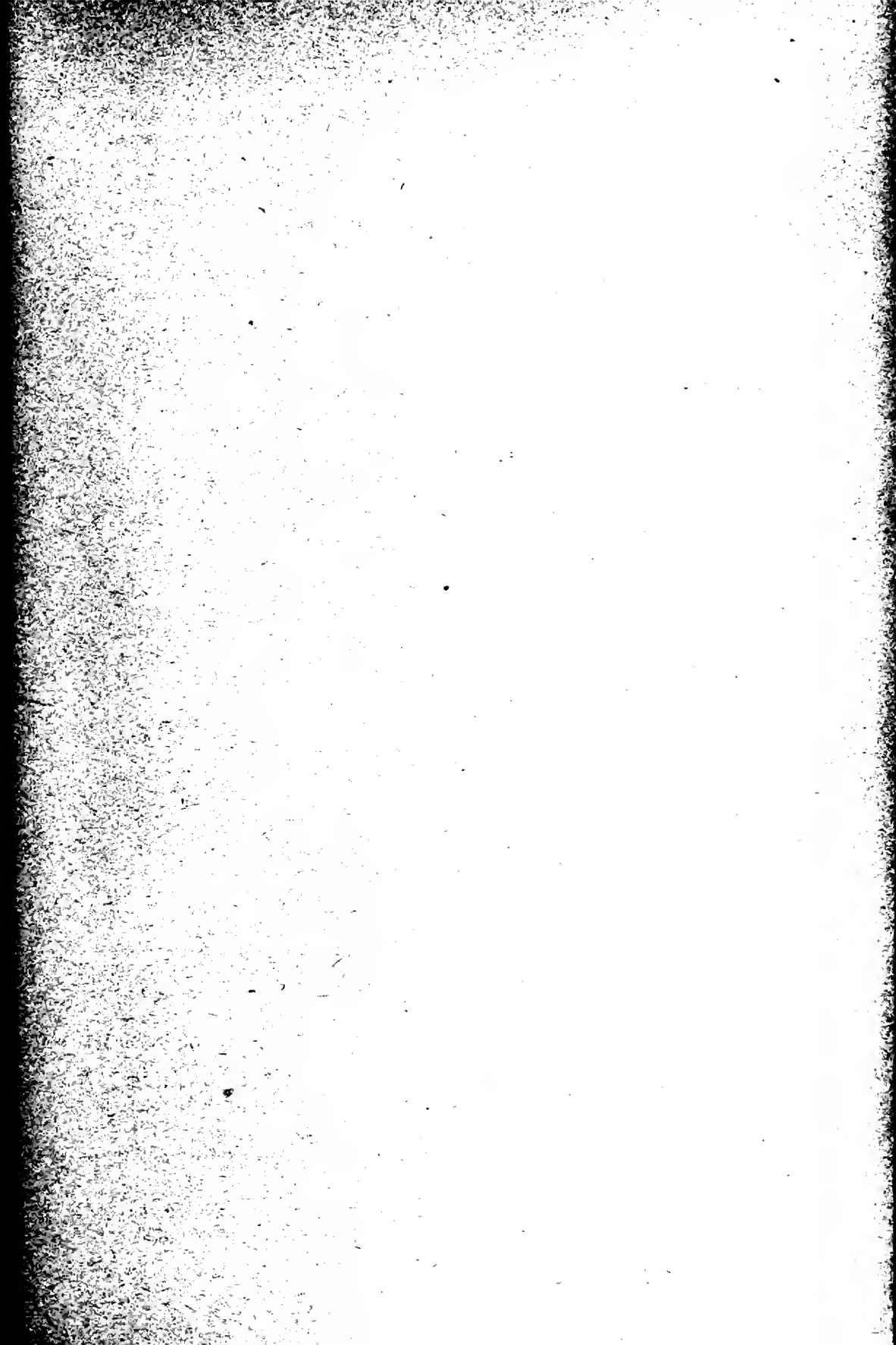


Authority to
carry out
agreements.

10. The company and the corporations and each of them may exercise all the rights, powers and privileges and do all things necessary to carry out the terms of the agreement referred to in section 7 of this Act and for the purpose of said agreement the company shall have and may exercise all the powers, rights, immunities and privileges of a company incorporated by a special Act for the construction of a railway under *The Railway Act* so far as the same are applicable.

Powers of
Commission
when oper-
ating
railway.

11. The company and the Commission and each of them may exercise all the rights, powers and privileges conferred upon them by this Act and may do all things necessary to carry out the terms of the agreement between the company and the Commission referred to in section 9 of this Act and for the purpose of operating and carrying on the railway and of exercising any of the powers conferred on the company by this Act the Commission shall have and may exercise all the rights, powers and privileges of a company owning and operating a railway under *The Railway Act of Ontario* and all the rights, powers and privileges conferred upon the company by this Act, including the power to pass by-laws and regulations for and in the name of the company which may be passed by the company under section 29 of this Act, and all such by-laws and regulations passed by the Commission for and in the name of the company shall be as effective as if passed by the company itself; provided always that the Commission shall have no power to issue bonds, debentures, promissory notes or other securities or incur any financial obligation whereby the Commission becomes in any way liable, except as the agent of and in the name of the company, and all bonds, debentures, promissory notes and other securities required to be issued for the purpose of the said railway and all such financial obligations shall be issued and incurred by and in the name of the company; and the Commission shall act solely as the agent of the company and the Commission shall not be liable in any manner for any debt, liability or obligation in respect of the railway or anything done or undertaken by the Commission in relation thereto except to the extent of monies received by the Commission as revenue from the operation of the railway or as representing other monies or other assets of the company or the corporations from time to time in its possession or control and available for such liabilities, and the company and the corporations jointly and severally shall be responsible for every such debt, liability or obligation and shall indemnify and save harmless the Commission therefrom and no action or other proceeding shall lie or be taken against the Commission in respect of any such debt, liability or obligation, but every such action may be taken against the company and the corporations or one or more of them.



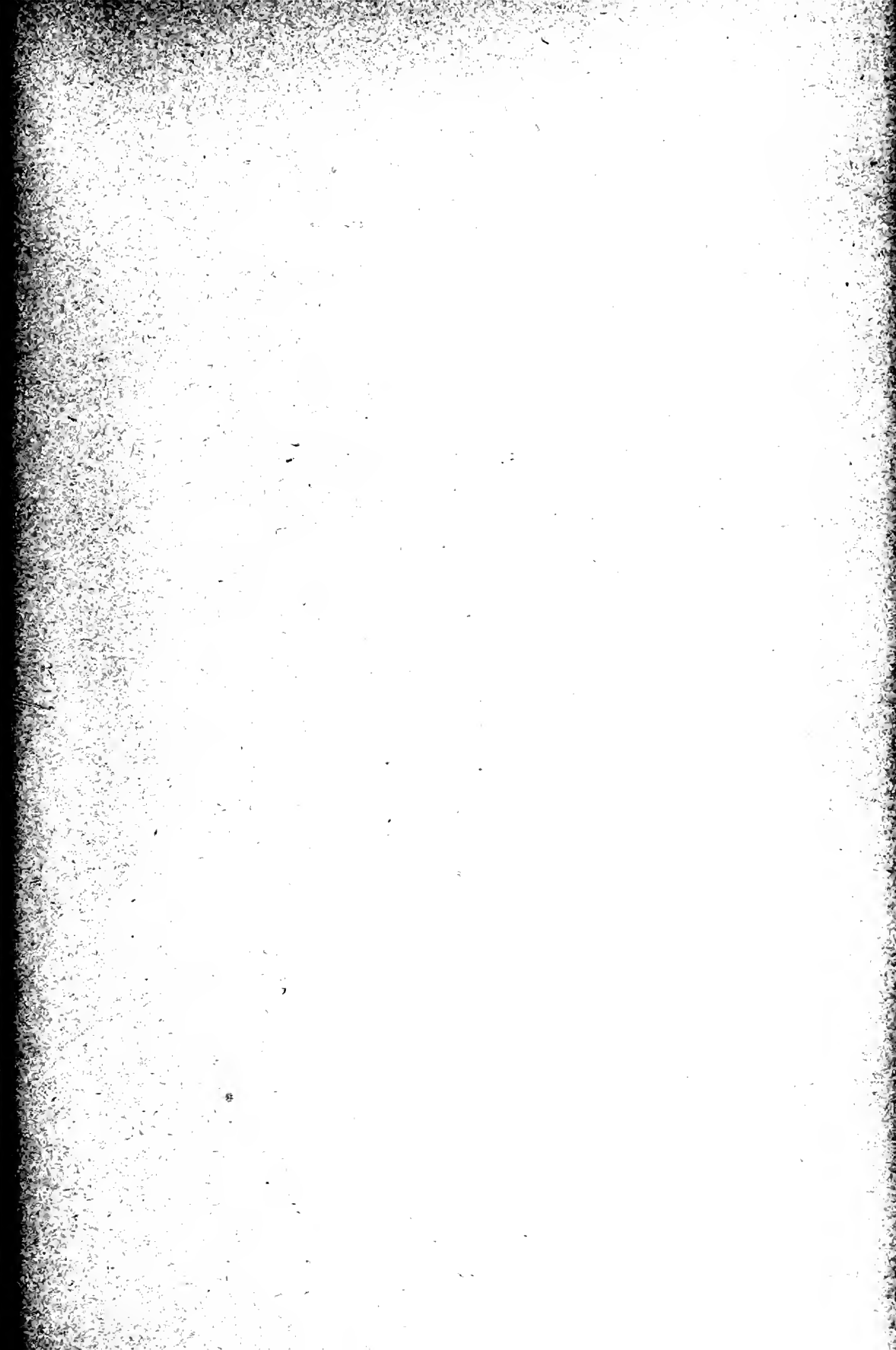
Authority
for issue of
bonds for
\$500,000
for working
capital.

12 (a).—For the purpose of supplementing the revenues of the railway in the hands of the Commission under the agreement referred to in section 9 of this Act and of providing the additional monies, if any, required by the company and for the Commission for the payment of operating expenses and working expenditure, the payment of interest and sinking fund in respect of the bonds of the Commission and the bonds of the company, the payment of all monies owing or payable to the trustee under the trust indentures securing said bonds of the Commission and of the company, for such reserves as the Commission may deem desirable to set aside for working expenditure, obsolescence, depreciation and contingencies and for the removal of any works belonging in whole or in part to the undertaking and to reimburse the Commission for and to indemnify the Commission against any expenditure, liability or obligation undertaken or incurred by the Commission under said agreement or when purporting to act under said agreement, the company is hereby authorized to and shall issue and deliver to the Commission debentures of the company to the principal amount of five hundred thousand dollars (\$500,000) in the first instance and, from time to time, in such further principal amounts as may be demanded by the Commission; and the Commission from time to time in the name of and as agent for the company may borrow or raise such sums as the Commission may deem advisable for any of the purposes aforesaid and may deposit, pledge, hypothecate, charge, sell or otherwise deal with any of said debentures delivered to it by the company and receive the proceeds thereof and apply said proceeds for any of said purposes;

(b) The said debentures of the company may bear such date, carry such rate of interest, be payable at such place or places and in such monies and be upon such terms and conditions and mature within such period from the date thereof as the Commission may from time to time require;

(c) Notwithstanding that the said debentures may purport to be obligations of the company, only the said debentures shall be direct joint and several obligations of the corporations and each of the corporations shall be jointly and severally liable for the payment thereof and the interest thereon and for every indebtedness created by or in connection with the said debentures, and the amount for which the corporations are liable hereunder shall be a debt due from such corporations and each of them to the holder of any of the said debentures and upon default in payment of such debt the same may be recovered by action at the suit of such holder in any court of competent jurisdiction;

(d) Subject as hereinafter in this subsection provided the Commission as the agent of and in the name of the company



may declare that the said debentures are charged upon and secured by such assets of the railway in such manner and upon such terms and conditions and subject to such provisions as the Commission may deem advisable, but in relation to the said assets all said debentures shall be junior and subordinate to and rank after all bonds of the Commission and all bonds hereafter issued by the company pursuant to the agreement referred to in Section 7 hereof;

(e) Debentures and debts which are by this Section made obligations of the corporations shall not be included in ascertaining the limits of the borrowing powers of the corporations as prescribed by *The Municipal Act* and the said debentures and debts shall be obligations of the corporations, notwithstanding the limitations prescribed by *The Municipal Act*.

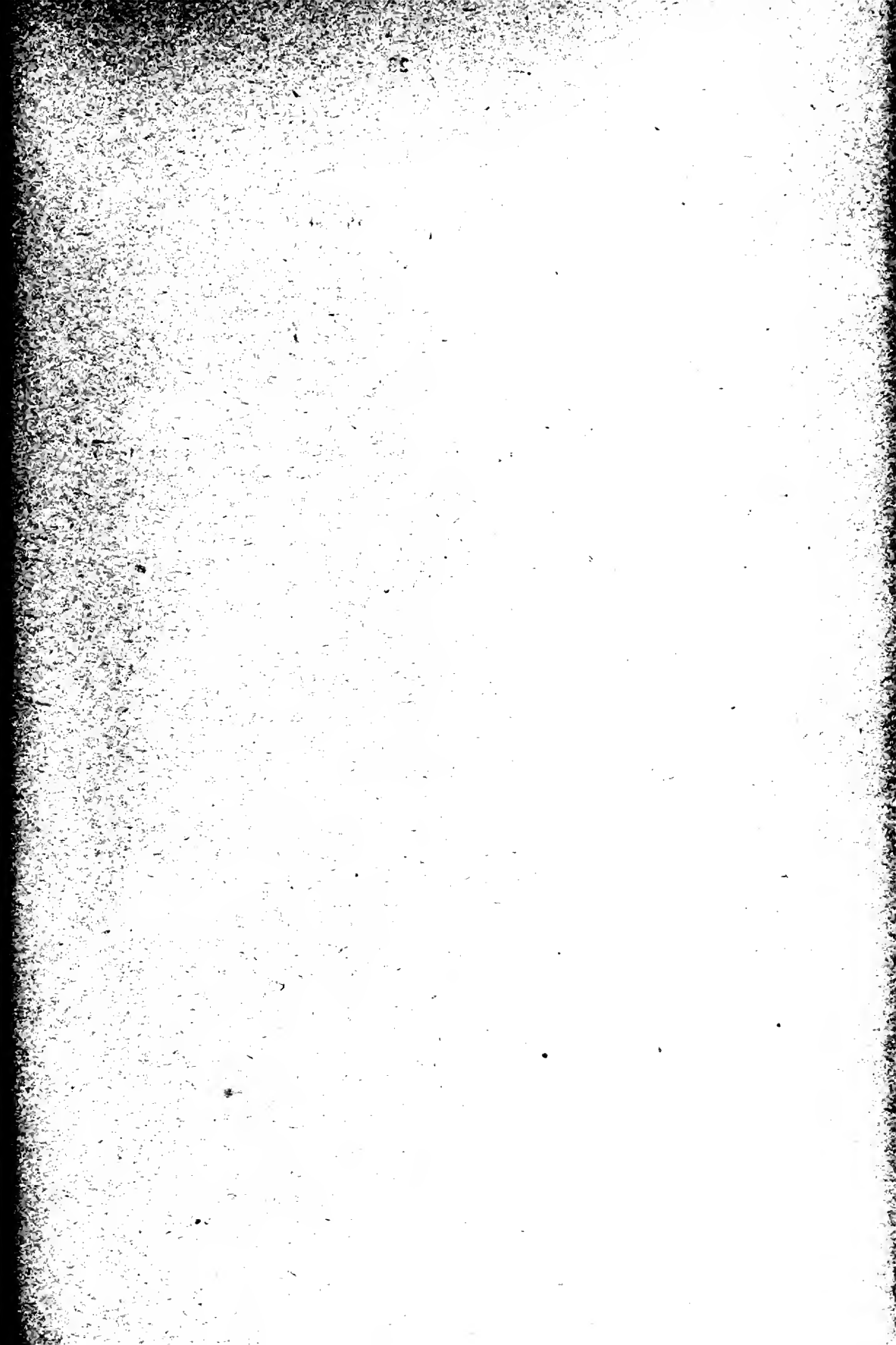
(f) No person, bank, firm or corporation purchasing or lending money upon the security of the said debentures or any of them shall be bound to enquire into the authority for the issue of the said debentures or to see to the application of the proceeds thereof;

(g) All or any of the said debentures which may be pledged, hypothecated or charged as security for advances or loans and which are re-delivered to the Commission with or without payment, satisfaction, release or discharge in whole or in part of any such advances or loans may be re-pledged, re-hypothecated or re-charged, sold or otherwise disposed of as and when the Commission may think fit;

(h) Nothing in this Section contained shall in any way limit the obligations of the corporations under subsections (k) and (l) of section 3 of the agreement between the company and the corporations referred to in section 7 of this Act.

Disposal of
property not
required.

13. With the approval of The Hydro-Electric Power Commission of Ontario and subject to the terms of any trust deed securing the bonds of the Commission and the bonds of the company, the company upon such terms as it deems proper may lease, sell or otherwise dispose of, free from any lien, charge, mortgage or encumbrance, any property, real or personal, which the Company may deem unnecessary for the purpose of the railway or any section or extension thereof, and the company shall use or dispose of the proceeds thereof only for the purposes of the railway in such expenditures or for reimbursing the company for such expenditures as are approved by The Hydro-Electric Power Commission of Ontario or shall invest the same in securities in which trustees may by the laws of the Province of Ontario invest trust funds



or shall apply the same for the retirement of the bonds of the company or partly in one way and partly in any other or others.

Enforcing obligations of Commission.

14. Any or all obligations of the corporations as set forth in paragraph 3 of said agreement between the corporations and the company referred to in section 7 of this Act and in any amendment or amendments of said paragraph 3 may be enforced directly against the corporations by the trustee under any trust indenture made by the company to secure the bonds of the Commission and/or the bonds of the company as fully and effectually as if said corporations were parties to said trust indentures and had covenanted and agreed with the trustee thereof to perform said obligations.

Joint and several liability of Corporations.

15. Notwithstanding anything contained in this Act or in said agreement between the company and the corporations and notwithstanding that the bonds of the company may be expressed on their face to be obligations of the company only, the obligations of the company as set forth in all bonds from time to time issued by the company and in any trust indenture or indentures securing the payment of said bonds shall, in addition, be direct joint and several obligations of the company and the corporations, and the corporations shall be directly, jointly and severally liable to the holders of said bonds for the time being for the payment of the principal, premium, if any, and interest of and on all said bonds of the company as and when the same respectively fall due.

The bonds of the company shall be authorized investments for trustees in the Province of Ontario.

Guaranty of Province.

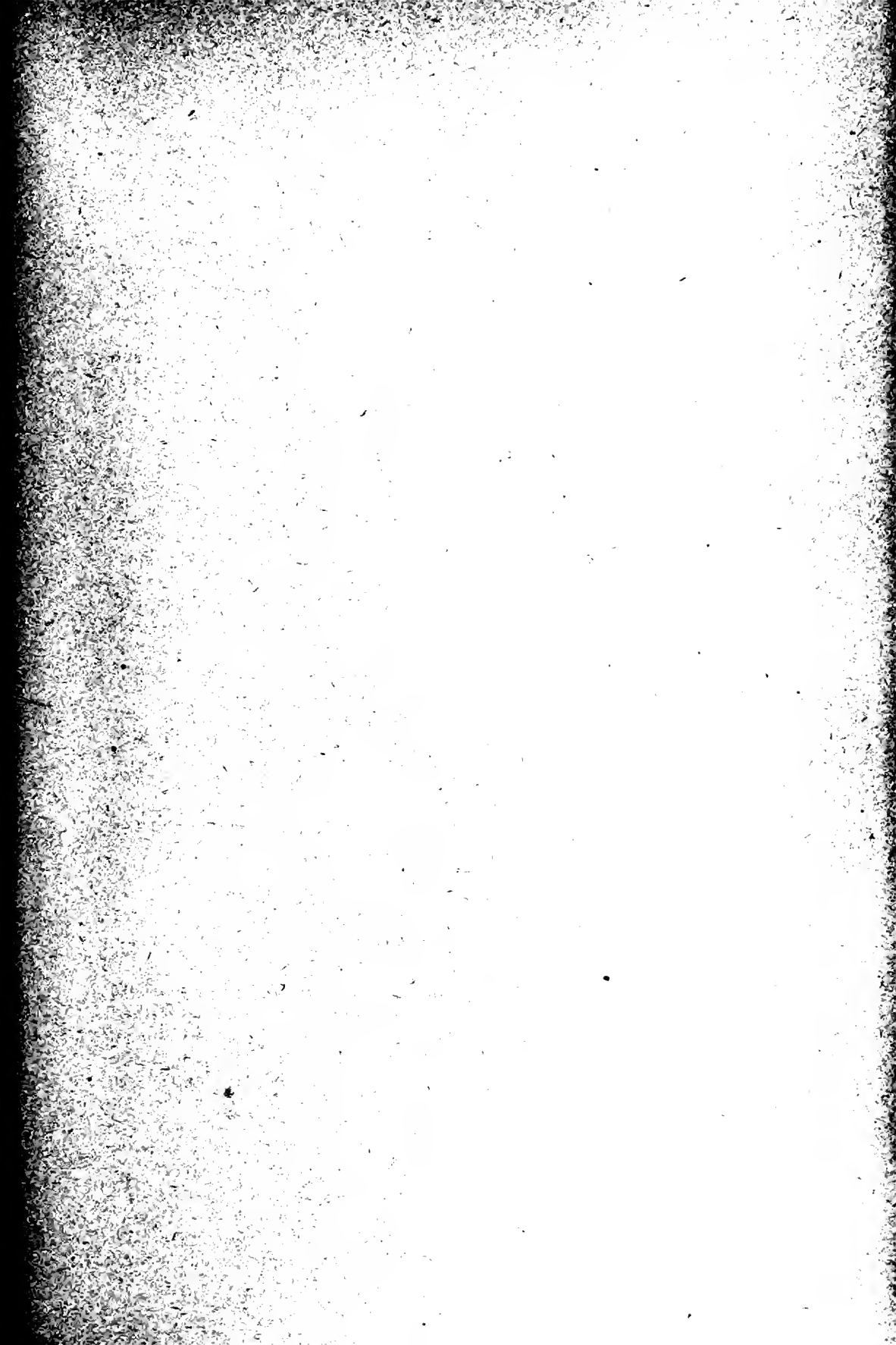
16. Nothing in this Act contained shall in any way affect or impair the obligation of the Province of Ontario as guarantor of the payment of the principal and interest of the bonds of the Commission.

Right of Corporations to contribution from others.

17. Notwithstanding the joint and several liability of the corporations under the provisions contained in sections 11 and 14 of this Act any corporation may, in respect of monies paid by such corporation in any year, recover contribution from the other corporations to such amount as shall be determined by The Hydro-Electric Power Commission of Ontario in its sole discretion. Any dispute between the corporations or any of them under this section may be settled by the Commission, whose decision shall be final.

Extension of railway.

18. The railways may from time to time be extended into any municipality adjacent to the municipalities the corporations of which are parties to said agreement between the corporations and the company, but only upon such terms and



conditions as may be approved by the majority of the corporations and by The Hydro-Electric Power Commission of Ontario.

Application
of 1929, c.
55.

19. The provisions of *The Hydro-Electric Railway Act, 1929*, shall apply to the company and the railway as though the company had been named throughout said Statute instead of the Commission.

Execution of
bonds.

20. All bonds authorized to be issued by the company shall, unless otherwise specially authorized or provided, be sealed with the seal of the company, and shall be signed by the chairman or vice-chairman of the company and countersigned by the secretary or assistant secretary of the company holding office at the time of signing. The signature of the chairman or vice-chairman may be engraved, lithographed or otherwise mechanically reproduced on the bonds, and such engraved, lithographed or otherwise mechanically reproduced signature shall be deemed for all purposes the signature of such officer and shall be binding upon the company. Notwithstanding any change in any of the persons holding said offices between the time of actual signing and the certifying and delivery of the bonds and notwithstanding the chairman or vice-chairman or secretary or assistant secretary signing may not have held office at the date of said bonds or at the date of the certifying and delivery thereof the bonds so signed shall be valid and binding upon the company. Interest coupons attached to the bonds shall have engraved, lithographed or otherwise mechanically reproduced thereon the signatures of the chairman and secretary of the company, and such signatures shall for all purposes be deemed the signatures of such officers and shall be binding upon the company notwithstanding that the persons whose signatures may have been engraved, lithographed or mechanically reproduced are not at the date of the bonds or at the date of the certifying and delivery thereof the chairman and secretary respectively of the company.

Deposit of
trust inden-
ture with
Railway
Board.

21. Any trust indenture made by the company to secure any bonds of the company and/or the bonds of the Commission and creating a mortgage, charge, hypothecation, pledge or encumbrance of or upon the whole or any part of the property, assets and undertaking of the company, present or future, or both, shall be deposited in the office of the Railway and Municipal Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*, and no such trust indenture and no affidavit or other document attached thereto or deposited therewith need be registered or filed under the provisions of any law respecting registration, filing or recording of instruments affecting real or personal property, and no such law shall apply to such trust indenture. A copy of any



such trust indenture so deposited certified to be a true copy by the chairman or secretary of the company shall be *prima facie* evidence of the original without proof of the signature of such official.

Assent of electors to debenture by-laws not required.

22. It shall not be necessary to submit for the assent of the electors any by-law passed by the municipal council of any of the corporations to authorize the issue of debentures or for any other purpose whatever under this Act or any agreement herein referred to, and all such by-laws authorizing the issue of debentures and all debentures issued thereunder and the interest coupons attached thereto shall be legal, valid and binding upon said corporations respectively and the rate-payers thereof, and the validity thereof shall not be open to question in any court on any ground whatever, and no such debentures issued and debts contracted by any corporation shall be included in ascertaining the limits of the borrowing powers of said corporations as prescribed by *The Municipal Act*, and debentures may be issued and debts contracted by said corporations for the purposes aforesaid, notwithstanding the limitations prescribed by *The Municipal Act*.

Effect of alteration in municipal boundaries.

23. In the event of any alteration of the boundaries of the municipalities of the corporations which are parties to said agreement between the corporations and the company referred to in section 7 hereof either by the subdivision, redivision, absorption or amalgamation of said municipalities or any part thereof into new or existing corporations or by the annexation thereto of any additional territory or by the annexation thereof or any part thereof by any other municipal corporation, or in any other way whatsoever, the original corporations whose boundaries have been so altered shall remain parties to said agreement and the new corporations, if any, so formed shall upon their formation be parties to said agreement and be subject to all the provisions of this Act and of said agreement; and all of the ratepayers of the corporation the boundaries of the municipality of which have been enlarged by the annexation to it of the whole or any part of any other municipality shall be liable for the rates levied to meet the obligations of such corporation under said agreement and also the obligations of any other corporation the whole of which has been annexed to it; and any municipal corporation whose boundaries have been reduced and the ratepayers of such reduced municipality shall remain liable for the obligations of that corporation; but the respective liabilities of any new corporations so formed and of corporations whose boundaries have been so reduced or enlarged as between themselves shall be determined by The Hydro-Electric Power Commission of Ontario, whose decision shall be final and binding upon all the corporations, provided that

nothing in this section contained shall entitle any corporation to a return of any debentures heretofore or hereafter issued and deposited by it with the Commission or the company.

Powers as to
Company
taking land.

24.—(1) Where land is required for any of the purposes for which land may be acquired or expropriated under *The Railway Act* the company in respect thereof shall have the powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of the Province of Ontario and the provisions of the said Act shall *mutatis mutandis* apply.

How com-
pensation
determined.

(2) Where compensation would be payable upon the exercise of any powers by the company under *The Railway Act*, the same shall be determined in the manner provided by *The Public Works Act*.

Application
of certain
sections of
Rev. Stat.
c. 224.

25. Sections 65 to 68, sections 177 to 185, sections 187 to 201 inclusive, and clause (f) of section 260 of *The Railway Act* and any other sections of *The Railway Act* which are inconsistent with the provisions of this Act or of the agreement between the company and the corporations or the agreement between the company and the Commission shall not apply to the company or to the Commission or to the railway.

Assessment
and
taxation.

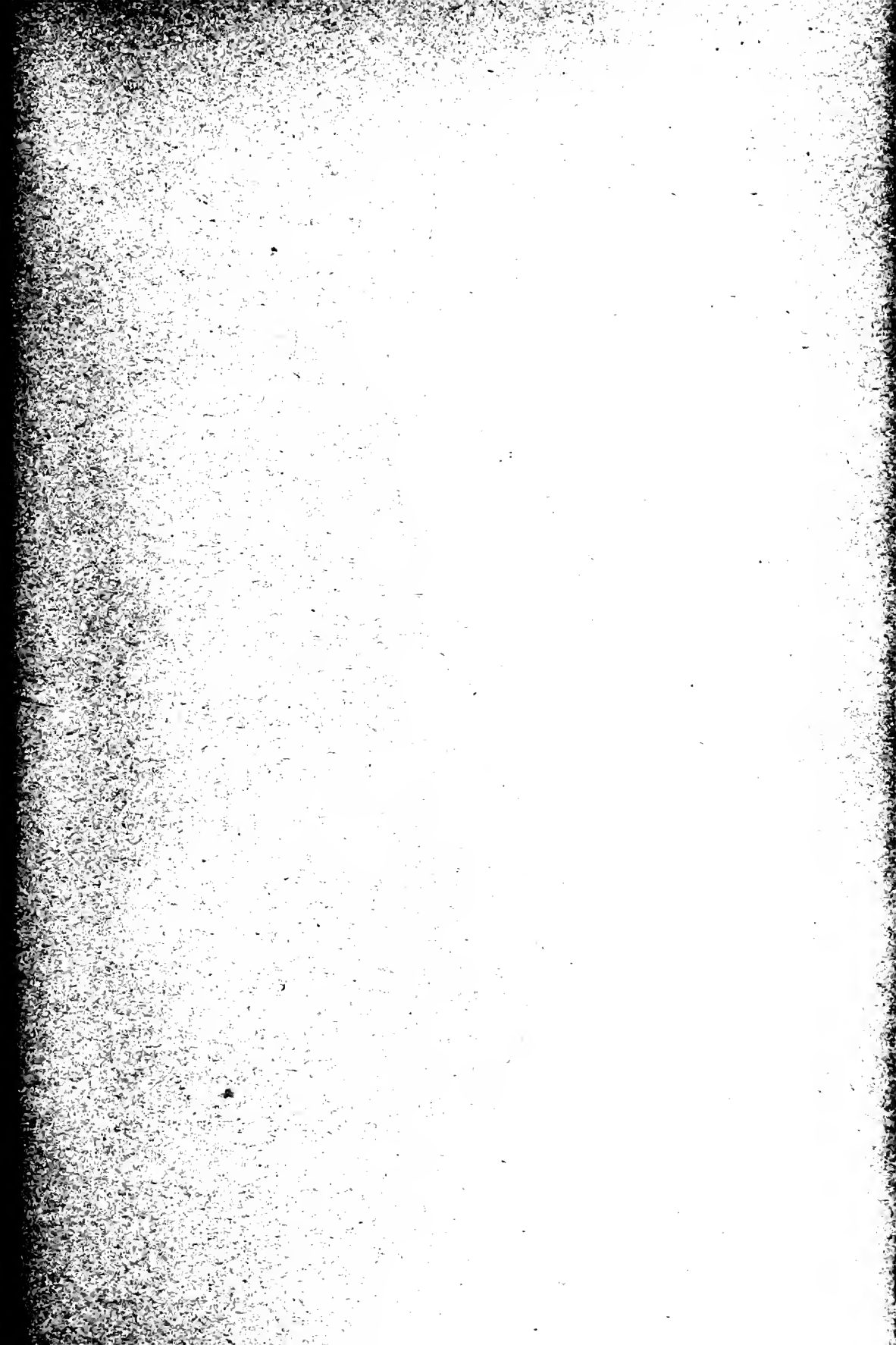
26. The company shall in respect of the property vested in it be subject to assessment and taxation in the same manner and to the same extent only as if the said property were vested in the Commission.

Provision
for payment
of fees and
expenses.

27. The fees and expenses incurred in and incidental to the creation and organization of the company and to the issue of the bonds of the company and to any procedure taken by the corporations and the company and the Commission pursuant to the provisions of this Act and of any agreements herein referred to, may be paid by the Commission out of the proceeds of any bonds, debentures or other securities of the company or out of the revenue from the operation of the railway.

Actions for
negligence.

28. Every action brought for damages by reason of negligence in the operation of the railway shall be brought against the railway company and not against any of the corporations or the Commission and the railway company for the purposes of this section shall be deemed a municipal corporation and such action shall be brought and tried as if it were an action against a municipal corporation for damages in respect to injuries sustained by reason of the default of a corporation in keeping in repair a highway.



Regulation
and control
of taxi-cab
and bus
traffic.

29.—(1) Notwithstanding anything contained in *The Municipal Act* or *The Public Vehicle Act* the Sandwich, Windsor and Amherstburg Railway Company from time to time may make by-laws and regulations which shall be in force in each of the municipalities from which a member is appointed to the said company for the following purposes:—

- (a) Regulating or prohibiting the use of any street or any part of a street upon which the tracks of the railway are laid by any class of vehicles.
- (b) Fixing the places at which busses and other public vehicles and vehicles operating for hire may stop for the purpose of taking up or setting down passengers.
- (c) Prohibiting the crossing of tracks or travelling or stopping of such vehicles upon the tracks of the railway in any manner which shall obstruct or hinder the operation of the railway or which may endanger life or property.
- (d) Prescribing periods by day or night during which such vehicles shall not stop for the purpose of taking up or setting down passengers at any stated place.
- (e) Regulating or prohibiting the soliciting of passengers or cruising or loitering by the drivers of such vehicles upon any street.
- (f) Fixing the place and length of time where and during which any such vehicle may stand in any particular street.
- (g) For imposing penalties for the violation of any such by-law or regulation (not exceeding, exclusive of costs) the sum of fifty dollars (\$50) for each offence.

Penalties,—
how recover-
able.

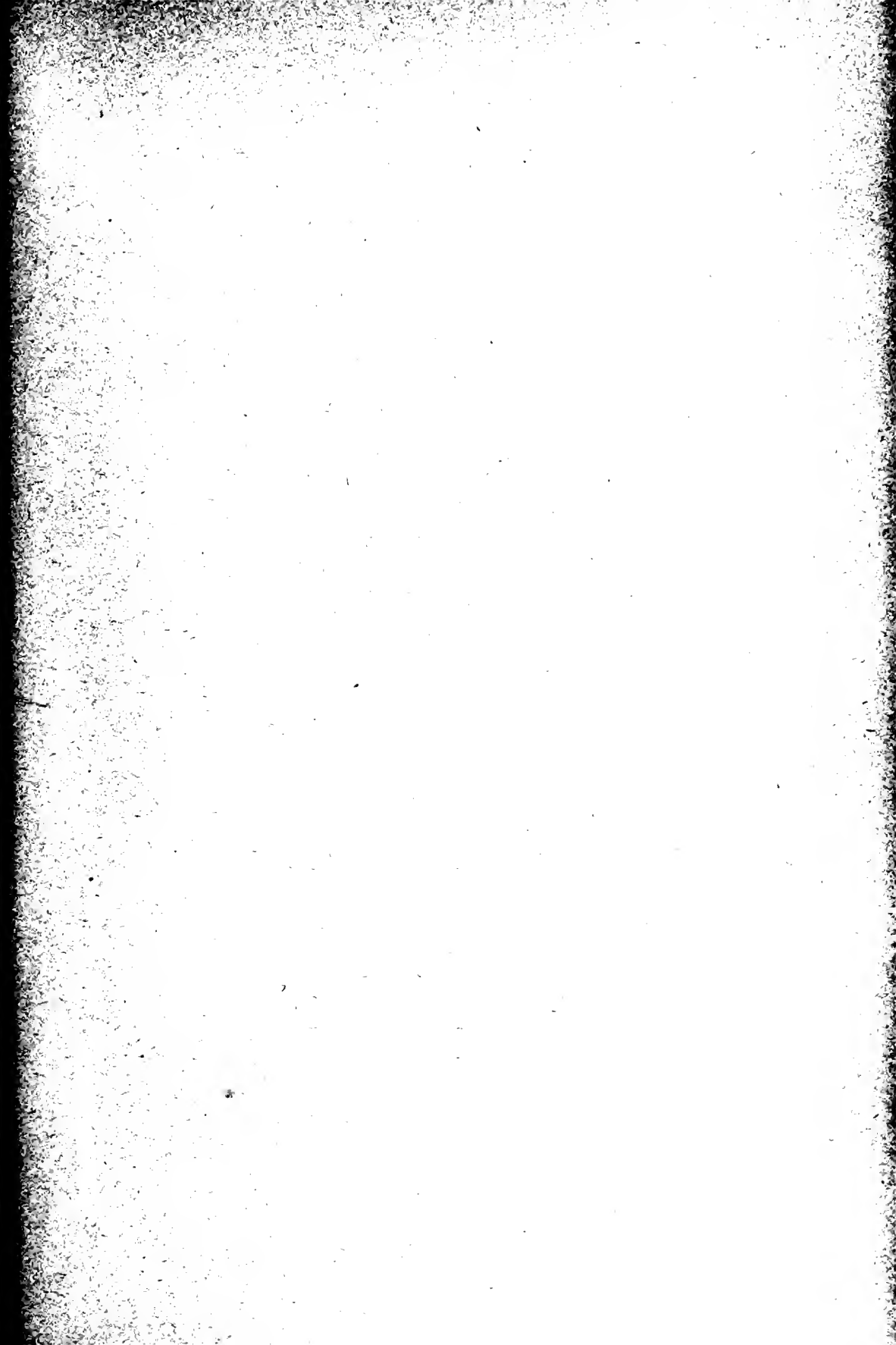
(2) The penalties imposed under or by any such by-laws shall be recoverable under *The Summary Convictions Act*, and shall be paid to the treasurer of the municipality in which the offence occurred.

Corporations
to be deemed
one city cor-
poration for
certain
purposes.

(3) Every such by-law and regulation shall have the same force and effect as if the municipalities from which members are appointed to the said company were one city corporation and the by-law or regulation had been passed by the commissioners of police or by the municipal council of the city. and in so far as any such by-law or regulation differs from the terms of any municipal by-law or regulation in force at the same time the by-law or regulation passed under this section shall prevail.

Commence-
ment of Act.

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



Agreement dated the 1st day of March, A.D. 1930.

BETWEEN:

SANDWICH, WINDSOR & AMHERSTBURG RAILWAY COMPANY,
hereinafter called the "Company,"

of the first part,

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission,"

of the second part

Whereas the Company has been duly created and constituted under and in accordance with *The Sandwich, Windsor & Amherstburg Railway Act, 1930*, 20 George V, Chapter;

And whereas the Company has acquired from the Commission the Sandwich, Windsor & Amherstburg Railway more particularly referred to in the said Statute subject to the liabilities incurred by the Commission in connection with the acquisition, construction, equipment and operation of the Railway and the existing mortgage or charge in favour of the holders of the Bonds heretofore issued by the Commission in respect of said Railway and the payment of said liabilities and of the principal of and the interest on the said Bonds has been assumed by the Company and is henceforth an obligation of the Company which has agreed to indemnify and save harmless the Commission against the same;

And whereas the particulars of the said Bonds heretofore issued by the Commission in respect of said Railway are as follows:

Principal amount of Bonds issued	Interest Rate	Date	Date of Maturity
\$2,100,000.00.....	4½%	1st April, 1920	1st April, 1960
900,000.00.....	6%	1st July, 1921	1st July, 1961
966,205.00.....	5%	1st Sept. 1923	1st Sept. 1945
750,000.00.....	5%	1st July, 1925	1st July, 1945
100,000.00.....	5%	1st Sept. 1925	1st Sept. 1945
1,000,000.00.....	5%	15th July, 1926	15th July, 1946

And whereas payment of the principal of and the interest on all of said Bonds has been guaranteed by the Province of Ontario;

And whereas all of said Bonds are now outstanding;

And whereas it is provided in said Statute that upon the execution of this Agreement an Agreement between the Company and certain Municipal Corporations referred to in said Statute shall come into force as provided in Section 7 of said Statute;

And whereas provision is made in said Agreement between the Company and said Municipal Corporations for the issue of Bonds by the Company under the provisions of a Trust Indenture to be entered into between the Company and a corporate Trustee and provision is also made for the Company entering into a Trust Indenture with a corporate Trustee for the purpose of securing the payment of said outstanding Bonds of the Commission;

And whereas it is provided in said Agreement that the Trustee in respect of the Bonds to be issued by the Company shall be the same as the Trustee in respect of said Bonds heretofore issued by the Commission;

Now therefore this indenture witnesseth that in consideration of the premises and for the considerations herein contained the parties hereto mutually covenant, promise and agree as follows:—

1. The Company hereby authorizes and appoints the Commission as the exclusive agent of the Company to manage, extend, complete, equip, maintain and operate the said Railway, and the Commission as such agent and subject to all the terms, conditions, provisos and stipulations herein contained accepts the said appointment and agrees to effi-

ciently perform its duties in connection therewith and to exercise all due skill and diligence so as to secure the most effective operation and service of the Railway; and the Commission as agent of the Company may have, enjoy, exercise and perform any and all the rights, powers, authorities, privileges, immunities, duties and obligations of the Company with respect to the Railway and the management, extension, completion, equipment, maintenance, operation, improvement, betterment and renewal thereof, and together with the right and power for and in the name of the Company to pass all By-laws which may be passed by the Company under Section 29 of the said *Sandwich, Windsor and Amherstburg Railway Act, 1930*, and the Company hereby delegates to the Commission the right and power to pass any and all such By-laws and Regulations.

2. The Commission shall be under no obligation whatever to commence or proceed with its duties hereunder or carry out any work under this Agreement unless the Company shall have first furnished the Commission with the monies estimated by the Commission from time to time to be necessary for such purpose, nor unless the Company shall have carried out and complied with all statutory requirements to be observed and performed by the Company, but the Commission shall be under no obligation to see to the observance or performance by the Company of said statutory requirements.

3. As part of the operation of the Railway, the Company authorizes the Commission:—

(a) To regulate and fix the fares and rates of toll to be collected by the Railway for all classes of service;

(b) To utilize the right-of-way and property of the Railway for all purposes from which it is possible to obtain a profit;

(c) Subject to the provisions of any Trust Indenture securing any Bonds issued by the Company, to combine the equipment, works and other property of the Railway with that used for power purposes by the Commission and for other railways operated by the Commission where such combination is in the opinion of the Commission feasible and may prove economical; and to apportion annually all charges respecting such equipment, works and other property in a fair manner having regard to the service furnished; provided that such apportionment may be by way of rental charges or otherwise; the apportionment of the Commission shall be final and binding;

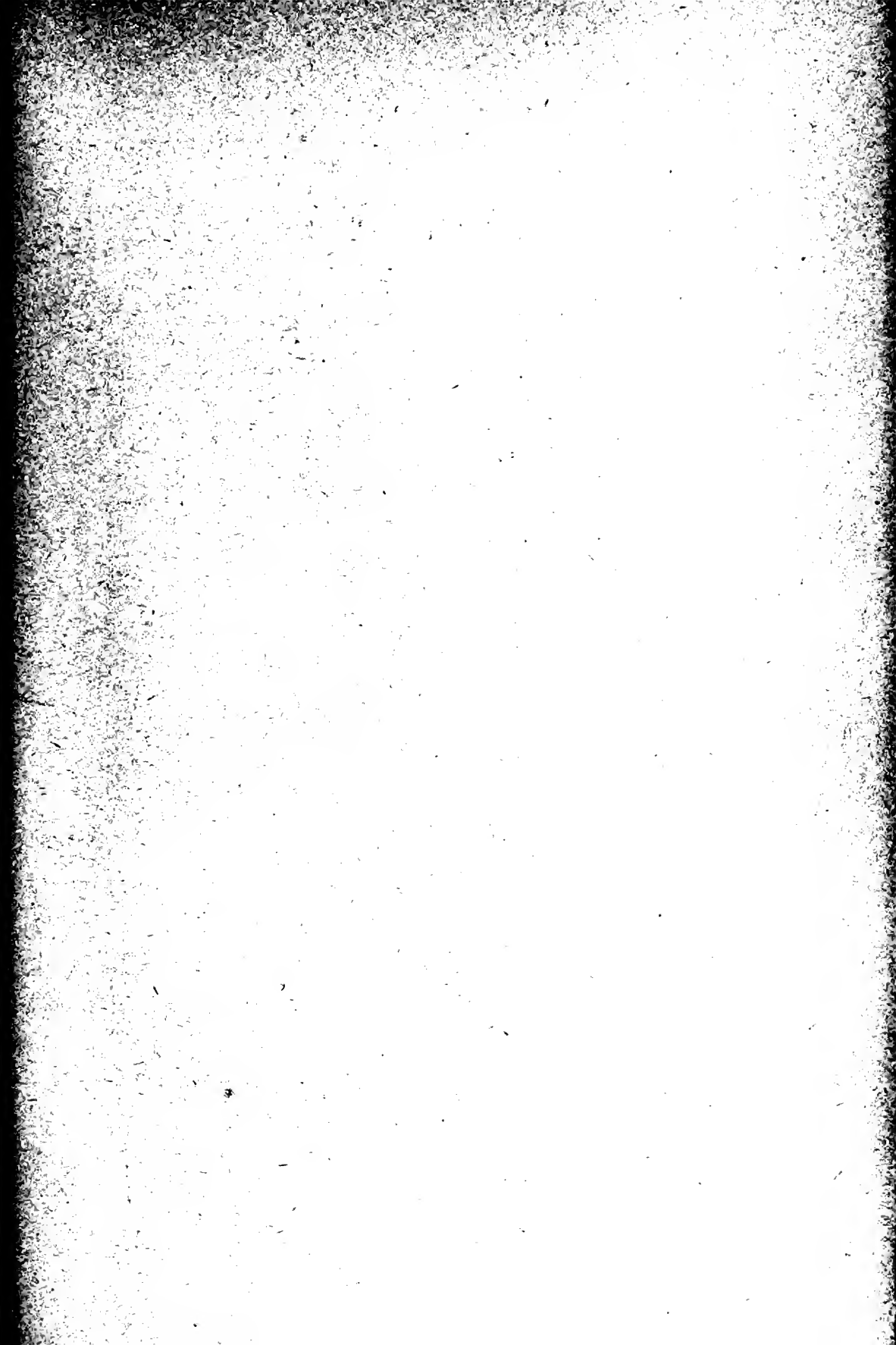
(d) To permit and obtain interchange of traffic with other railways wherever possible and profitable.

4. The Company shall:—

(a) Furnish a free right-of-way for the Railway over any property of the Company and use its best endeavours to secure a free right-of-way for the Railway over the property of any of the Corporations upon request of the Commission and secure to the Commission free use of all land, property and other facilities available to the Company;

(b) Make no agreement or arrangement with and grant no franchise, license or inducement to any other railway or transportation company, body corporate or commission without the written consent of the Commission; and take all means within the power of the Company to ensure to the Commission the exclusive right of furnishing in any manner whatsoever local transportation within the boundaries of any of the Corporations;

(c) Keep, observe and perform the covenants, provisoes and conditions set forth in this Agreement intended to be kept, observed and performed by the Company, and execute such further and other documents and pass such By-laws and Resolutions as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this Agreement, and use its best endeavour to secure from the said Corporations



such further and other documents and By-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this Agreement;

(d) Issue all bonds, debentures and other securities, collect and pay over all monies and generally do all acts and carry out all obligations required or imposed by this Agreement and by any Statute of Ontario relating to the said Railway.

5. The Commission shall receive all revenue derived from the operation of the Railway and any other revenue derived from the undertaking of the Company and to the extent that the same may be available, shall in each year apply said revenue to the payment of operating expenses and working expenditure, the payment of interest and sinking fund in respect of said Bonds heretofore issued by the Commission for the Railway and in respect of the Bonds of the Company to be issued for the Railway, and the payment of all monies owing or payable to the Trustee under the Trust Indentures securing said Bonds of the Commission and of the Company, in setting aside such sums as the Commission may deem desirable for reserves for working expenditure, obsolescence, depreciation and contingencies, and for the renewal of any works belonging in whole or in part to the undertaking, and to reimburse the Commission and indemnify the Commission against any expenditure, liability or obligation which may be undertaken or incurred by the Commission when acting or purporting to act under this Agreement; and it is hereby agreed that the Commission may apply said revenue for any or all of the purposes aforesaid in such amounts, with such preferences and priorities, or without any preference or priority, as the Commission in its sole discretion may determine.

6. At least thirty (30) days prior to the respective dates on which interest and/or sinking fund payments fall due in respect of each issue of said Bonds of the Commission and/or of the Company the Commission shall estimate and pay to or make arrangements satisfactory to the Trustee for payment to the Trustee under said Indentures securing said Bonds of the Commission and of the Company, of the amount of revenue, if any, from the operation of the Railway which is available to be allocated to meet interest and sinking fund in respect of each said issue of Bonds made by the Company and in respect of each issue of Bonds heretofore made by the Commission in respect of the Railway, and shall certify to said Trustee the amount remaining to be paid by each Corporation for interest and/or sinking fund in the manner and with the effect more particularly provided for in the Agreement between the Company and the Corporations hereinbefore mentioned.

7. In addition to the annual deficits, if any, in respect of interest and/or sinking fund payable by the Corporation as provided in paragraph 6 of this Agreement the Commission shall certify to said Trustee in each year the aggregate sum, if any, by which the revenue derived by the Commission from the operation of the Railway and any other revenue derived by the Commission from the undertaking of the Company is insufficient to meet in that year the operating expenses, working expenditure, reserves and all other liabilities and obligations (other than for interest and sinking fund) to which the said revenue may be applied by the Commission as hereinbefore in this Agreement provided and the Commission shall also certify to the said Trustee the respective amounts of such aggregate sum to be paid by each Corporation in the manner and with the effect more particularly provided for in the Agreement between the Company and the Corporations hereinbefore mentioned.

8.—(a) For the purpose of supplementing the revenue of the Railway in the hands of the Commission under this Agreement and of providing additional monies, if any, required by the Company and/or the Commission for the purposes mentioned in paragraph 5 of this Agreement, the Company shall forthwith issue and deliver to the Commission Debentures of the Company to the principal amount of Five Hundred Thousand Dollars (\$500,000) and from time to time will issue and deliver to the Commission Debentures of such further principal amounts as may be demanded by the Commission from time to time, and notwithstanding that the said

Debentures may purport to be obligations of the Company only the said Debentures shall be made direct joint and several obligations of the Corporations who are parties to said Agreement between the Corporations and the Company, and each of said Corporations shall be jointly and severally liable for the payment of the principal of said Debentures and of the interest thereon and for every indebtedness created by or in connection with the said Debentures.

(b) The said Debentures of the Company shall bear such date, carry such rate of interest, be payable at such place or places and in such monies and be upon such terms and conditions, and mature within such period from the date thereof as the Commission shall from time to time require.

(c) The Commission from time to time in the name of and as agent for the Company may borrow or raise such sums as the Commission may deem advisable for any of the purposes aforesaid and may deposit, pledge, hypothecate, charge, sell or otherwise deal with any of said Debentures delivered to it by the Company and receive the proceeds thereof and apply the proceeds for any of said purposes.

(d) Subject as hereinafter in this sub-paragraph provided the Commission as the agent of and in the name of the Company may declare that the said Debentures are charged upon and secured by such assets of the Railway in such manner and upon such terms and conditions and subject to such provisions as the Commission may deem advisable, but in relation to the said assets all said Debentures shall be junior and subordinate to and rank after all said Bonds of the Commission and all Bonds issued or to be issued by the Company in respect of the Railway.

(e) All or any of the said Debentures which may be pledged, hypothecated or charged as security for advances or loans and which are re-delivered to the Commission with or without payment, satisfaction, release or discharge in whole or in part of any such advances or loans may be re-pledged, re-hypothecated or re-charged, sold or otherwise disposed of as and when the Commission may think fit.

(f) Nothing in this paragraph contained shall in any way limit any other obligation of the Corporations under said Agreement between the Company and the Corporations hereinbefore referred to.

9. If the Company should fail to perform any obligation under this Agreement or if any Municipal Corporation should fail to perform any obligation under the Sandwich, Windsor & Amherstburg Railway Act, 1930, or any amendment thereof or under the Agreement between the Company and the Corporations therein referred to the Commission in addition to all other remedies and without liability to either the Company or the Corporations or any of them may, with or without notice and in its absolute discretion, discontinue the service of the Railway in whole or in part and also terminate this Agreement and upon such termination the Commission shall have no further obligation under this Agreement; no such discontinuance of service shall relieve the Company or any Corporation from the performance of any obligation to be performed by them or any of them as in this Agreement or in said Statute, or any amendment thereto or said Agreement between the Company and the Corporations.

10. It is understood and agreed that whenever any Municipal or other work is carried out in any Municipality which in any way affects the Railway, but is not a portion of the Railway, no part of the cost of the same shall be charged against the revenue of the Railway, but that the said cost shall be paid by the Corporation or Corporations within the boundaries of the Municipalities of which the work is done and the said Corporation or Corporations shall indemnify and save harmless the Company and the Commission therefrom; excepting always in special cases of small matters where the Commission may be willing that such cost may be treated and paid as working expenditure.

11. If at any time the Commission deems it necessary for proper and efficient operation of the Railway to construct a connection or connections between the Railway and any other Railway operated by the Commission,

the Commission may construct such connection and the cost thereof shall be apportioned by the Commission between the Railway and such other Railway operated by the Commission, and such apportionment may be by way of rental charges or otherwise; provided that the part of the cost apportioned to the Railway under this Agreement shall be met as the Commission may determine.

12.—(1) The Commission shall not be liable to the Company or the Corporations or otherwise in any way by reason of any error or omission in any reports, estimates, plans or specifications made for the Company or for any act or omission of the Commission in exercising or purporting to exercise the powers and authorities conferred upon it by this Agreement or otherwise.

(2) The Commission as regards all power and authorities conferred upon it by this Agreement shall have absolute and uncontrolled discretion as to the exercise thereof whether in relation to the manner or to the mode or to the time of such exercise and the Commission shall not be liable to the Company or to the Corporations in any way for its exercise of such discretion.

13. The Commission shall have the conduct and control of all claims and actions brought in respect of the Railway whether for alleged negligence arising out of the operation of the Railway or for any other matter or thing in connection with the Railway, and may defend or compromise, settle or dispose of the same as it deems expedient, and such defence, compromise, settlement or disposal shall be binding upon the Company and the Corporations.

14. The Commission shall not be obliged to undertake or continue any work or responsibility under this Agreement until the monies necessary therefor shall have been furnished by the Company to the Commission.

15. The Company as principal hereby agrees to indemnify and save harmless its agent, the Commission, from and against all liability, loss, damage, claim, demands, costs, charges and expenses in connection with the Railway and in connection with the performance by the Commission of its duties and powers under this Agreement.

16. The parties hereto or either of them may transfer and assign the benefits and advantages accruing under this Agreement to the Trustee under the Trust Indentures, or either of them, securing the Bonds of the Company and the Bonds heretofore issued by the Commission in respect of the Railway.

17. By way of compensation to the Commission for the performance of its obligations hereunder the Company agrees to pay to the Commission the cost to the Commission as determined by the Commission of all work done and services performed by it pursuant to this Agreement and the cost to the Commission as determined by the Commission in accordance with the Power Commission Act of supplying electrical power or energy for the purposes of the Railway, which power or energy the Commission is hereby exclusively authorized to supply, and the Commission may deduct such costs payable to it so far as the same may be available from the revenue derived from the operation of the Railway.

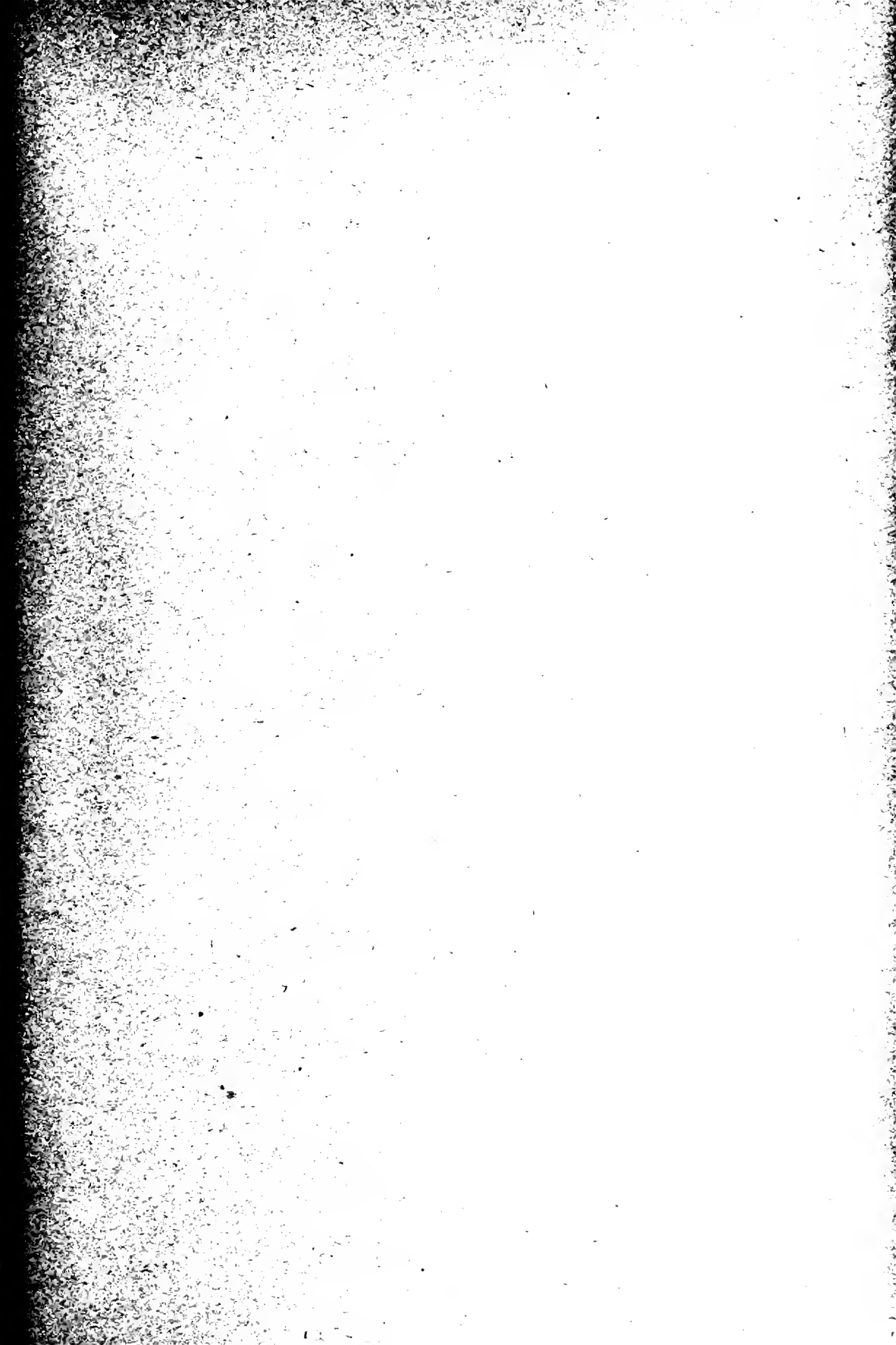
IN WITNESS WHEREOF the Commission and the Company have caused this Contract to be executed under their Corporate Seals and the hands of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

.....
Chairman.
.....
Secretary.

SANDWICH, WINDSOR & AMHERSTBURG RAILWAY COMPANY,

.....
.....





BILL.

An Act respecting The Sandwich, Windsor
and Amherstburg Railway.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. COOKE.

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

BILL

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

MR. COOKE.

BILL

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

Preamble.

WHEREAS pursuant to agreement dated 14th January, 1920 made between Detroit United Railway, of the first part, The Hydro-Electric Power Commission of Ontario, of the second part; Sandwich, Windsor and Amherstburg Railway, of the third part, and The Windsor and Tecumseh Electric Railway Company, of the fourth part, which agreement by virtue of *The Hydro-Electric Railway Act, 1920* is legal, valid and binding upon the parties thereto, The Hydro-Electric Power Commission of Ontario has acquired all the assets, undertakings and property of every kind and nature of the said Sandwich, Windsor and Amherstburg Railway and The Windsor and Tecumseh Electric Railway Company; and whereas pursuant to and upon the terms and conditions more particularly set forth in an agreement dated 1st January, 1920 and amendments thereof, made between The Hydro-Electric Power Commission of Ontario and the municipal corporations of the township of Sandwich East, township of Sandwich West, city of East Windsor (formerly the town of Ford City) town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg and city of Windsor, which agreement by virtue of *The Hydro-Electric Railway Act, 1920* is legal, valid and binding upon the parties thereto, the said Commission has constructed and equipped and is operating an electric railway which, as more particularly provided in said agreement, is vested in said Commission, on behalf of the said municipal corporations and certain other municipal corporations, namely, the town of Tecumseh and the town of Riverside, comprising territory formerly included in the township of Sandwich East, and the town of LaSalle, comprising territory formerly included in the township of Sandwich West, which additional municipal corporations have subsequently become parties to the said agreement; and whereas the property and assets comprising the said electric railway being operated by The Hydro-Electric Power Commission of Ontario as aforesaid consist of all the assets, undertaking and property of the said Sandwich, Windsor and Amherstburg Railway and The Windsor and Tecumseh Electric Railway Company acquired by The Hydro-Electric Power Commission

of Ontario under said agreement dated 14th January, 1920, together with the improvements, additions and extensions thereof and thereto made by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 1st January, 1920, and amendments thereof; and whereas pursuant to said agreement dated 1st January, 1920, and amendments thereof The Hydro-Electric Power Commission of Ontario has from time to time issued its bonds to an aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205) in the following respective amounts, bearing date, carrying interest, and maturing on the dates hereinafter mentioned, namely:

Principal amount of Bonds issued	Interest Rate	Date	Date of Maturity
\$2,100,000.00.....	4½%	1st April, 1920	1st April, 1960
900,000.00.....	6%	1st July, 1921	1st July, 1961
966,205.00.....	5%	1st Sept. 1923	1st Sept. 1945
750,000.00.....	5%	1st July, 1925	1st July, 1945
100,000.00.....	5%	1st Sept. 1925	1st Sept. 1945
1,000,000.00.....	5%	15th July, 1926	15th July, 1946
\$5,816,205.00.....			

and whereas the said bonds issued by the said Commission as aforesaid to said aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205) have been guaranteed as to the payment of both principal and interest by the Province of Ontario; and whereas the municipal corporations, parties to said agreement dated 1st January, 1920, and amendments thereof, pursuant to requests by the said Commission from time to time in respect of said bonds issued by said Commission have, in accordance with said agreement, issued and deposited with said Commission debentures of said corporations to the aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205), which debentures under said agreement are held by said Commission as collateral security for the payment of said bonds of the Commission to be disposed of in trust for the holders of said bonds;

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

1. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1930.* Short title.

2. In this Act,—

Interpretation.

(a) "Corporations" shall mean the municipal corporations of the township of Sandwich East, township of "Corporations."

Sandwich West, town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg, town of Tecumseh, town of Riverside, town of La Salle, city of East Windsor (formerly the town of Ford City), and city of Windsor, and any additional municipal corporations which may from time to time become parties to the agreement between the corporations and the company referred to in section 7 of this Act; and "Corporation" shall mean one of the "Corporations;"

"Railway."

- (b) "Railway" or "Sandwich, Windsor and Amherstburg Railway" shall mean all the assets, undertakings and property of every kind and nature formerly belonging to the Sandwich, Windsor and Amherstburg Railway and The Windsor and Tecumseh Electric Railway Company, and acquired by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 14th January, 1920, and now being operated by The Hydro-Electric Power Commission of Ontario on behalf of said corporations, and every improvement, addition and extension thereof and thereto heretofore or hereafter made;

"Commission."

- (c) "Commission" shall mean The Hydro-Electric Power Commission of Ontario;

"Bonds of the Commission."

- (d) "Bonds of the Commission" shall mean the bonds heretofore issued by the Commission as aforesaid in respect of the railway and which may be from time to time outstanding;

"Company."

- (e) "Company" shall mean the Sandwich, Windsor and Amherstburg Railway Company created a body corporate under the provisions of this Act.

Incorporation and Constitution of Company.

3.—(a) There is hereby created and constituted a body corporate and politic under the name of the "Sandwich, Windsor and Amherstburg Railway Company," consisting of as many members as shall be appointed by the corporations. Each of the corporations may by by-law appoint one member who, subject to his removal by the corporation which appointed him, shall hold office for three years and until his successor is appointed. The member appointed by any corporation may at any time for any cause be removed from office by such corporation by by-law passed with the affirmative vote of two-thirds of all the members of the council of such corporation at a meeting specially called for

considering such by-law. When and so often as a member of the company shall die, resign, be removed from office, or become unable to act, the council of the corporation which appointed such member shall by by-law forthwith appoint his successor. Every member of the company shall be a resident of the municipality represented by him and in case any member shall cease to reside in such municipality he shall be unable to act as a member of the company. Any member of the council of any of the corporations shall be eligible for appointment as a member of the company. A majority of the members shall form a quorum for the transaction of business. The first meeting of the company may be called by the member appointed by the city of Windsor by written notice mailed to each of the other members five days before the date fixed for such meeting, and at such first meeting the company may appoint one of its members as chairman and another as vice-chairman.

(b) All expenses of administration of the company and all gratuities, salaries and other remuneration of the members and officers of the company may to such amount as shall be approved by the commission, be paid by the commission as part of the working expenditure of the railway. ^{Expenses of Administration.}

4. The company may from time to time enact, make, alter, repeal, amend, vary and re-enact by-laws for the carrying on, management and regulation of the undertaking of the company, and for governing the proceedings of the company, the conduct of its members, the calling of meetings of the company, and generally such by-laws as the company may consider necessary or expedient in connection with the business and affairs of the company, and the company may from time to time appoint such officers and employees as the company may deem necessary for the proper conduct of the business of the company, and may prescribe their duties and fix their remuneration. ^{By-laws.}

5. Every by-law of the company shall be under the seal of the company and shall be signed by the chairman or by the person presiding at the meeting at which the by-law has been passed and by the secretary or assistant secretary of the company. ^{Authentication of by-laws.}

6. With the approval of the Lieutenant-Governor in Council and with the approval of a majority of the corporations, such last mentioned approval to be evidenced by by-law, the company may acquire and the Commission on behalf of the corporations may grant and convey to the company the railway, subject, however, to the liabilities incurred by the Commission in connection with the acquisition, ^{Conveyance of railway to Company.}

construction, equipment and operation of the railway and to the existing mortgage or charge in favour of the holders of the bonds of the Commission, and the payment of said liabilities and of the principal and interest of said bonds shall thenceforth be an obligation of the company and the company shall indemnify and save harmless the Commission against the same; provided always that all bonds of the Commission and all bonds issued by the company pursuant to this Act shall be equally charged upon and secured by the railway and every extension thereof and all lands and interests in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, tolls, revenue, sources of money, rights, powers, privileges, franchises and all properties and assets of or belonging to the company as a first mortgage or charge thereon. Upon the execution by The Hydro-Electric Power Commission of Ontario on behalf of the corporations and upon delivery to the company, of a grant and conveyance of the railway made or purporting to be made pursuant to this section, and upon the deposit of such grant and conveyance as hereinafter mentioned the railway shall be vested in the company free from all liens, charges and encumbrances whatsoever save and except the mortgage and charge aforesaid, and such grant and conveyance may be made in general terms and it shall not be necessary therein to particularly describe the property thereby granted and conveyed or to conform to or comply with the provisions of any law or statute relating to the transfer of real or personal property. It shall not be necessary to register or file such grant and conveyance under the provisions of any law respecting the registration, filing or recording of instruments affecting real or personal property but the same shall be deposited in the office of the Ontario Railway and Municipal Board, and thereupon the said grant and conveyance shall be legal, valid and binding upon the corporations and the Commission. A copy of such grant and conveyance may, however, be registered in the general register of the county of Essex and the registrar of deeds for the said county shall upon request enter in the abstract index of each parcel or tract of land the title to which is in any way affected by this Act, a note entry or memorandum showing that the title thereto has been changed or affected by this Act and referring to the date and registration number in the general register where the said grant and conveyance has been recorded or registered as aforesaid.

Effect of deposit of grant and conveyance with Railway Board.

7. Upon the deposit of said grant and conveyance in the office of the Ontario Railway and Municipal Board as aforesaid and upon the execution by the company of an agreement with the Commission in form set forth in schedule "A" to this Act with such variations, additions, alterations or amend-

ments as may be approved by the Lieutenant-Governor in Council either before or after the execution thereof, the Commission shall cease to have any further obligations to the corporations under said agreement between the Commission and the corporations dated 1st January, 1920 and amendments thereof but the said agreement, subject as hereinafter mentioned, shall thereafter be effective as a valid and binding agreement between the corporations and the company as fully and effectually as though the company had been named as a party to and throughout said agreement and amendments in the place and stead of the Commission, provided, however that for such purpose the said agreement shall be deemed to be amended as follows:—

(1) By striking out the words "The Hydro-Electric Power Commission of Ontario" and the "Commission" wherever the same appear throughout said agreement and any amendment thereto and substituting therefor the words "Sandwich, Windsor and Amherstburg Railway Company" and "Company" respectively.

Amendments
to Agree-
ment of
Jan. 1st,
1920.

(2) By substituting for the names of the municipal corporations who are parties of the second part to said agreement the names of the municipal corporations referred to in section 2 (a) of this Act.

(3) By striking out the recitals to the said agreement and substituting therefor the following:—

"Whereas The Hydro-Electric Power Commission of Ontario on behalf of the corporations has constructed and equipped and is operating a system of electric railways (known as the Sandwich, Windsor and Amherstburg Railway and hereinafter referred to as the "Railway") over the routes laid down in schedule "A" hereto; and whereas all the assets and undertakings of said railway have been acquired from said Commission by the company subject to the payment by the company of all liabilities incurred by the Commission in connection with such construction, equipment and operation and to the payment by the company of the principal and interest of all bonds heretofore issued by said Commission in respect of said railway."

(4) By striking out subsections (a) and (b) of section 1 and substituting therefor the following:—

"to equip, operate and maintain the railway over the routes laid down in schedule "A" and through the districts in which the corporations are situate."

(5) By striking out subsections (c), (g), (i) and (n) of said section 1.

(6) By striking out subsections (k) and (l) of said section 1 and substituting therefor the following:—

“To apply the revenue derived from the operation of the railway and any other revenue derived from the undertaking of the company to the payment of operating expenses and working expenditure, the payment of interest and sinking fund in respect of the bonds heretofore issued by The Hydro-Electric Power Commission of Ontario for the railway and in respect of the bonds of the company to be issued for the railway, and the payment of all monies owing or payable to the trustee under the trust indentures securing said bonds of said Commission and of the company, in setting aside such sums as the company or The Hydro-Electric Power Commission of Ontario as agent for the company may deem desirable for reserves for working expenditure, obsolescence, depreciation and contingencies and for the renewal of any works belonging in whole or in part to the undertaking, and to reimburse the company for and indemnify the company against any expenditure, liability or obligation which may be undertaken or incurred by the company under this agreement or when purporting to act under this agreement or by The Hydro-Electric Power Commission of Ontario when operating the railway as agent of the company under an agreement between the company and said Commission; and it is hereby agreed that the company or said Commission as agent for the company may apply said revenue for any or all of the purposes aforesaid in such amounts, with such preferences and priorities or without any preference or priority as the company or said Commission may in its sole discretion determine.”

(7) By striking out subsections (j) and (m) of said section 1 and substituting therefor the following:—

“When all bonds issued by The Hydro-Electric Power Commission of Ontario and the company in respect of the said railway and all other liabilities and indebtedness of the company have been paid in full, to sell or otherwise dispose of the railway in such manner and at such time and for such price as may be approved by a majority of the corporations and to divide the proceeds of the sale of such assets among the corporations in the proportion agreed upon between them or failing such agreement in the proportion fixed by The Hydro-Electric Power Commission of Ontario whose decision shall be final.”

(8) By striking out the first three lines of section 2 and subsections (a) and (b) of section 2 and substituting the following:—

“In consideration of the premises and of the agreements herein set forth the corporations and each of them agree with each other and with the Commission as follows:—

(a) To issue and deposit their debentures with the company as provided by this agreement and to pay to the trustee for the holders of the bonds to be issued by the company and of the bonds heretofore issued by The Hydro-Electric Power Commission of Ontario in respect of the railway all monies which may be demanded by said trustee in accordance with the provisions of this agreement and to become directly jointly and severally liable for the payment of the principal, premium if any, and interest of and on all bonds issued by the company, and the corporations do hereby jointly and severally agree to pay said principal, premium if any, and interest as the same respectively fall due.”

(9) By adding to subsection (c) of said section 2 the following:—

“To take all means within their power to ensure to the company the exclusive right of furnishing transportation within the limits of the municipalities of the corporations and to pass and enforce such by-laws as they may legally pass to prevent the operation of busses, jitneys or vehicles or any other system of transportation which would compete with the transportation services furnished by the company.”

(10) By striking out paragraph 3 of said agreement and substituting therefor the following:—

“3.—(a) The company from time to time, subject to the provisions of this agreement, may issue bonds for such amount as the company may deem necessary to cover the capital cost of extensions, improvements and additional properties, works and equipment of any kind or any of them for use on or in connection with the railway; and the company from time to time upon such terms as it deems proper may sell, hypothecate, pledge or otherwise dispose of any bonds of the company issued under this agreement, but only after deposit with the company of the debentures of the corporations as provided in this agreement;

(b) Subject as hereinafter in this sub-clause (b) provided the company shall obtain the consent of a majority of the corporations (including always the corporation of the city of Windsor) before the issue of any bonds, such consent in each case to be in the form of a by-law passed by the council of the corporation for which the assent of the electors shall not be necessary, provided that where such bonds are being issued to cover capital cost within the limits of one municipality only the consent of the corporation of that municipality alone shall be necessary; and provided further that it shall not be necessary to obtain the consent of any of the corporations in respect to the issue of bonds from time to time up to an amount not exceeding ten per centum (10%) of the aggregate amount of the bonds of The Hydro-Electric Power Commission of Ontario heretofore issued in respect of the railway and of the bonds of the company issued with the consent of the corporations as above mentioned and outstanding from time to time;

(c) The bonds issued by the company from time to time under this agreement shall respectively bear such date, carry such rate of interest, be payable at such place or places and in such monies and upon such terms and conditions, and mature within such period not exceeding fifty (50) years from the date thereof as the company may determine; and all bonds of the company hereafter issued under this agreement and all bonds of The Hydro-Electric Power Commission of Ontario heretofore issued in respect of the railway shall be equally charged upon and secured by the railway and every extension thereof and all lands and interests in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, tolls, revenue, sources of money, rights, powers, privileges, franchises, and all properties and assets of or belonging to the company as a first mortgage or charge thereon;

(d) In order to provide for the payment of any issue of bonds of the company, the company may in each year during the currency of such bonds commencing in such year as the company may determine, out of such monies of the company as may be available therefor, set aside and pay or cause to be set aside and paid annually as a sinking fund such sum as the company may deem desirable, and such sinking fund may be applied by or on behalf of the company from time to time in the purchase or redemption of bonds issued by the company at such time or times and in such manner and for such price or prices as the company may deem desirable; and

the company shall have power at such times as it may deem expedient to issue further bonds to such amount as will realize the net sum required after the application of the accumulated sinking fund on hand available therefor to repay its outstanding bonds as the same respectively mature;

(e) In order to provide for the payment of the bonds heretofore issued by The Hydro-Electric Power Commission of Ontario in respect of the railway the company may in each year during the currency of such bonds commencing in such year as the company may determine, out of such monies of the company as may be available therefor, set aside and pay or cause to be set aside and paid such sum for sinking fund as the company may determine and such sinking fund payments may be held by a trustee for the said outstanding bonds of said Commission and shall be applied towards the repayment or retirement of the said bonds respectively or any renewal or refunding thereof at maturity and in the meantime may be invested in securities authorized for investment by trustees in the Province of Ontario or in call loans guaranteed by said trustee and the company shall have power at such times as it may deem expedient to issue further bonds to such amount as will realize the net sum required after the application of the accumulated sinking fund on hand available therefor to repay the said bonds as the same respectively mature.

(f) Upon the issue of further bonds by the company for the purpose of repaying, renewing or refunding any outstanding bonds of said Commission or of the company as provided in the foregoing subsections (d) and (e) of this section 3 all of the provisions of this agreement relating to the issue and deposit with the company and the disposal by the company of debentures of the corporations will apply as hereinafter more particularly provided.

(g) From time to time whenever the company shall authorize an issue of bonds as hereinbefore provided the corporations upon requisition in writing from the company approved by The Hydro-Electric Power Commission of Ontario shall issue and deposit with the company debentures to the respective amounts specified in the said requisition; the said debentures shall be for an aggregate principal amount of not less than one hundred and ten per centum (110%) of the principal amount of the bonds of the company to be issued as aforesaid; shall bear such date, shall carry interest payable half-yearly at such rate, shall mature on such date and shall

be payable as to both principal and interest in lawful money of Canada at Toronto, Ontario, and in such other currency or currencies and at such other place or places, if any, as the company in each case may specify in such requisition.

(h) Debentures issued by any municipal corporation or corporations pursuant to a request by the company, in respect of any extension, improvement, additional works or equipment required for the railway for which bonds of the company are issued or to be issued, may be held or disposed of by the company in trust exclusively for the holders of such bonds of the company and as security for the payment of such bonds of the company in respect of which such debentures have been issued and deposited in such manner and at such time or times and upon such terms and conditions as the company in its sole discretion may determine and without limiting the generality of the foregoing the company as security for the repayment of the principal of said bonds, and the interest and premium, if any, thereon may execute, deliver and enter into any trust indenture or other document with a trust company or corporation as trustee for the holders of said bonds of the company containing such powers, terms and conditions and such provisions as to sinking fund, redemption or otherwise, and such protection to the trustee in the exercise of its duties thereunder and such security to said trustee for the payment of its fees, compensation and disbursements by way of lien on all monies, debentures and other property in its hands or otherwise, and such mortgage, charge and pledge (subject always to the rights of the holders of the outstanding bonds of the Commission as hereinbefore in sub-paragraph (c) of this paragraph 3 mentioned) as the company in its sole discretion shall deem to be in the best interests of the company and of the holders of said bonds, and may by said trust indenture or other document transfer, pledge, hypothecate, charge and mortgage the said debentures or any of them to said trustee for the exclusive benefit and security of the holders of the bonds of the company in respect of which said debentures have been issued and deposited with the company and may give said trustee such power to sell, dispose of or realize upon such debentures and the interest coupons attached thereto and such power to collect all monies payable by the corporations under this agreement, as the company in its sole discretion may deem advisable, and the company may by such trust indenture or other document, subject as aforesaid, mortgage and charge the railway and all the lands and interests in lands, buildings, fixtures, improvements,

terminals, rolling stock, equipment, income, tolls, revenues, sources of monies, rights, powers, privileges, franchises and all other properties and assets present and future belonging to or connected with said railway. Said trust indenture when executed by the company shall be legal, valid and binding upon the company and upon each of the corporations.

(i) The debentures of the corporations to the aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205) which have heretofore been issued by the corporations and deposited with The Hydro-Electric Power Commission of Ontario from time to time pursuant to requests by said Commission in respect of bonds issued by said Commission for the railway, the payment of the principal and interest of which bonds has been assumed by the company and is guaranteed by the Province of Ontario, and which debentures are held by said Commission as collateral security for the payment of said bonds to be disposed of in trust for the holders of said bonds, shall be delivered to the company by said Commission and shall be held or disposed of by the company in such manner and at such time or times and upon such terms or conditions as the company, subject to the approval of the Commission and the Lieutenant-Governor in Council, may determine, and without limiting the generality of the foregoing the company may for such purpose execute, deliver and enter into a trust indenture with a corporate trustee (who shall be the trustee for the holders of the bonds of the company) and may in such trust indenture as collateral security for the payment of the principal and interest of the said bonds of the Commission transfer, pledge, hypothecate, charge and mortgage the said debentures to said trustee for the benefit and security of the holders of the said bonds of the Commission, and may give said trustee such power to sell, dispose of or realize upon such debentures and the interest coupons attached thereto and to dispose of the proceeds of such sale, disposition or realization as the company in its discretion may determine and such power to collect all monies payable by the corporations under this agreement, and such trust indenture may contain such powers, terms, conditions and provisions, including provisions for payment of interest and sinking fund, and such protection to the trustee in the exercise of its duties thereunder and such security to said trustee for the payment of its fees, compensation and disbursements by way of lien on all monies, debentures and other property in its hands or otherwise, as the company may determine; provided that the disposition of or

dealing with the said debentures as provided by said trust indenture shall not become effective until approved by the said Commission and the Lieutenant-Governor in Council, and such disposition or dealing with said debentures and such trust indenture, shall, when approved by the said Commission and the Lieutenant-Governor in Council, be valid and binding upon the company, and upon each of the corporations. Any such trust indenture may with the like approvals be cancelled, altered or amended.

(j) The by-laws of the municipal corporations authorizing the issue of the debentures to be deposited with the company as aforesaid shall in each case provide for the raising in each year during the currency of the debentures of the annual interest thereon and of a specific sum as a sinking fund which with the estimated interest thereon at a rate not exceeding four per centum (4%) per annum capitalized yearly will be sufficient to pay the principal of the said debentures at maturity; provided that the respective amounts for interest and sinking fund to be raised by such municipal corporations in any year by special rates under any such by-law may be reduced or increased as hereinafter provided but such reduction shall in no way impair the obligation or liability of such municipal corporations to pay in full the amount of the principal of such debentures and of the interest coupons attached thereto.

(k) At least thirty (30) days prior to the respective dates on which interest and/or sinking fund payments fall due in respect of the bonds of the Commission and/or of the company, The Hydro-Electric Power Commission of Ontario, operating the railway as the agent of the company under the agreement hereinafter referred to, shall estimate and pay to the trustee or make arrangements satisfactory to the trustee for payment to the trustee of the amount of revenue, if any, from the operation of the railway which is available to be allocated to meet interest and sinking fund in respect of each issue of bonds made by the company and in respect of each issue of bonds heretofore made by the Commission in respect of the railway, and shall certify to the said trustee the amount remaining to be paid as hereinafter mentioned by each corporation for interest and/or sinking fund, such respective amounts to be determined from time to time by the Commission in its absolute discretion having regard to the service rendered by the railway to each corporation and the comparative benefits derived by each such corporation from the railway. The

said estimate and certificate of the Commission shall be final and conclusive and binding upon the company and the corporations and shall not be open to question.

In the event that the Commission in any year shall have paid to the trustee the whole of the sinking fund and/or interest payments due in such year by the company to the trustee in respect of any issue of bonds of the company or of the Commission the corporations shall not be obliged to levy for that year any monies for sinking fund or interest under their by-laws authorizing the issue of debentures pledged to such trustee in respect of such bonds, but in the event that the Commission shall pay to the trustee for sinking fund and/or interest in any year any amount less than the whole amount of sinking fund and/or interest so payable such deficit shall forthwith on the demand of the trustee be paid to the trustee by the corporations in the respective amounts aforesaid, and pending the collection of the same by special rates the corporations may temporarily borrow the same from any bank, company or person on the credit of the corporation at large, and the respective amounts so payable shall be included by the respective corporations in their estimates for the current or next succeeding year and shall be raised and levied by each of said corporations by a special rate on all the rateable property in said respective municipalities rateable therefor and the monies so paid to said trustee for sinking fund shall be added to the sinking fund of the company and be applicable to the redemption in respect of the bonds of the company and/or the Commission in respect of which the same has been paid and the monies so paid to the trustee for interest shall be made available by the trustee for the payment of the interest on the bonds of the company and/or the Commission respectively. Any monies payable as aforesaid by the said corporations to said trustee shall be debts due and owing by the respective corporations to said trustee and may be recovered by said trustee from each such corporation in any court of competent jurisdiction, together with interest at the rate of six per centum (6%) per annum from the date of such demand as aforesaid and the production by said trustee of such demands and proof of delivery thereof to the respective corporations shall be conclusive evidence of the amount due and owing by the respective corporations to said trustee as a debt. In the event that any corporation shall fail to pay to the trustee the amount payable by it as aforesaid within fifteen (15) days after the date of such demand, the trustee may sell, realize on or otherwise dispose of a sufficient number of debentures and/or interest

coupons of the defaulting corporation or corporations pledged to it to realize as nearly as may be the sum so in default and the surplus, if any, arising from the sale or realization of such debentures and/or interest coupons over and above the amount required to meet such sum in default may be added to the sinking fund or retained by the trustee to meet any subsequent default of such defaulting corporation or corporations. The corporation or corporations whose debentures have been so sold shall on demand by the trustee forthwith issue and deliver to the trustee new debentures of a like amount and payable upon the same terms as the debentures so sold, and the corporations are hereby authorized and required to pass all proper by-laws authorizing the issue and delivery of such new debentures.

(l) In addition to the annual deficits, if any, in respect of interest and/or sinking fund payable by the corporations to said trustee as provided in sub-paragraph (k) of this paragraph, the Commission shall certify to the trustee in each year the aggregate sum, if any, by which the revenue derived from the operation of the railway and any other revenue derived from the undertaking of the company is insufficient to meet in that year the operating expenses, working expenditure, reserves and other liabilities and obligations (other than for interest and sinking fund) to which the said revenue may be applied by the company as hereinbefore in this agreement provided, and the Commission shall also certify to the said trustee the respective amounts of such aggregate sum to be paid by each corporation, such respective amounts to be determined by the Commission and to be payable by the corporations to the trustee in the manner provided in sub-paragraph (k) of this paragraph. The certificates of the Commission herein provided for shall be final and conclusive and binding upon the company and the corporations and shall not be open to question. Such respective amounts when paid by the corporations to the trustee shall be paid by the trustee to the Commission.

(m) The trust indenture securing the bonds of the company may provide that the trustee may in each year release from the lien of the trust indenture and cancel and return to the respective corporations, municipal debentures (with all unmatured interest coupons attached) pledged to it in respect of any issue of bonds to an aggregate principal amount not exceeding the principal amount of such bonds of the company redeemed in such year out of sinking fund monies. The respective amounts of debentures of each corporation to be released

and cancelled as aforesaid shall be in the same proportion as nearly as may be as the proportion which the respective amounts of the debentures of each corporation pledged to the trustee in respect of such issue of bonds bear to the aggregate amount of municipal debentures pledged to the trustee in respect of such issue of bonds; provided that no release shall be made in respect of any fractional portion of any debenture; provided that no debentures will be returned to any municipal corporation which is in default in meeting any demand by the trustee.

(n) In the event that the security under a trust indenture securing bonds of the company shall have become enforceable, and the trustee thereof shall have determined or become bound to enforce the same, the trustee without the necessity of having recourse to any other security created by said trust indenture or otherwise may forthwith sell or otherwise dispose of any or all of the said debentures transferred, pledged, hypothecated, charged or mortgaged with or to it as aforesaid, in the manner and upon the conditions prescribed in said trust indenture, and the said debentures in the hands of the purchasers thereof shall be valid and binding upon the respective corporations and the ratepayers thereof and neither the validity of the by-laws authorizing the issue of such debentures nor the validity of any such debentures shall be open to question on any ground whatsoever.

(o) In the event that the said trustee shall enforce the security of said trust indenture as aforesaid and/or in the event the trustee shall sell or otherwise dispose of any or all of the debentures of the corporations mortgaged, hypothecated or pledged thereunder, the corporations shall in each year thereafter raise and levy the annual interest on such debentures and in lieu of the annual sinking fund levies provided for under the respective by-laws authorizing the issue of their debentures so disposed of shall raise and levy for sinking fund such amount as, with the estimated interest thereon at a rate not exceeding four per centum (4%) per annum, shall be sufficient to meet at maturity the debentures so sold or otherwise disposed of."

(11) By striking out paragraphs 4, 10, 11 and 16 of said agreement.

(12) By striking out paragraph 13 of said agreement and substituting therefor the following:—

“Any dispute between the corporations arising under this agreement shall be referred for settlement to The Hydro-Electric Power Commission of Ontario and said Commission may upon application fix a time and place to hear all representations that may be made by the corporations and the Commission shall settle such dispute and such settlement shall be final. The said Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters.*”

(13) By striking out section 14 of said agreement and substituting therefor the following:—

“This agreement shall continue and extend for a period of fifty (50) years from the date the same goes into effect and at the expiration thereof be subject to renewal with the consent of the corporations from time to time for like periods of fifty (50) years. At the expiration of this agreement The Hydro-Electric Power Commission of Ontario shall determine and adjust the respective rights and liabilities of the corporations as among themselves having regard to the amounts paid or indebtedness incurred by them respectively pursuant to this agreement and to such other considerations as may appear equitable to The Hydro-Electric Power Commission of Ontario and are approved by the Lieutenant-Governor in Council.”

(14) By striking out section 15 and schedule “C” of said agreement and substituting therefor the following:—

“It is understood and agreed that all sums to be raised, levied and collected by the corporations pursuant to this agreement shall be raised, levied and collected by the respective municipal corporations by special rates upon all the rateable property in the respective municipalities with the exception of the municipality of the corporation of the township of Sandwich West wherein said rates shall be levied upon all the rateable property in that section only of said Township lying between the Anderdon town limit and Windsor that is bounded on the east side by the Malden Road, Huron Line, and the Tecumseh Road and on the west side by the Detroit river including property fronting on both sides of the roads forming the said easterly boundary, but excluding thereout all the property lying within the boundaries of the municipality of the town of LaSalle; provided that the council of the township of Sandwich West may at any time by by-law define an area in said township other than that above described and may submit to a vote of

the electors of such defined area in the manner prescribed by *The Municipal Act* a question as to the extension of the railway into such defined area, and if a majority of the electors vote in the affirmative, the railway, subject to the provisions of this agreement may be extended into such defined area, and in such case all sums to be raised, levied and collected by the township of Sandwich West under this agreement by reason of such extension into such defined area shall be raised, levied and collected by special rates upon all the rateable property in such defined area."

(15) By repealing section 3 of *The Hydro-Electric Railway Act, 1925*, in so far as the same applies to this agreement and the railway.

(16) By adding the following paragraphs to said agreement:

- (a) The company may enter into an agreement with The Hydro-Electric Power Commission of Ontario providing for the management, extension, improvement, completion, equipment, maintenance and operation of the railway as the agent of the company and for the performance by the Commission of any or all of the duties or obligations to be performed by the company under this agreement other than the issue of the bonds of the company.
- (b) This agreement may be amended by the company and the corporations with the consent of the Lieutenant-Governor in Council and the corporations shall pass all such by-laws as may be necessary to authorize, confirm and carry out every such amendment; provided that no such amendment shall in any way lessen or impair the obligations of the corporations or any of them or of the company under this agreement in respect to bonds issued by the company during the currency of this agreement.
- (c) The company may assign the benefit of this agreement or any part thereof to the trustee for the holders of the bonds of the company and/or the said bonds of The Hydro-Electric Power Commission of Ontario.

8.—(1) Notwithstanding anything contained in this Act or in the agreement between the company and the corporations referred to in section 7 of this Act, the company, pending or in lieu of the permanent extension of the railway through any area in the municipality of any corporation, may with Temporary transportation service by buses, etc.

the approval of the Commission provide for a temporary transportation service by motor bus or busses over any route or routes within any defined area of any such municipality; and the company and the corporation of any such municipality, subject to the provisions hereinafter contained, may from time to time enter into an agreement or agreements in order to provide for such service and for the repayment to the company by such corporation of the deficits, if any, arising from time to time in connection with the provision and operation of such service.

Sectional by-laws.

(2) The council of any corporation, upon petition signed by the owners representing at least one-half of the assessed value of the property in any area of the municipality or after a question for such purpose has been submitted and has received the assent of the electors in such area entitled to vote on money by-laws in the manner provided by *The Municipal Act*, shall have power by by-law to set aside a defined area for the purpose aforesaid and to authorize the execution of such agreement with the company and to provide that all such deficits, if any, payable to the company under such agreement shall be raised, levied and collected by a special rate on all the rateable property in such defined area.

Sectional by-law as to bus service already established.

(3) The council of any corporation in any area in the municipality of which the Commission has heretofore provided a temporary transportation service by motor bus, may without such petition or the submission of such question set aside a defined area and authorize the execution of an agreement with the company for the purpose aforesaid and any deficits already existing in connection with any such service heretofore furnished by the Commission or hereafter arising in connection with such service hereafter furnished by the company, shall be paid by the corporation to the company on demand and shall be raised, levied and collected by such corporation by a special rate sufficient therefor on all the rateable property in such defined area.

Agreement for operation by Commission.

9. The company may enter into an agreement with the Commission and the Commission may enter into an agreement with the company in the form set forth in the schedule to this Act with such amendments as may from time to time be made therein by the company and the Commission, and the company and the Commission shall have full power to carry out their powers, duties and obligations under said agreement and any amendments thereof. The Commission with respect to the management and operation of the railway shall maintain separate and distinct books and accounts from the books and accounts of any other undertaking in which it is engaged, and all monies received by it in connection with such operation shall be kept in a separate bank account and shall not be merged with its funds derived from any other source.

10. The company and the corporations and each of them may exercise all the rights, powers and privileges and do all things necessary to carry out the terms of the agreement referred to in section 7 of this Act and for the purpose of said agreement the company shall have and may exercise all the powers, rights, immunities and privileges of a company incorporated by a special Act for the construction of a railway under *The Railway Act* so far as the same are applicable.

Authority to
carry out
agreements.

11. The company and the Commission and each of them may exercise all the rights, powers and privileges conferred upon them by this Act and may do all things necessary to carry out the terms of the agreement between the company and the Commission referred to in section 9 of this Act and for the purpose of operating and carrying on the railway and for the purpose of exercising any of the powers conferred on the company by this Act the Commission shall have and may exercise all the rights, powers and privileges of a company owning and operating a railway under *The Railway Act of Ontario* and all the rights, powers and privileges conferred upon the company by this Act, including the power to pass by-laws and regulations for and in the name of the company which may be passed by the company under section 29 of this Act, and all such by-laws and regulations passed by the Commission for and in the name of the company shall be as effective as if passed by the company itself; provided always that the Commission shall have no power to issue bonds, debentures, promissory notes or other securities or incur any financial obligation whereby the Commission becomes in any way liable, except as the agent of and in the name of the company, and all bonds, debentures, promissory notes and other securities required to be issued for the purpose of the said railway and all such financial obligations shall be issued and incurred by and in the name of the company; and the Commission shall act solely as the agent of the company and the Commission shall not be liable in any manner for any debt, liability or obligation in respect of the railway or anything done or undertaken by the Commission in relation thereto except to the extent of monies received by the Commission as revenue from the operation of the railway or as representing other monies or other assets of the company or the corporations from time to time in its possession or control and available for such liabilities, and the company and the corporations jointly and severally shall be responsible for every such debt, liability or obligation and shall indemnify and save harmless the Commission therefrom and no action or other proceeding shall lie or be taken against the Commission in respect of any such debt, liability or obligation, but every such action may be taken against the company and the corporations or one or more of them.

Powers of
Commission
when oper-
ating
railway.

Authority
for issue of
bonds for
\$500,000
for working
capital.

12.—(a) For the purpose of supplementing the revenues of the railway in the hands of the Commission under the agreement referred to in section 9 of this Act and of providing the additional monies, if any, required by the company and/or the Commission for the payment of operating expenses and working expenditure, the payment of interest and sinking fund in respect of the bonds of the Commission and the bonds of the company, the payment of all monies owing or payable to the trustee under the trust indentures securing said bonds of the Commission and of the company, for such reserves as the Commission may deem desirable to set aside for working expenditure, obsolescence, depreciation and contingencies and for the renewal of any works belonging in whole or in part to the undertaking and to reimburse the Commission for and to indemnify the Commission against any expenditure, liability or obligation undertaken or incurred by the Commission under said agreement or when purporting to act under said agreement, the company is hereby authorized to and shall issue and deliver to the Commission debentures of the company to the principal amount of five hundred thousand dollars (\$500,000) in the first instance and, from time to time, in such further principal amounts as may be demanded by the Commission; and the Commission from time to time in the name of and as agent for the company may borrow or raise such sums as the Commission may deem advisable for any of the purposes aforesaid and may deposit, pledge, hypothecate, charge, sell or otherwise deal with any of said debentures delivered to it by the company and receive the proceeds thereof and apply said proceeds for any of said purposes;

(b) The said debentures of the company may bear such date, carry such rate of interest, be payable at such place or places and in such monies and be upon such terms and conditions and mature within such period from the date thereof as the Commission may from time to time require;

(c) Notwithstanding that the said debentures may purport to be obligations of the company only the said debentures shall be direct joint and several obligations of the corporations and each of the corporations shall be jointly and severally liable for the payment thereof and the interest thereon and for every indebtedness created by or in connection with the said debentures, and the amount for which the corporations are liable hereunder shall be a debt due from such corporations and each of them to the holder of any of the said debentures and upon default in payment of such debt the same may be recovered by action at the suit of such holder in any court of competent jurisdiction;

(d) Subject as hereinafter in this subsection provided the Commission as the agent of and in the name of the company

may declare that the said debentures are charged upon and secured by such assets of the railway in such manner and upon such terms and conditions and subject to such provisions as the Commission may deem advisable, but in relation to the said assets all said debentures shall be junior and subordinate to and rank after all bonds of the Commission and all bonds hereafter issued by the company pursuant to the agreement referred to in Section 7 hereof;

(e) Debentures and debts which are by this Section made obligations of the corporations shall not be included in ascertaining the limits of the borrowing powers of the corporations as prescribed by *The Municipal Act* and the said debentures and debts shall be obligations of the corporations, notwithstanding the limitations prescribed by *The Municipal Act*.

(f) No person, bank, firm or corporation purchasing or lending money upon the security of the said debentures or any of them shall be bound to enquire into the authority for the issue of the said debentures or to see to the application of the proceeds thereof;

(g) All or any of the said debentures which may be pledged, hypothecated or charged as security for advances or loans and which are re-delivered to the Commission with or without payment, satisfaction, release or discharge in whole or in part of any such advances or loans may be re-pledged, re-hypothecated or re-charged, sold or otherwise disposed of as and when the Commission may think fit;

(h) Nothing in this Section contained shall in any way limit the obligations of the corporations under subsections (k) and (l) of section 3 of the agreement between the company and the corporations referred to in section 7 of this Act.

13. With the approval of The Hydro-Electric Power Commission of Ontario and subject to the terms of any trust deed securing the bonds of the Commission and the bonds of the company, the company upon such terms as it deems proper may lease, sell or otherwise dispose of, free from any lien, charge, mortgage or encumbrance, any property, real or personal, which the Company may deem unnecessary for the purpose of the railway or any section or extension thereof, and the company shall use or dispose of the proceeds thereof only for the purposes of the railway in such expenditures or for reimbursing the company for such expenditures as are approved by The Hydro-Electric Power Commission of Ontario or shall invest the same in securities in which trustees may by the laws of the Province of Ontario invest trust funds

Disposal of property not required.

or shall apply the same for the retirement of the bonds of the company or partly in one way and partly in any other or others.

Enforcing obligations of Commission.

14. Any or all obligations of the corporations as set forth in paragraph 3 of said agreement between the corporations and the company referred to in section 7 of this Act and in any amendment or amendments of said paragraph 3 may be enforced directly against the corporations by the trustee under any trust indenture made by the company to secure the bonds of the Commission and/or the bonds of the company as fully and effectually as if said corporations were parties to said trust indentures and had covenanted and agreed with the trustee thereof to perform said obligations.

Joint and several liability of Corporations.

15. Notwithstanding anything contained in this Act or in said agreement between the company and the corporations and notwithstanding that the bonds of the company may be expressed on their face to be obligations of the company only, the obligations of the company as set forth in all bonds from time to time issued by the company and in any trust indenture or indentures securing the payment of said bonds shall, in addition, be direct joint and several obligations of the company and the corporations, and the corporations shall be directly jointly and severally liable to the holders of said bonds for the time being for the payment of the principal, premium, if any, and interest of and on all said bonds of the company as and when the same respectively fall due.

The bonds of the company shall be authorized investments for trustees in the Province of Ontario.

Guaranty of Province.

16. Nothing in this Act contained shall in any way affect or impair the obligation of the Province of Ontario as guarantor of the payment of the principal and interest of the bonds of the Commission.

Right of Corporations to contribution from others.

17. Notwithstanding the joint and several liability of the corporations under the provisions contained in sections 12 and 15 of this Act any corporation may, in respect of monies paid by such corporation in any year, recover contribution from the other corporations to such amount as shall be determined by The Hydro-Electric Power Commission of Ontario in its sole discretion. Any dispute between the corporations or any of them under this section may be settled by the Commission, whose decision shall be final.

Extension of railway.

18. The railway may from time to time be extended into any municipality adjacent to the municipalities the corporations of which are parties to said agreement between the corporations and the company, but only upon such terms and

conditions as may be approved by the majority of the corporations and by The Hydro-Electric Power Commission of Ontario.

19. The provisions of *The Hydro-Electric Railway Act, 1929*, shall apply to the company and the railway as though the company had been named throughout said Statute instead of the Commission. Application of 1929, c. 55.

20. All bonds authorized to be issued by the company shall, unless otherwise specially authorized or provided, be sealed with the seal of the company, and shall be signed by the chairman or vice-chairman of the company and countersigned by the secretary or assistant secretary of the company holding office at the time of signing. The signature of the chairman or vice-chairman may be engraved, lithographed or otherwise mechanically reproduced on the bonds, and such engraved, lithographed or otherwise mechanically reproduced signature shall be deemed for all purposes the signature of such officer and shall be binding upon the company. Notwithstanding any change in any of the persons holding said offices between the time of actual signing and the certifying and delivery of the bonds and notwithstanding the chairman or vice-chairman or secretary or assistant secretary signing may not have held office at the date of said bonds or at the date of the certifying and delivery thereof the bonds so signed shall be valid and binding upon the company. Interest coupons attached to the bonds shall have engraved, lithographed or otherwise mechanically reproduced thereon the signatures of the chairman and secretary of the company, and such signatures shall for all purposes be deemed the signatures of such officers and shall be binding upon the company notwithstanding that the persons whose signatures may have been engraved, lithographed or mechanically reproduced are not at the date of the bonds or at the date of the certifying and delivery thereof the chairman and secretary respectively of the company. Execution of bonds.

21. Any trust indenture made by the company to secure any bonds of the company and/or the bonds of the Commission and creating a mortgage, charge, hypothecation, pledge or encumbrance of or upon the whole or any part of the property, assets and undertaking of the company, present or future, or both, shall be deposited in the office of the Ontario Railway and Municipal Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*, and no such trust indenture and no affidavit or other document attached thereto or deposited therewith need be registered or filed under the provisions of any law respecting registration, filing or recording of instruments affecting real or personal property, and no such law shall apply to such trust indenture. A copy of any Deposit of trust indenture with Railway Board.

such trust indenture so deposited certified to be a true copy by the chairman or secretary of the company shall be *prima facie* evidence of the original without proof of the signature of such official.

Assent of electors to debenture by-laws not required.

22. It shall not be necessary to submit for the assent of the electors any by-law passed by the municipal council of any of the corporations to authorize the issue of debentures or for any other purpose whatever under this Act or any agreement herein referred to, and all such by-laws authorizing the issue of debentures and all debentures issued thereunder and the interest coupons attached thereto shall be legal, valid and binding upon said corporations respectively and the rate-payers thereof, and the validity thereof shall not be open to question in any court on any ground whatever, and no such debentures issued and debts contracted by any corporation shall be included in ascertaining the limits of the borrowing powers of said corporations as prescribed by *The Municipal Act*, and debentures may be issued and debts contracted by said corporations for the purposes aforesaid, notwithstanding the limitations prescribed by *The Municipal Act*.

Effect of alteration in municipal boundaries.

23. In the event of any alteration of the boundaries of the municipalities of the corporations which are parties to said agreement between the corporations and the company referred to in section 7 hereof either by the subdivision, redivision, absorption or amalgamation of said municipalities or any part thereof into new or existing corporations or by the annexation thereto of any additional territory or by the annexation thereof or any part thereof by any other municipal corporation, or in any other way whatsoever, the original corporations whose boundaries have been so altered shall remain parties to said agreement and the new corporations, if any, so formed shall upon their formation be parties to said agreement and be subject to all the provisions of this Act and of said agreement; and all of the ratepayers of the corporation the boundaries of the municipality of which have been enlarged by the annexation to it of the whole or any part of any other municipality shall be liable for the rates levied to meet the obligations of such corporation under said agreement and also the obligations of any other corporation the whole of which has been annexed to it; and any municipal corporation whose boundaries have been reduced and the ratepayers of such reduced municipality shall remain liable for the obligations of that corporation; but the respective liabilities of any new corporations so formed and of corporations whose boundaries have been so reduced or enlarged as between themselves shall be determined by The Hydro-Electric Power Commission of Ontario, whose decision shall be final and binding upon all the corporations, provided that

nothing in this section contained shall entitle any corporation to a return of any debentures heretofore or hereafter issued and deposited by it with the Commission or the company.

24.—(1) Where land is required for any of the purposes for which land may be acquired or expropriated under *The Railway Act* the company in respect thereof shall have the powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of the Province of Ontario and the provisions of the said Act shall *mutatis mutandis* apply. Powers as to Company taking land.

(2) Where compensation would be payable upon the exercise of any powers by the company under *The Railway Act*, the same shall be determined in the manner provided by *The Public Works Act*. How compensation determined.

25. Sections 65 to 68, sections 177 to 185, sections 187 to 201 inclusive, and clause (f) of section 260 of *The Railway Act* and any other sections of *The Railway Act* which are inconsistent with the provisions of this Act or of the agreement between the company and the corporations or the agreement between the company and the Commission shall not apply to the company or to the Commission or to the railway. Application of certain sections of Rev. Stat. c. 224.

26. The company shall in respect of the property vested in it be subject to assessment and taxation in the same manner and to the same extent only as if the said property were vested in the Commission. Assessment and taxation.

27. The fees and expenses incurred in and incidental to the creation and organization of the company and to the issue of the bonds of the company and to any procedure taken by the corporations and the company and the Commission pursuant to the provisions of this Act and of any agreements herein referred to, may be paid by the Commission out of the proceeds of any bonds, debentures or other securities of the company or out of the revenue from the operation of the railway. Provision for payment of fees and expenses.

28. Every action brought for damages by reason of negligence in the operation of the railway shall be brought against the railway company and not against any of the corporations or the Commission and the railway company for the purposes of this section shall be deemed a municipal corporation and such action shall be brought and tried as if it were an action against a municipal corporation for damages in respect to injuries sustained by reason of the default of a corporation in keeping in repair a highway. Actions for negligence.

Regulation
and control
of taxi-cab
and bus
traffic.

29.—(1) Notwithstanding anything contained in *The Municipal Act* the Sandwich, Windsor and Amherstburg Railway Company from time to time may make by-laws and regulations which shall be in force in each of the municipalities from which a member is appointed to the said company for the following purposes:

- (a) Regulating or prohibiting the use of any street or any part of a street upon which the tracks of the railway are laid by any class of vehicles.
- (b) Fixing the places at which busses and other public vehicles and vehicles operating for hire may stop for the purpose of taking up or setting down passengers.
- (c) Prohibiting the crossing of tracks or travelling or stopping of such vehicles upon the tracks of the railway in any manner which shall obstruct or hinder the operation of the railway or which may endanger life or property.
- (d) Prescribing periods by day or night during which such vehicles shall not stop for the purpose of taking up or setting down passengers at any stated place.
- (e) Regulating or prohibiting the soliciting of passengers or cruising or loitering by the drivers of such vehicles upon any street.
- (f) Fixing the place and length of time where and during which any such vehicle may stand in any particular street.
- (g) For imposing penalties for the violation of any such by-law or regulation (not exceeding, exclusive of costs) the sum of fifty dollars (\$50) for each offence.

Penalties,—
how recover-
able.

(2) The penalties imposed under or by any such by-laws shall be recoverable under *The Summary Convictions Act*, and shall be paid to the treasurer of the municipality in which the offence occurred.

Corporations
to be deemed
one city cor-
poration for
certain
purposes.

(3) Every such by-law and regulation shall have the same force and effect as if the municipalities from which members are appointed to the said company were one city corporation and the by-law or regulation had been passed by the commissioners of police or by the municipal council of the city. and in so far as any such by-law or regulation differs from the terms of any municipal by-law or regulation in force at the same time the by-law or regulation passed under this section shall prevail; Provided, however, that all such by-laws shall be submitted to the Department of Public Highways for approval and shall not become operative until the Department shall have approved of same.

Proviso.

Commence-
ment of Act.

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

SCHEDULE "A."

Agreement dated the 1st day of March, A.D. 1930.

BETWEEN:

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY,
hereinafter called the "Company,"

of the first part,

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission,"

of the second part

Whereas the Company has been duly created and constituted under and in accordance with *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, 20 George V, Chapter 17;

And whereas the Company has acquired from the Commission the Sandwich, Windsor & Amherstburg Railway more particularly referred to in the said Statute subject to the liabilities incurred by the Commission in connection with the acquisition, construction, equipment and operation of the Railway and the existing mortgage or charge in favour of the holders of the Bonds heretofore issued by the Commission in respect of said Railway and the payment of said liabilities and of the principal of and the interest on the said Bonds has been assumed by the Company and is henceforth an obligation of the Company which has agreed to indemnify and save harmless the Commission against the same:

And whereas the particulars of the said Bonds heretofore issued by the Commission in respect of said Railway are as follows:

Principal amount of Bonds issued	Interest Rate	Date	Date of Maturity
\$2,100,000.00.....	4½%	1st April, 1920	1st April, 1960
900,000.00.....	6%	1st July, 1921	1st July, 1961
966,205.00.....	5%	1st Sept. 1923	1st Sept. 1945
750,000.00.....	5%	1st July, 1925	1st July, 1945
100,000.00.....	5%	1st Sept. 1925	1st Sept. 1945
1,000,000.00.....	5%	15th July, 1926	15th July, 1946

And whereas payment of the principal of and the interest on all of said Bonds has been guaranteed by the Province of Ontario;

And whereas all of said Bonds are now outstanding;

And whereas it is provided in said Statute that upon the execution of this Agreement an Agreement between the Company and certain Municipal Corporations referred to in said Statute shall come into force as provided in Section 7 of said Statute;

And whereas provision is made in said Agreement between the Company and said Municipal Corporations for the issue of Bonds by the Company under the provisions of a Trust Indenture to be entered into between the Company and a corporate Trustee and provision is also made for the Company entering into a Trust Indenture with a corporate Trustee for the purpose of securing the payment of said outstanding Bonds of the Commission;

And whereas it is provided in said Agreement that the Trustee in respect of the Bonds to be issued by the Company shall be the same as the Trustee in respect of said Bonds heretofore issued by the Commission;

Now therefore this indenture witnesseth that in consideration of the premises and for the considerations herein contained the parties hereto mutually covenant, promise and agree as follows:—

1. The Company hereby authorizes and appoints the Commission as the exclusive agent of the Company to manage, extend, complete, equip, maintain and operate the said Railway, and the Commission as such agent and subject to all the terms, conditions, provisoes and stipulations herein contained accepts the said appointment and agrees to effi-

ciently perform its duties in connection therewith and to exercise all due skill and diligence so as to secure the most effective operation and service of the Railway; and the Commission as agent of the Company may have, enjoy, exercise and perform any and all the rights, powers, authorities, privileges, immunities, duties and obligations of the Company with respect to the Railway and the management, extension, completion, equipment, maintenance, operation, improvement, betterment and renewal thereof, and together with the right and power for and in the name of the Company to pass all By-laws which may be passed by the Company under Section 29 of the said *Sandwich, Windsor and Amherstburg Railway Act, 1930*, and the Company hereby delegates to the Commission the right and power to pass any and all such By-laws and Regulations.

2. The Commission shall be under no obligation whatever to commence or proceed with its duties hereunder or carry out any work under this Agreement unless the Company shall have first furnished the Commission with the monies estimated by the Commission from time to time to be necessary for such purpose, nor unless the Company shall have carried out and complied with all statutory requirements to be observed and performed by the Company, but the Commission shall be under no obligation to see to the observance or performance by the Company of said statutory requirements.

3. As part of the operation of the Railway, the Company authorizes the Commission:—

(a) To regulate and fix the fares and rates of toll to be collected by the Railway for all classes of service;

(b) To utilize the right-of-way and property of the Railway for all purposes from which it is possible to obtain a profit;

(c) Subject to the provisions of any Trust Indenture securing any Bonds issued by the Company, to combine the equipment, works and other property of the Railway with that used for power purposes by the Commission and for other railways operated by the Commission where such combination is in the opinion of the Commission feasible and may prove economical; and to apportion annually all charges respecting such equipment, works and other property in a fair manner having regard to the service furnished; provided that such apportionment may be by way of rental charges or otherwise; the apportionment of the Commission shall be final and binding;

(d) To permit and obtain interchange of traffic with other railways wherever possible and profitable.

4. The Company shall:—

(a) Furnish a free right-of-way for the Railway over any property of the Company and use its best endeavours to secure a free right-of-way for the Railway over the property of any of the Corporations upon request of the Commission and secure to the Commission free use of all land, property and other facilities available to the Company;

(b) Make no agreement or arrangement with and grant no franchise, license or inducement to any other railway or transportation company, body corporate or commission without the written consent of the Commission; and take all means within the power of the Company to ensure to the Commission the exclusive right of furnishing in any manner whatsoever local transportation within the boundaries of any of the Corporations;

(c) Keep, observe and perform the covenants, provisoes and conditions set forth in this Agreement intended to be kept, observed and performed by the Company, and execute such further and other documents and pass such By-laws and Resolutions as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this Agreement, and use its best endeavour to secure from the said Corporations

such further and other documents and By-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this Agreement;

(d) Issue all bonds, debentures and other securities, collect and pay over all monies and generally do all acts and carry out all obligations required or imposed by this Agreement and by any Statute of Ontario relating to the said Railway.

5. The Commission shall receive all revenue derived from the operation of the Railway and any other revenue derived from the undertaking of the Company and to the extent that the same may be available, shall in each year apply said revenue to the payment of operating expenses and working expenditure, the payment of interest and sinking fund in respect of said Bonds heretofore issued by the Commission for the Railway and in respect of the Bonds of the Company to be issued for the Railway, and the payment of all monies owing or payable to the Trustee under the Trust Indentures securing said Bonds of the Commission and of the Company, in setting aside such sums as the Commission may deem desirable for reserves for working expenditure, obsolescence, depreciation and contingencies, and for the renewal of any works belonging in whole or in part to the undertaking, and to reimburse the Commission and indemnify the Commission against any expenditure, liability or obligation which may be undertaken or incurred by the Commission when acting or purporting to act under this Agreement; and it is hereby agreed that the Commission may apply said revenue for any or all of the purposes aforesaid in such amounts, with such preferences and priorities, or without any preference or priority, as the Commission in its sole discretion may determine.

6. At least thirty (30) days prior to the respective dates on which interest and/or sinking fund payments fall due in respect of each issue of said Bonds of the Commission and/or of the Company the Commission shall estimate and pay to or make arrangements satisfactory to the Trustee for payment to the Trustee under said Indentures securing said Bonds of the Commission and of the Company, of the amount of revenue, if any, from the operation of the Railway which is available to be allocated to meet interest and sinking fund in respect of each said issue of Bonds made by the Company and in respect of each issue of Bonds heretofore made by the Commission in respect of the Railway, and shall certify to said Trustee the amount remaining to be paid by each Corporation for interest and/or sinking fund in the manner and with the effect more particularly provided for in the Agreement between the Company and the Corporations hereinbefore mentioned.

7. In addition to the annual deficits, if any, in respect of interest and/or sinking fund payable by the Corporations as provided in paragraph 6 of this Agreement the Commission shall certify to said Trustee in each year the aggregate sum, if any, by which the revenue derived by the Commission from the operation of the Railway and any other revenue derived by the Commission from the undertaking of the Company is insufficient to meet in that year the operating expenses, working expenditure, reserves and all other liabilities and obligations (other than for interest and sinking fund) to which the said revenue may be applied by the Commission as hereinbefore in this Agreement provided and the Commission shall also certify to the said Trustee the respective amounts of such aggregate sum to be paid by each Corporation in the manner and with the effect more particularly provided for in the Agreement between the Company and the Corporations hereinbefore mentioned.

8.—(a) For the purpose of supplementing the revenue of the Railway in the hands of the Commission under this Agreement and of providing additional monies, if any, required by the Company and/or the Commission for the purposes mentioned in paragraph 5 of this Agreement, the Company shall forthwith issue and deliver to the Commission Debentures of the Company to the principal amount of Five Hundred Thousand Dollars (\$500,000) and from time to time will issue and deliver to the Commission Debentures of such further principal amounts as may be demanded by the Commission from time to time, and notwithstanding that the said

Debentures may purport to be obligations of the Company only the said Debentures shall be made direct joint and several obligations of the Corporations who are parties to said Agreement between the Corporations and the Company, and each of said Corporations shall be jointly and severally liable for the payment of the principal of said Debentures and of the interest thereon and for every indebtedness created by or in connection with the said Debentures.

(b) The said Debentures of the Company shall bear such date, carry such rate of interest, be payable at such place or places and in such monies and be upon such terms and conditions, and mature within such period from the date thereof as the Commission shall from time to time require.

(c) The Commission from time to time in the name of and as agent for the Company may borrow or raise such sums as the Commission may deem advisable for any of the purposes aforesaid and may deposit, pledge, hypothecate, charge, sell or otherwise deal with any of said Debentures delivered to it by the Company and receive the proceeds thereof and apply the proceeds for any of said purposes.

(d) Subject as hereinafter in this sub-paragraph provided the Commission as the agent of and in the name of the Company may declare that the said Debentures are charged upon and secured by such assets of the Railway in such manner and upon such terms and conditions and subject to such provisions as the Commission may deem advisable, but in relation to the said assets all said Debentures shall be junior and subordinate to and rank after all said Bonds of the Commission and all Bonds issued or to be issued by the Company in respect of the Railway.

(e) All or any of the said Debentures which may be pledged, hypothecated or charged as security for advances or loans and which are re-delivered to the Commission with or without payment, satisfaction, release or discharge in whole or in part of any such advances or loans may be re-pledged, re-hypothecated or re-charged, sold or otherwise disposed of as and when the Commission may think fit.

(f) Nothing in this paragraph contained shall in any way limit any other obligation of the Corporations under said Agreement between the Company and the Corporations hereinbefore referred to.

9. If the Company should fail to perform any obligation under this Agreement or if any Municipal Corporations should fail to perform any obligation under the Sandwich, Windsor and Amherstburg Railway Act, 1930, or any amendment thereof or under the Agreement between the Company and the Corporations therein referred to the Commission in addition to all other remedies and without liability to either the Company or the Corporations or any of them may, with or without notice and in its absolute discretion, discontinue the service of the Railway in whole or in part and also terminate this Agreement and upon such termination the Commission shall have no further obligation under this Agreement; no such discontinuance of service shall relieve the Company or any Corporation from the performance of any obligation to be performed by them or any of them as in this Agreement or in said Statute, or any amendment thereto or said Agreement between the Company and the Corporations.

10. It is understood and agreed that whenever any Municipal or other work is carried out in any Municipality which in any way affects the Railway, but is not a portion of the Railway, no part of the cost of the same shall be charged against the revenue of the Railway, but that the said cost shall be paid by the Corporation or Corporations within the boundaries of the Municipalities of which the work is done and the said Corporation or Corporations shall indemnify and save harmless the Company and the Commission therefrom; excepting always in special cases of small matters where the Commission may be willing that such cost may be treated and paid as working expenditure.

11. If at any time the Commission deems it necessary for proper and efficient operation of the Railway to construct a connection or connections between the Railway and any other Railway operated by the Commission,

the Commission may construct such connection and the cost thereof shall be apportioned by the Commission between the Railway and such other Railway operated by the Commission, and such apportionment may be by way of rental charges or otherwise; provided that the part of the cost apportioned to the Railway under this Agreement shall be met as the Commission may determine.

12.—(1) The Commission shall not be liable to the Company or the Corporations or otherwise in any way by reason of any error or omission in any reports, estimates, plans or specifications made for the Company or for any act or omission of the Commission in exercising or purporting to exercise the powers and authorities conferred upon it by this Agreement or otherwise.

(2) The Commission as regards all power and authorities conferred upon it by this Agreement shall have absolute and uncontrolled discretion as to the exercise thereof whether in relation to the manner or to the mode or to the time of such exercise and the Commission shall not be liable to the Company or to the Corporations in any way for its exercise of such discretion.

13. The Commission shall have the conduct and control of all claims and actions brought in respect of the Railway whether for alleged negligence arising out of the operation of the Railway or for any other matter or thing in connection with the Railway, and may defend or compromise, settle or dispose of the same as it deems expedient, and such defence, compromise, settlement or disposal shall be binding upon the Company and the Corporations.

14. The Commission shall not be obliged to undertake or continue any work or responsibility under this Agreement until the monies necessary therefor shall have been furnished by the Company to the Commission.

15. The Company as principal hereby agrees to indemnify and save harmless its agent, the Commission, from and against all liability, loss, damage, claim, demands, costs, charges and expenses in connection with the Railway and in connection with the performance by the Commission of its duties and powers under this Agreement.

16. The parties hereto or either of them may transfer and assign the benefits and advantages accruing under this Agreement to the Trustee under the Trust Indentures, or either of them, securing the Bonds of the Company and the Bonds heretofore issued by the Commission in respect of the Railway.

17. By way of compensation to the Commission for the performance of its obligations hereunder the Company agrees to pay to the Commission the cost to the Commission as determined by the Commission of all work done and services performed by it pursuant to this Agreement and the cost to the Commission as determined by the Commission in accordance with the Power Commission Act of supplying electrical power or energy for the purposes of the Railway, which power or energy the Commission is hereby exclusively authorized to supply, and the Commission may deduct such costs payable to it so far as the same may be available from the revenue derived from the operation of the Railway.

IN WITNESS WHEREOF the Commission and the Company have caused this Contract to be executed under their Corporate Seals and the hands of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

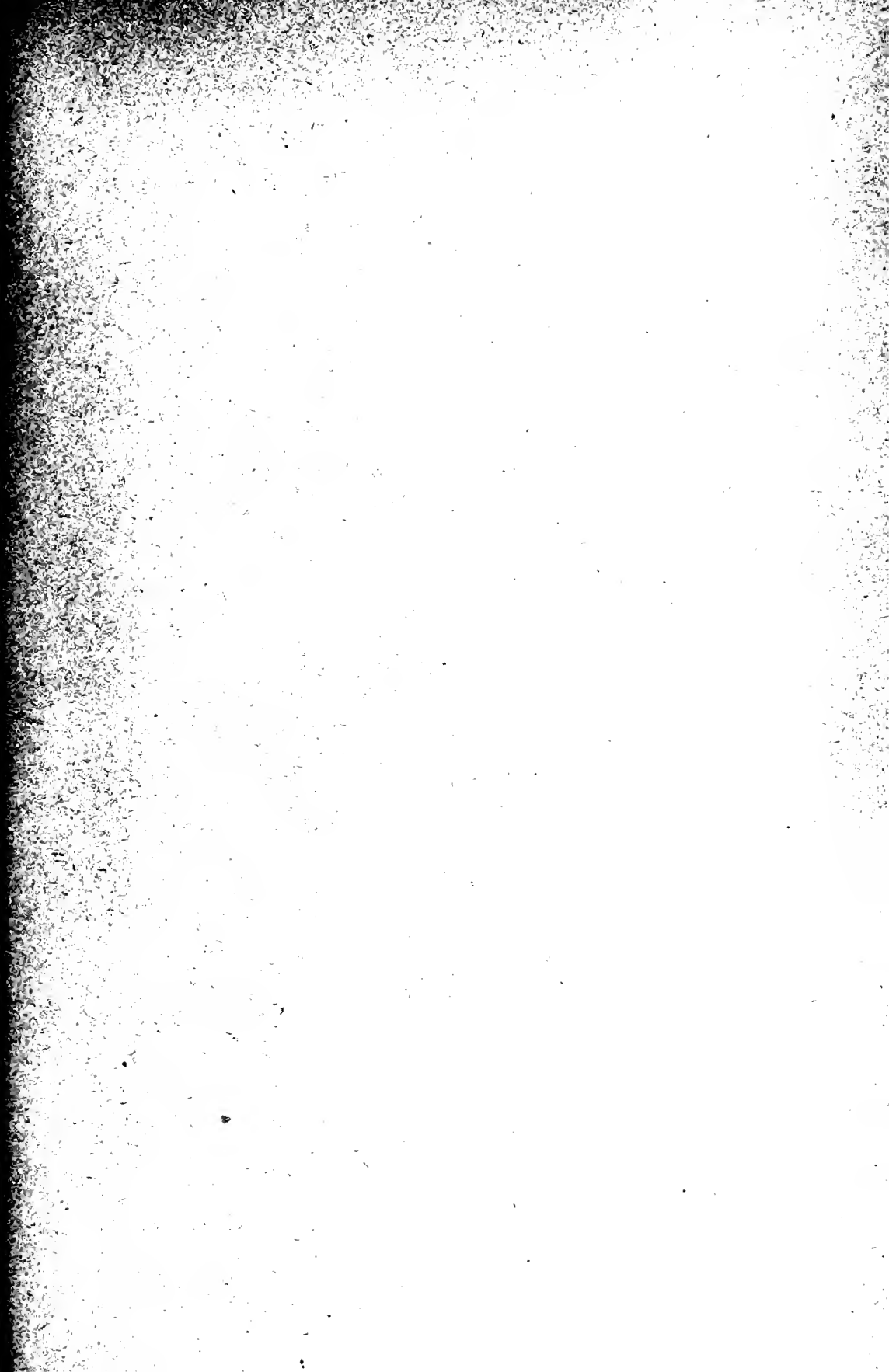
.....
Chairman.

.....
Secretary.

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY,

.....
.....





BILL.

An Act respecting The Sandwich, Windsor
and Amherstburg Railway.

1st Reading

March 21st, 1930

2nd Reading

March 27th, 1930

3rd Reading

March 28th, 1930

MR. COOKE.

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

BILL

**An Act respecting The Windsor, Essex and Lake Shore Rapid
Railway Company.**

MR. COOKE.

No. 155.

1930.

BILL

An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company.

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

Short title. **1.** This Act may be cited as *The Windsor, Essex and Lake Shore Rapid Railway Act, 1930.*

Municipal by-laws confirmed. **2.** By-law number 850 of the township of Sandwich West; by-law number 1225 of the township of Sandwich East; by-law number 659 of the township of Sandwich South; by-law number 839 of the town of Essex; by-law number 695 of the township of Gosfield North; by-law number 339 of the township of Gosfield South; by-law number 692 of the town of Kingsville; by-law number 1366 of the town of Leamington, and by-law number 3938 of the city of Windsor, and all debentures issued or purporting to be issued under any of the said by-laws are confirmed and declared to be legal, valid and binding upon the said municipal corporations and the ratepayers thereof respectively, and shall not be open to question upon any ground whatsoever.

Mortgage deed of trust confirmed. **3.** The Mortgage Deed of Trust dated 1st February 1929 between Windsor, Essex and Lake Shore Electric Railway Association and Guaranty Trust Company of Canada as trustee, made to authorize and secure the bonds of Windsor, Essex and Lake Shore Electric Railway Association, Limited, in the first instance to the amount of \$1,000,000 but subject to increase as therein mentioned, and all the terms and provisions therein contained are hereby declared to be valid and binding upon said association and upon the municipal corporations referred to therein, and any and all obligations of said municipal corporations to said association under *The Windsor, Essex and Lake Shore Rapid Railway Act, 1928*, and *The Windsor, Essex and Lake Shore Rapid Railway Act, 1929*, and the agreement between said municipal corporations and said association referred to in said mortgage deed of trust and the rights, powers, privileges and remedies conferred

upon the association thereunder and which have been assigned, transferred to and vested in said trustee under said mortgage deed of trust may be enforced directly against said municipal corporations by said trustee as fully and effectually as if said municipal corporations were parties to said mortgage deed of trust and had covenanted and agreed with said trustee to perform all of said obligations in said Statutes and in said agreement on the part of said corporations to be observed and performed and upon any action or proceeding by said trustee to enforce any of said obligations none of said corporations shall be entitled to raise as a defence thereto any set off, claim or demand whatsoever which any of said corporations might have against said association.

Assessment
and
taxation.

4. The said association shall in respect of the property vested in it be subject to assessment and taxation to the same extent only as if the said property were vested in The Hydro-Electric Power Commission of Ontario.

1929,
c. 56, s. 8,
subs. 1,
amended.

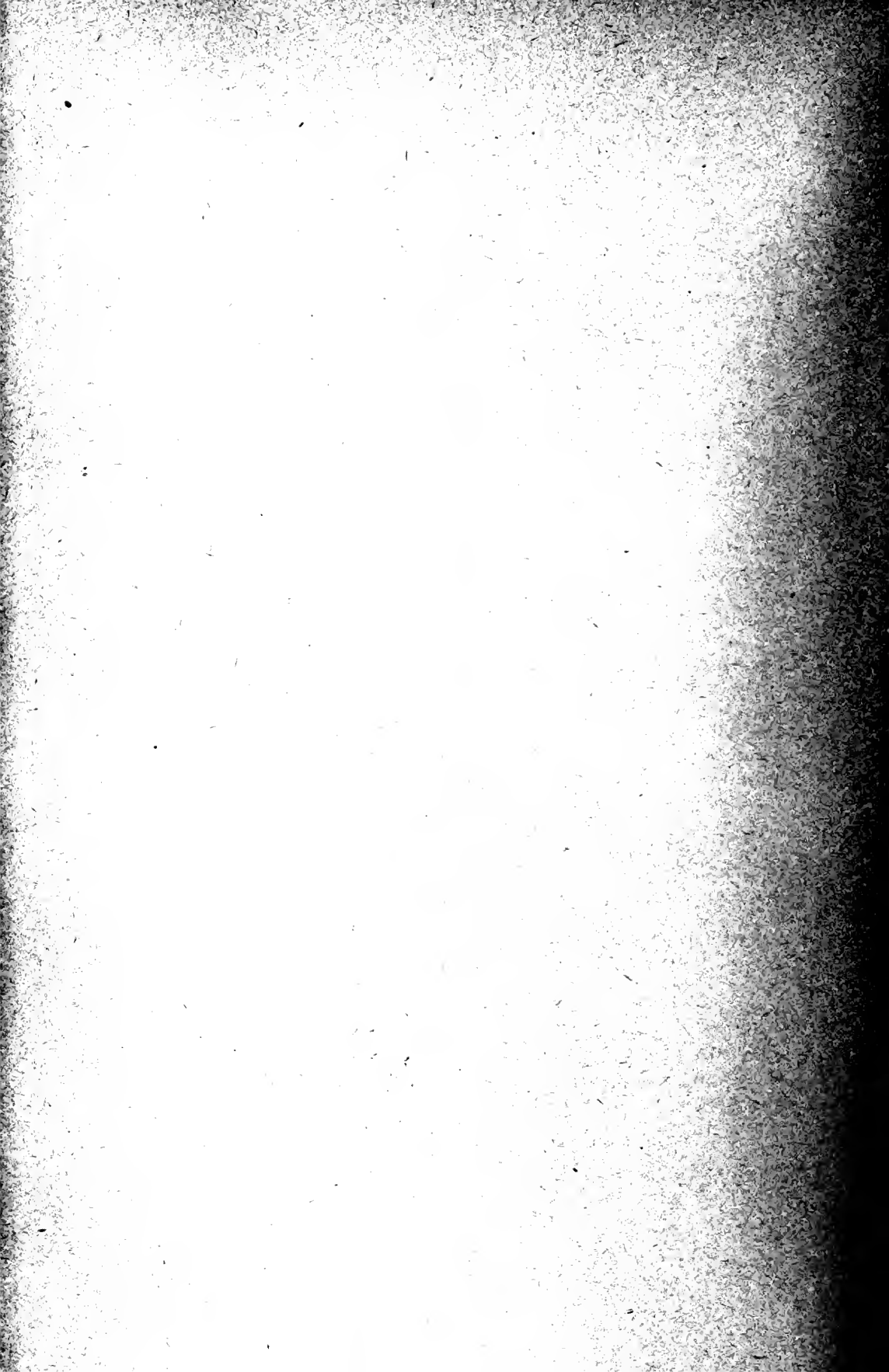
5. Subsection 1 of section 8 of *The Windsor, Essex and Lake Shore Rapid Railway Act, 1929*, shall be amended by striking out the first word "The" in the first line thereof, and substituting therefor the words "All fees and," and is further amended by adding after the word "Association" in the second line thereof the words "and to the creation, issue and disposal of the bonds of the association, and to any proceedings taken by the corporations and the Commission pursuant to the provisions of this Act and of *The Windsor, Essex and Lake Shore Electric Railway Act, 1928*," and is further amended by adding at the end of the said subsection the following words, "or as part of the working expenditure of the railway," so that the subsection will now read as follows:

Provision
for fees and
expenses.

- (1) All fees and expenses incurred in and incidental to the creation and organization of the association and to the creation, issue and disposal of the bonds of the association and to any proceedings taken by the corporations and the Commission pursuant to the provisions of this Act and of *The Windsor, Essex and Lake Shore Electric Railway Act, 1928*, to such amount as shall be approved by the Commission may be paid by the Commission as part of the capital expenditure for the acquisition and rehabilitation of the railway, or as part of the working expenditure of the railway.

Commence-
ment of Act.

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



BILL.

An Act respecting the Windsor, Essex
and Lake Shore Rapid
Railway Company.

1st Reading

March 21st, 1930.

2nd Reading

3rd Reading

MR. COOKE.

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

BILL

**An Act respecting The Windsor, Essex and Lake Shore Rapid
Railway Company.**

MR. COOKE.

No. 155.

1930.

BILL

An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company.

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

Short title. **1.** This Act may be cited as *The Windsor, Essex and Lake Shore Rapid Railway Act, 1930.*

Municipal
by-laws
confirmed.

2. By-law number 850 of the township of Sandwich West; by-law number 1225 of the township of Sandwich East; by-law number 659 of the township of Sandwich South; by-law number 839 of the town of Essex; by-law number 695 of the township of Gosfield North; by-law number 339 of the township of Gosfield South; by-law number 692 of the town of Kingsville; by-law number 1366 of the town of Leamington, and by-law number 3938 of the city of Windsor, and all debentures issued or purporting to be issued under any of the said by-laws are confirmed and declared to be legal, valid and binding upon the said municipal corporations and the ratepayers thereof respectively, and shall not be open to question upon any ground whatsoever.

Mortgage
deed of trust
confirmed.

3. The Mortgage Deed of Trust dated 1st February 1929 between Windsor, Essex and Lake Shore Electric Railway Association and Guaranty Trust Company of Canada as trustee, made to authorize and secure the bonds of Windsor, Essex and Lake Shore Electric Railway Association, Limited, in the first instance to the amount of \$1,000,000 but subject to increase as therein mentioned, and all the terms and provisions therein contained are hereby declared to be valid and binding upon said association and upon the municipal corporations referred to therein, and any and all obligations of said municipal corporations to said association under *The Windsor, Essex and Lake Shore Rapid Railway Act, 1928*, and *The Windsor, Essex and Lake Shore Rapid Railway Act, 1929*, and the agreement between said municipal corporations and said association referred to in said mortgage deed of trust and the rights, powers, privileges and remedies conferred

upon the association thereunder and which have been assigned, transferred to and vested in said trustee under said mortgage deed of trust may be enforced directly against said municipal corporations by said trustee as fully and effectually as if said municipal corporations were parties to said mortgage deed of trust and had covenanted and agreed with said trustee to perform all of said obligations in said Statutes and in said agreement on the part of said corporations to be observed and performed and upon any action or proceeding by said trustee to enforce any of said obligations none of said corporations shall be entitled to raise as a defence thereto any set off, claim or demand whatsoever which any of said corporations might have against said association.

4. The said association shall in respect of the property vested in it be subject to assessment and taxation to the same extent only as if the said property were vested in The Hydro-Electric Power Commission of Ontario. ^{Assessment and taxation.}

5. Subsection 1 of section 8 of *The Windsor, Essex and Lake Shore Rapid Railway Act, 1929*, shall be amended by striking out the first word "The" in the first line thereof, and substituting therefor the words "All fees and," and is further amended by adding after the word "Association" in the second line thereof the words "and to the creation, issue and disposal of the bonds of the association, and to any proceedings taken by the corporations and the Commission pursuant to the provisions of this Act and of *The Windsor, Essex and Lake Shore Electric Railway Act, 1928*," and is further amended by adding at the end of the said subsection the following words, "or as part of the working expenditure of the railway," so that the subsection will now read as follows: ^{1929, c. 56, s. 8, subs. 1, amended.}

- (1) All fees and expenses incurred in and incidental to the creation and organization of the association and to the creation, issue and disposal of the bonds of the association and to any proceedings taken by the corporations and the Commission pursuant to the provisions of this Act and of *The Windsor, Essex and Lake Shore Electric Railway Act, 1928*, to such amount as shall be approved by the Commission may be paid by the Commission as part of the capital expenditure for the acquisition and rehabilitation of the railway, or as part of the working expenditure of the railway. ^{Provision for fees and expenses.}

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

BILL.

An Act respecting the Windsor, Essex
and Lake Shore Rapid
Railway Company.

1st Reading

March 21st, 1930.

2nd Reading

March 25th, 1930

3rd Reading

March 27th, 1930

MR. COOKE.

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

BILL

**An Act respecting Superannuation and Benefit Funds for
Firemen.**

MR. FERGUSON.

BILL

An Act respecting Superannuation and Benefit Funds for Firemen.

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 Firemen's Superannuation and Benefit Fund Act, 1930.*

Establishment of Benefit Fund; payment to cover accrued liability; power to borrow money.

2.—(1) It shall be the duty of every municipal corporation mentioned in schedule "A" to this Act to establish, prior to the first day of January, 1932, a superannuation and benefit fund for the benefit of the permanent employees of the fire department, hereinafter called the "firemen," and to pay into such fund the amounts set opposite the names of each corporation (or such increased or decreased amount as the Superintendent of Insurance may certify to be necessary, to cover the accrued liability at that date); and may borrow money for that purpose by the issue of debentures payable within a period not exceeding twenty years without obtaining the assent of the electors entitled to vote on money by-laws.

Annual contribution by municipality.

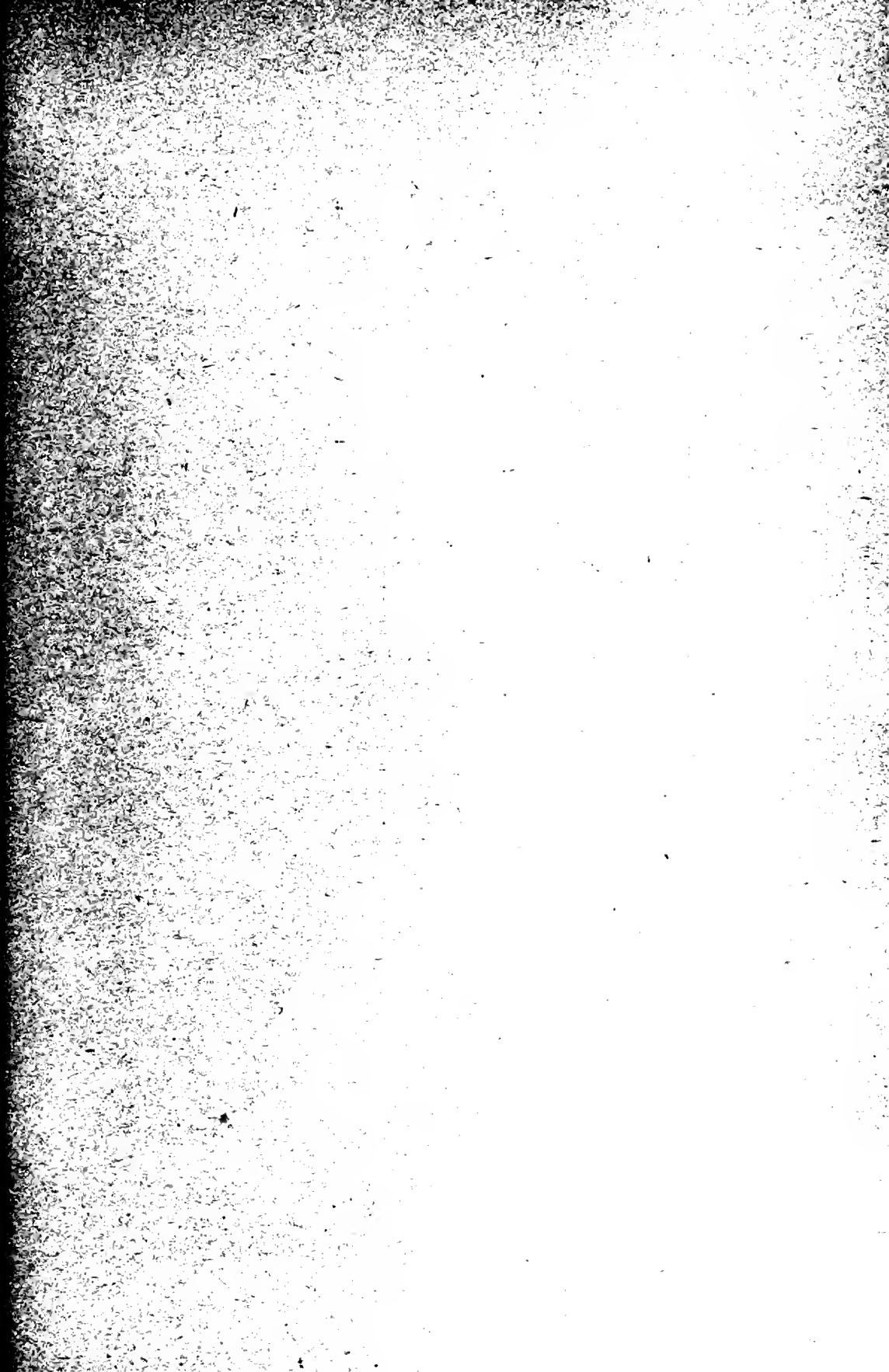
(2) It shall also be the duty of every such municipal corporation to pay into the fund annually two per centum of the total amount of the annual wages or salaries paid to the firemen.

Name of fund.

(3) The fund shall be known as "The Firemen's Superannuation and Benefit Fund of.....," (inserting the name of each municipal corporation) hereinafter called the "Fund."

Revenue of fund.

(4) All donations and gratuities from time to time given by citizens or corporations to or for the benefit of the fire department, and the proceeds of all fines which may from time to time be imposed upon the firemen, and all moneys required to be paid into the said fund by the municipal corporation, and any other moneys which may from time to



time be legitimately applied thereto by the council of the corporation, shall be placed to the credit of the said fund.

Contributions by firemen.

3.—(1) Every fireman under the age of sixty-five years at the date of the establishment of the fund shall be eligible to participate in the said fund and shall contribute semi-monthly seven per centum of the gross amount of his wages or salary.

New firemen over 26 excluded.

(2) No firemen over the age of twenty-six years appointed after the date of the establishment of the fund shall be eligible to participate in the said fund or required to contribute thereto.

New firemen under 26 must have medical examination.

(3) Every fireman under the age of twenty-six years appointed after the date of the establishment of the fund shall participate in the said fund and contribute thereto as provided in this Act unless the committee, on the advice of the medical officer of the department, concludes that he should not be entitled to participate in the fund and in such event he shall not be required to contribute thereto.

Contributions to be deducted from pay-sheet.

(4) The payments provided to be paid into the fund by this Act shall be deducted on the pay sheet in like manner as any other stoppages upon the certificate of the chief of the fire department, and shall be paid over semi-monthly in a lump sum to the municipal treasurer who shall be the treasurer of the said fund.

Management of fund by committee.

4. The fund shall be under the management and control of a committee which shall be called "The Firemen's Superannuation and Benefit Fund Committee," hereinafter called the committee.

Representation upon committee.

5. The committee shall consist of one member of the municipal council to be appointed annually by the council, the clerk, and treasurer of the municipality, the chief of the fire department, and one representative of the firemen to be elected annually by the members of the department who are eligible to participate in the fund.

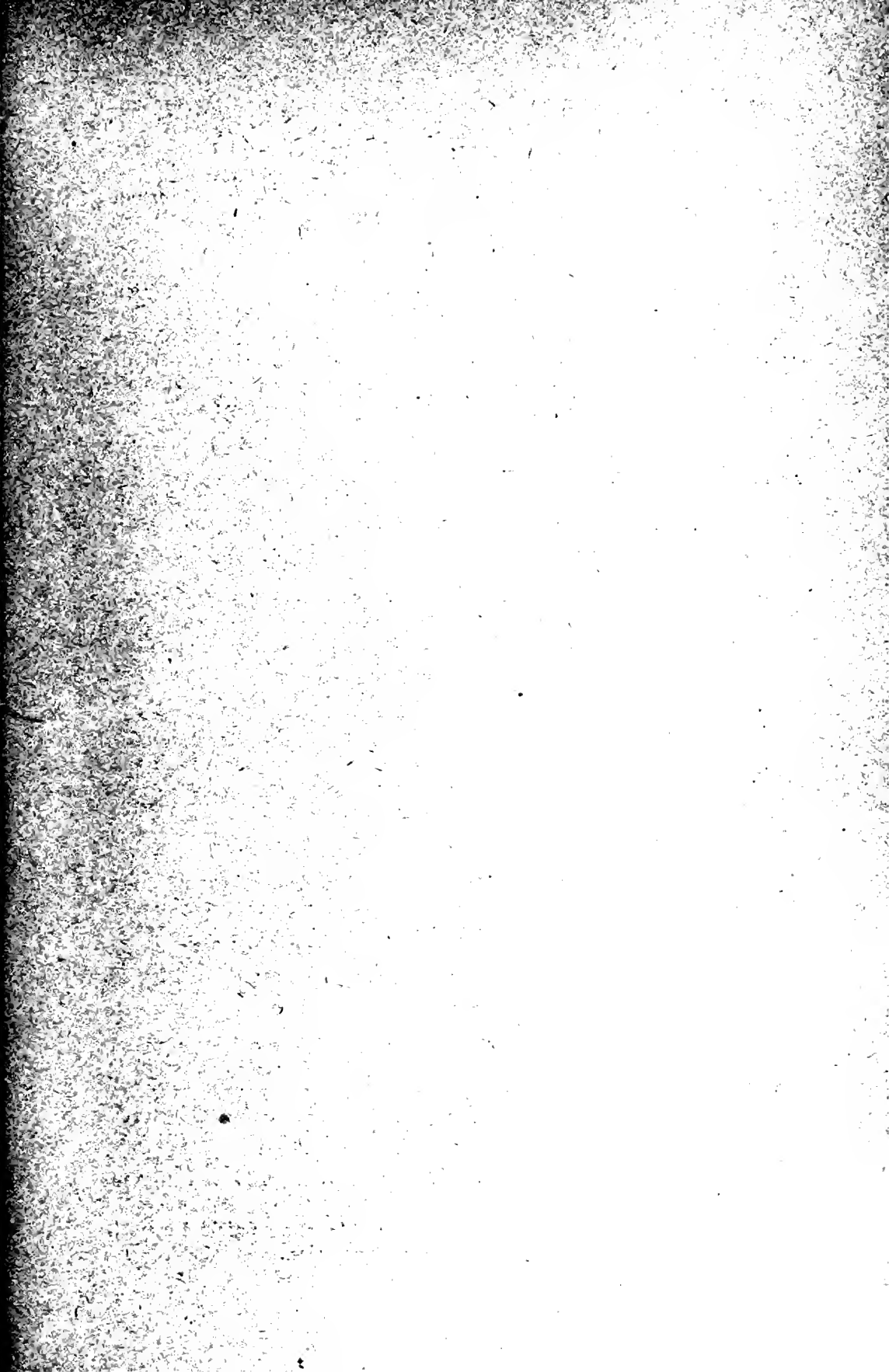
Investment of fund.

6. All moneys accumulated in the said fund shall be invested from time to time on the recommendation of the committee, approved by the Board of Control, if any, otherwise by the municipal council, in such securities as a trustee may invest in under *The Trustee Act*.

Rev. Stat. c. 150

Payments out of fund.

7. No money shall be paid out of the said fund by the treasurer unless ordered by the committee and sanctioned by the Board of Control, if any, otherwise by the municipal council.



Annual report of treasurer.

8. It shall be the duty of the treasurer to prepare an annual report immediately after the close of each year and present the said report to the committee at its regular meeting in February, which report shall give the receipts and disbursements of the preceding calendar year in detail, and include a balance sheet of the assets and liabilities of the fund as at the close of the said year.

Actuarial investigation.

Rev. Stat. c. 222.

9. An actuarial investigation of the assets and liabilities of the fund shall be made at least once in every three years by a qualified actuary as defined in *The Insurance Act* appointed by the committee and the results of the investigations shall be included in the treasurer's report and a copy thereof shall be filed with the Superintendent of Insurance forthwith upon completion.

Audit.

10. At the end of each year and at such other time as the municipal council may determine the books and accounts of the treasurer shall be audited by the municipal auditor who shall report to the municipal council and to the committee.

Benefits, allowances and pensions.

Rev. Stat. c. 222.

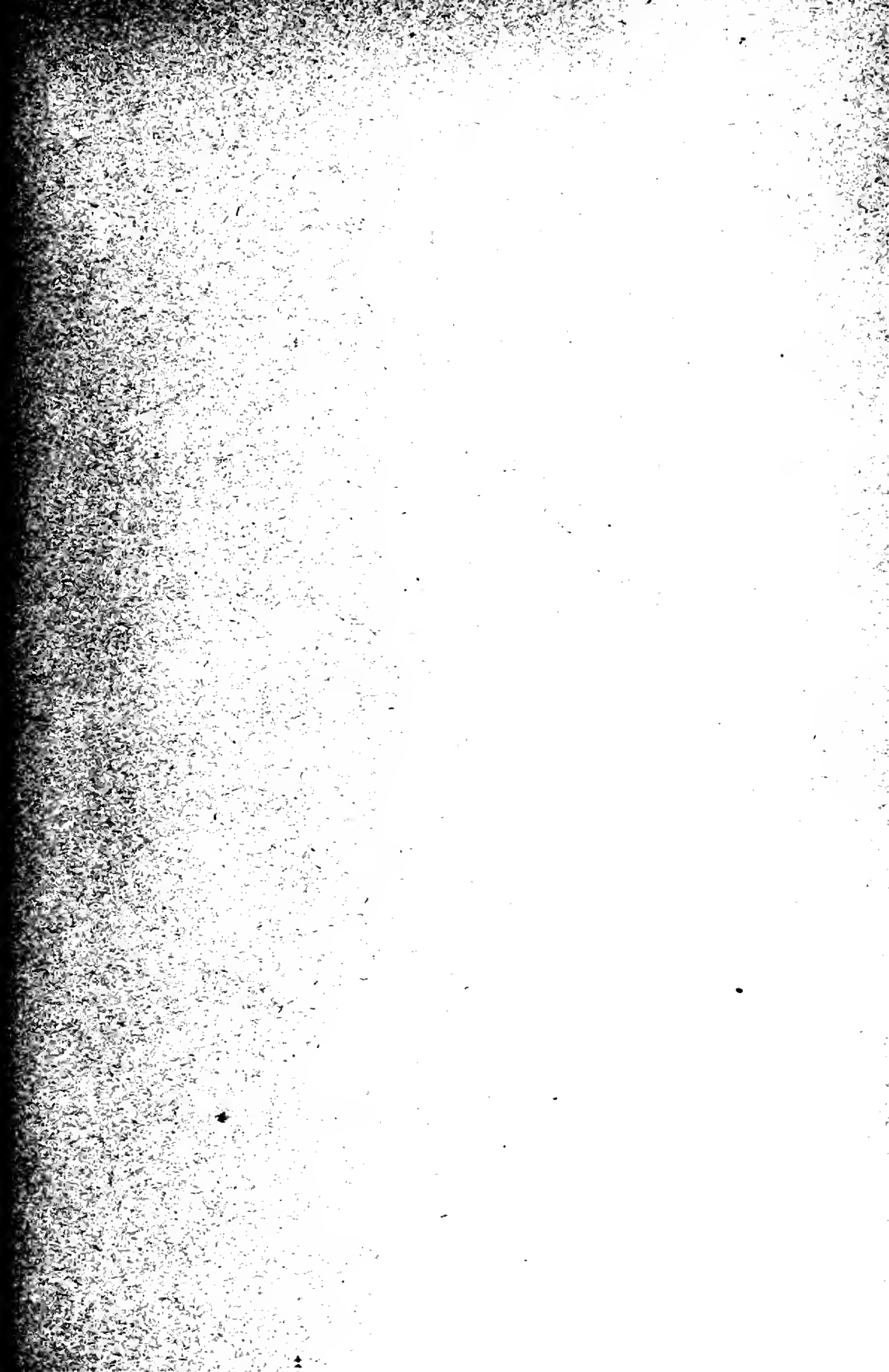
11. The firemen shall be entitled to the benefits, allowances and pensions set out in schedule "B" to this Act; provided that, where the valuation balance sheet of the fund prescribed by subsection 1 of section 220 of *The Insurance Act* shows a surplus of assets of more than five per centum over and above all net liabilities, the committee may, with the approval of a qualified actuary as defined in *The Insurance Act*, and upon filing a certificate of his approval with the Superintendent of Insurance, put into effect new benefits or benefits additional to those set out in schedule "B" to this Act.

Application for benefits.

12. Every application for a pension or an allowance must come before the committee and a report on the case be sent in for the approval of the Board of Control, if any, otherwise by the municipal council, and in cases of difference between the committee and the council the judgment or decision of the council shall be final.

Appointment of medical board.

13. In all cases where a fireman claims a benefit under sections 2, 3, or 4 of schedule "B" or is reported by the medical officer of the department as physically or mentally unfit for further service the committee shall appoint a medical board of reputable physicians to enquire into the case and report to the committee, which medical board shall be composed as follows: one appointed by the committee whose fees shall be paid by the fund; a second appointed by the claimant who shall pay his fee; a third appointed by the municipal council whose fees shall be paid by the corporation.



Committee to designate beneficiary.

14. All pensions, allowances and benefits payable out of the fund shall be paid to the person designated by the committee.

Secretary to keep pension list.

15. The secretary shall keep a correct pension list which shall set forth the name, rank, age, description and service of each pensioner, amount of pension, and the circumstances under which the pension was granted.

Committee may make by-laws and regulations.

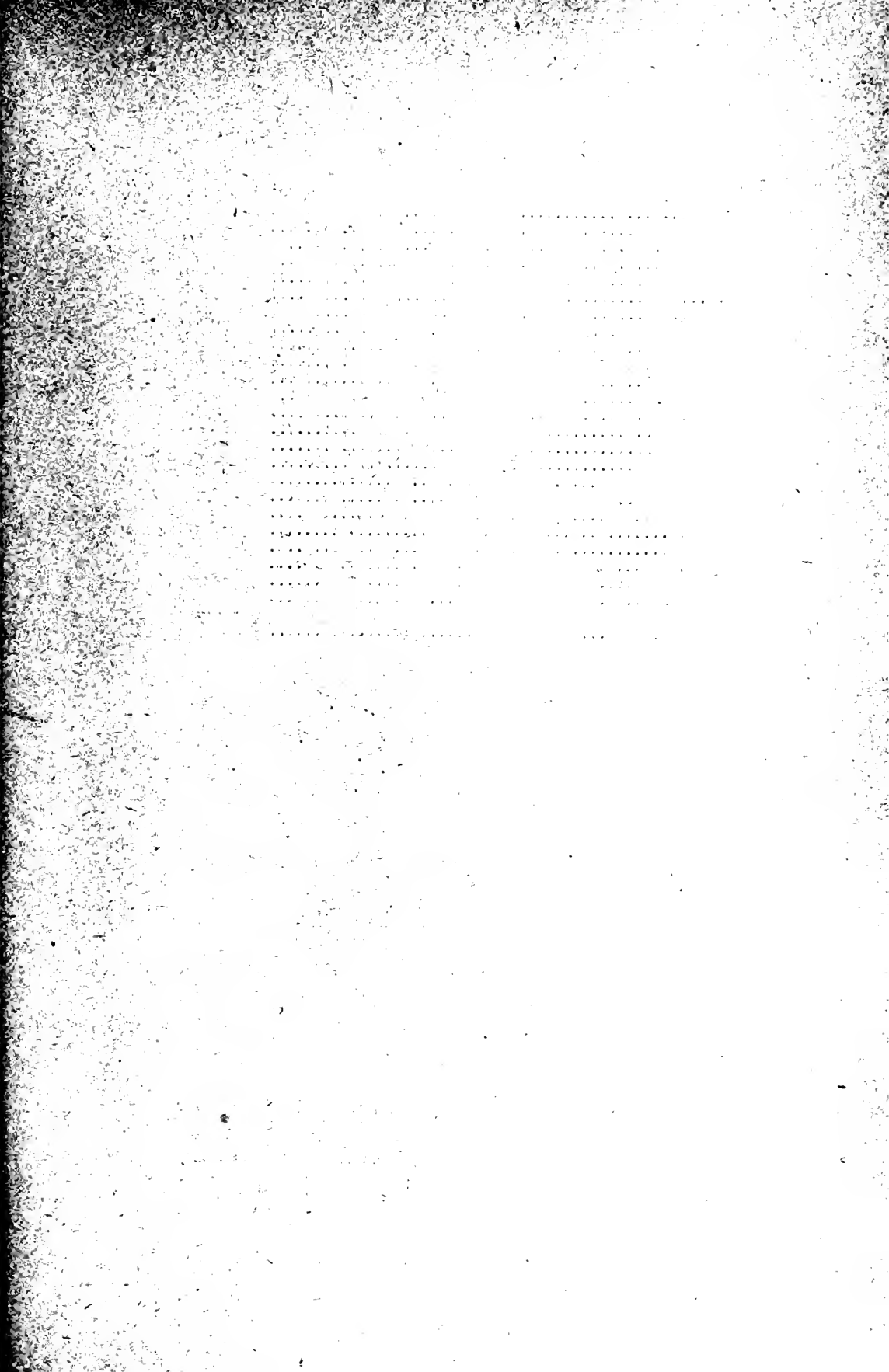
16. The committee may, with the approval of the Board of Control, if any, otherwise by the municipal council make such by-laws, rules and regulations as are necessary for the election of the representative of the firemen upon the committee and for the proper administration of the fund.

Provisions of *Insurance Act* to apply.

17. Municipal superannuation and benefit funds created under the authority of this Act shall for the purposes of *The Insurance Act* be deemed to be fraternal societies and subject to the provisions of the said Act applicable to fraternal societies the membership of which is confined to municipal employees.

Commencement of Act.

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



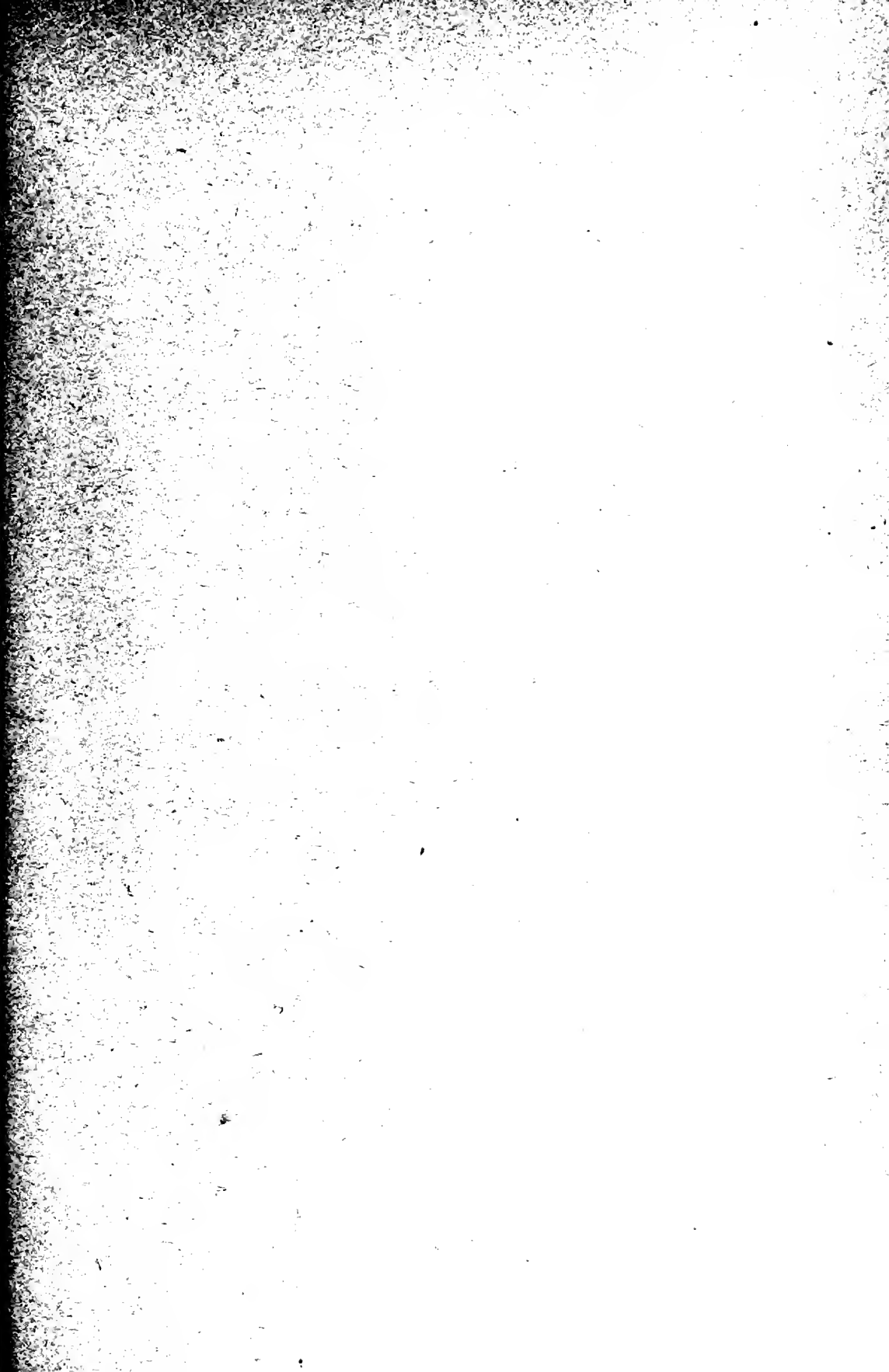
SCHEDULE "A"

Municipality	Accrued Liability.
Belleville.....	\$ 53,000
Brantford.....	93,500
Chatham.....	61,000
Ford City.....	15,500
Fort William.....	68,000
Galt.....	16,000
Guelph.....	33,000
Kingston.....	75,500
Kitchener.....	40,500
London.....	120,000
Niagara Falls.....	45,000
North Bay.....	20,500
Oshawa.....	20,500
Peterborough.....	26,000
Port Arthur.....	67,500
Sarnia.....	14,500
Sault Ste. Marie.....	59,000
St. Catharines.....	49,500
St. Thomas.....	13,500
Stratford.....	37,000
Walkerville.....	11,000
Welland.....	25,000
Windsor.....	72,000
Woodstock.....	38,000
Total.....	<u>\$1,075,000</u>

SCHEDULE "B."

SCHEDULE OF BENEFITS

- (1) On resignation (except where worn out in service).
Length of service and benefit:
- 10 years and under—none.
 - Over 10 years up to 15 years; Allowance of one-half of his contributions.
 - Over 15 years up to 20 years; Allowance of three-quarters of his contributions.
 - Over 20 years; allowance of 20 days' salary for each full year of service completed.
- (2) On resignation (where worn out in service).
Length of service and benefit:
- 10 years and under—none.
 - Over 10 years up to 15 years; allowance of 20 days' salary for each full year of service completed.
 - Over 15 years up to 20 years; allowance of one month's salary for each full year of service completed.
 - Over 20 years up to 25 years; pension of three-eighths salary for life.
 - Over 25 years; pension of one-half salary for life.



- (3) On disablement from injuries received in the lawful execution of duty, so as to be wholly or permanently incapacitated from further service as a fireman, but not from other employment:
- (a) 15 years and under; pension of three-eighths salary for life.
 - (b) Over 15 years; pension of one-half salary for life.
- (4) On disablement from injuries received in the lawful execution of duty, so as to be wholly and permanently incapacitated from performing any work for compensation or profit.

Benefit: Pension of one-half salary for life.

Provided, however, that the pension to which a fireman shall be entitled under the foregoing subsections Nos. 2, 3, and 4, shall not in any case be greater than the pension specified on retirement after thirty years' continuous service, under subsection 6 hereof, but such fireman shall be entitled to receive only the maximum pension under subsection 6 of this section.

(5) On death from any cause while in the service the sum of Three Thousand Five Hundred Dollars (\$3,500).

(6) On retirement after thirty years continuous service:

Pension of one-half salary for life. Provided, however, that the maximum allowance shall be fixed at \$2,000 per annum and the minimum \$1,000 per annum.

(7) No fireman entitled to receive an annual pension for life after service of thirty years shall retire without the consent of the Municipal Council.

(8)—(a) In estimating the length of service, those firemen who resigned or were dismissed, and were subsequently reappointed will count their service from the date of their last appointment.

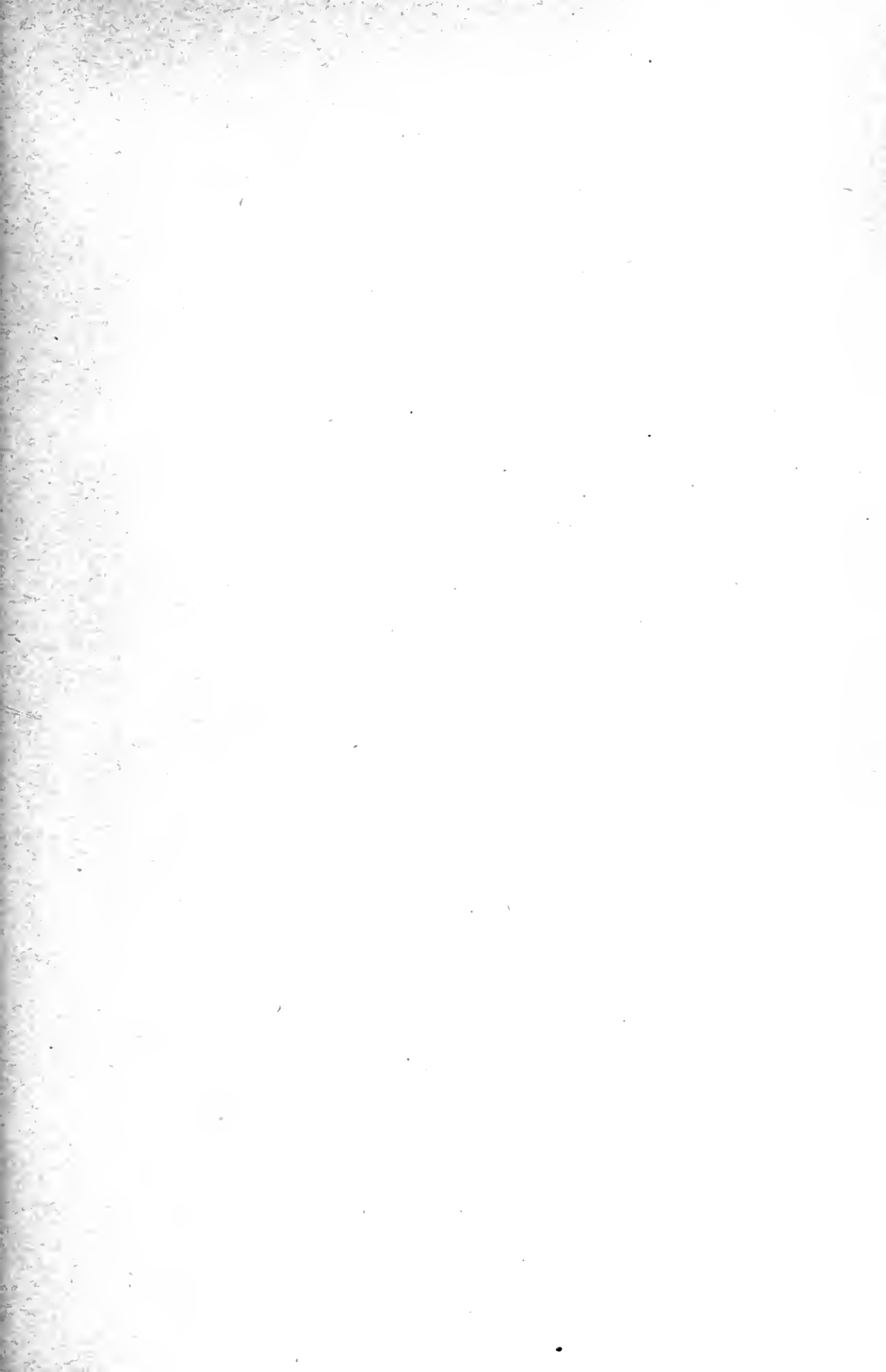
(b) Pensions shall be payable half-monthly on the first and sixteenth days of each month.

(9) In the event of a pensioner dying before he has drawn an aggregate amount of pension equal to what his death benefit would have been under subsection 5, preceding, had he died in the service immediately before the commencement of his pension, then there will be payable the amount of the said death benefit, less the aggregate amount which he had drawn as pension.

(10)—(a) In calculating the amount of any pension payable under the provisions of clause *c* or *e* of subsection 2, subsection 3, subsection 4, or subsection 6 of this section, the salary upon which such pension is based shall be the average salary or wages received by the person in respect of whom such pension is payable during the last three years of his service.

(b) In case of any other allowance or benefit provided for in this section which is based on salary, such salary shall in all cases where the applicant has served for ten years or more, be the average during the last ten years of his service of his salary or wages upon which he has paid a percentage to the Fund and in all cases where the applicant has served less than ten years, shall be the average during the whole time of his service of the salary or wages upon which he has paid a percentage to the Fund.





BILL.

An Act respecting Superannuation and
Benefit Funds for Firemen.

1st Reading

March 21st, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

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

BILL

**An Act to Appropriate \$10,000,000 for
Northern Development Purposes.**

MR. FINLAYSON

No. 157.

1930.

BILL

An Act to appropriate \$10,000,000 for
Northern Development Purposes.

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 Ontario Appropriation Act, 1930*.

Additional
appropriation of
\$10,000,000

2. In addition to the amounts provided by The Northern Ontario Appropriation Acts, heretofore enacted, there shall be set apart out of the Consolidated Revenue Fund the sum of \$10,000,000, and the same shall be applied for the purposes set out in *The Northern Development Act* and in *The Returned Soldiers' and Sailors' Land Settlement Acts*, or any of them.

Rev. Stat.,
c. 36, 1917,
c. 13, 1919,
c. 15.

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

BILL.

The Northern Ontario Appropriation Act.

1st Reading,

March 24th, 1930.

2nd Reading,

3rd Reading,

MR. FINLAYSON

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

BILL

**An Act to appropriate \$10,000,000 for
Northern Development Purposes.**

MR. FINLAYSON

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Northern Development Purposes.

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Legislative Assembly of the Province of Ontario, enacts
as follows:—

Short title. **1.** This Act may be cited as *The Northern Ontario Appropriation Act, 1930.*

Additional
appropriation of
\$10,000,000 **2.** In addition to the amounts provided by The Northern
Ontario Appropriation Acts, heretofore enacted, there shall
be set apart out of the Consolidated Revenue Fund the sum of
\$10,000,000, and the same shall be applied for the purposes set
out in *The Northern Development Act* and in *The Returned
Soldiers' and Sailors' Land Settlement Acts*, or any of them,

Rev. Stat.,
c. 36, 1917,
c. 13, 1919,
c. 15.

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 appropriate \$10,000,000 for
for Northern Development Purposes.

1st Reading,

March 24th, 1930.

2nd Reading,

March 26th, 1930

3rd Reading,

March 28th, 1930

Mr. FINLAYSON

No. 158

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

BILL

An Act to amend The Companies Act.

MR. PRICE.

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

No. 158.

1930.

BILL

An Act to amend The Companies 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 Companies Act, 1930*.

Rev. Stat.
c. 218, s. 5,
subs. 4
amended.

2. Subsection 4 of section 5 of *The Companies Act* is amended by the insertion after the word "section" in the fourth line from the end of the words: "on receipt by the company of the consideration for the issue and allotment thereof."

Sale of
shares,
Rev. Stat.
c. 218, s. 14,
c. b.
Changing
company to
a public
company.
Rev. Stat.
c. 218, s. 23,
cl. m.

3. The clause lettered *b* in section 14 of *The Companies Act* is repealed, and the following substituted therefor: "The company files with the Provincial Secretary a prospectus as prescribed by *The Companies Information Act*."

4. The clause lettered *m* in section 23 of *The Companies Act* is amended by the deletion of the words: "and holding not less than two-thirds of the issued capital stock of the company."

1929, c. 49,
s. 3, subs. 2,
repealed.

5. Subsection 2 of section 3 of *The Companies Act, 1929*, is repealed and the amendment to section 34 as made by subsection 1 of the said section shall be retroactive and be deemed to have been in force from the date of the passing of the said section, the eighth day of April, 1926. Any action heretofore brought in respect of a company dissolved under section 32 of *The Companies Act* may be continued but the court shall have regard to this amendment in dealing with the costs thereof.

Rev. Stat.
c. 218, s. 25,
repealed.

6. Section 25 of *The Companies Act* is repealed.

Rev. Stat.
c. 218, s. 56,
amended.

7. Section 56 of *The Companies Act* is amended by adding thereto the following subsection:



Signing
such
certificates.

(1a) The company may by by-law provide that the signatures of the officer or officers designated to sign certificates may be engraved, lithographed or otherwise mechanically reproduced upon certificates for shares, and in such event, subject to the provisions of such by-law, certificates so signed shall be deemed to have been manually signed by such officers and shall be as valid to all intents and purposes as if they had been manually signed.

Rev. Stat.
c. 218,
ss. 65-73,
repealed.

8. Sections 65 to 73 of *The Companies Act* are repealed and the following substituted therefor:

Share
warrants.

65. A company, if so authorized by its letters patent or supplementary letters patent and subject to the provisions thereof may, with respect to any fully paid-up shares, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the share or shares included in the warrant hereafter termed a share warrant.

Effect of
share
warrant.

66. A share warrant shall entitle the bearer thereof to the shares therein specified, and the shares may be transferred by delivery of the warrant.

Exchanging
warrant for
entry as
shareholder,

67. The bearer of a share warrant shall, subject to the provisions and regulations representing share warrants contained in the letters patent or supplementary letters patent, be entitled, or surrendering it for cancellation, to have his name entered on the books of the company as the holder of the shares specified in such share warrant, and the company shall be responsible for any loss incurred by any person by reason of the company entering on its books the name of the bearer of a share warrant in respect of the shares therein specified without the warrant being surrendered and cancelled.

When
bearer of
warrant
may be
deemed a
shareholder.

68. The bearer of a share warrant may, if the provisions and regulations respecting share warrants so provide, be deemed to be a shareholder of the company either to the full extent or for any purposes defined by such regulations; except that he shall not be qualified in respect of the shares specified in the warrant for being a director of the company.

When
shareholder
has share
warrant
issued—
entry in
books.

69. On the issue of a share warrant the company shall remove from its books the name of the shareholder



then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in such books the following particulars, namely.

- (a) The fact of the issue of the warrant;
- (b) A statement of the shares included in the warrant; and
- (c) The date of the issue of the warrant.

Entry on
surrender.

70. Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Act to be entered in the books of the company in respect of such share or shares, and on the surrender, the date of the surrender shall be entered, as if it were the date at which a person ceased to be a shareholder.

Representa-
tion of
shares at
general
meeting.

71. Unless the bearer of a share warrant is entitled to attend and vote at general meetings the shares represented by such share warrant shall not be counted as part of the stock of the company for the purposes of a general meeting.

Rev. Stat.
o. 218,
amended.

9. Section 82 of *The Companies Act* is amended by adding the following subsection:

By-laws
making
changes in
capitaliza-
tion.

(4) A copy of the by-law certified under the seal of the company must be filed forthwith in the office of the Provincial Secretary.

Rev. Stat.
c. 218, s. 98,
subs. 1,
amended.

10.—(1) Subsection 1 of section 98 of *The Companies Act* is amended by striking out the words: "Subject to the approval in the following subsection mentioned."

Subs. 2,
repealed.

Subsection (2) of section 98 of *The Companies Act* is repealed.

Rev. Stat.
c. 218,
amended.

11. *The Companies Act* is amended by adding thereto the following sections:

AUDITORS, BY-LAWS AND PUBLISHED STATEMENTS.

Report of
auditors of
joint stock
insurance
company.

318a. The report of the auditors of a joint stock insurance company required to be made by section 137 shall also state:

- (a) That they have audited the books of the company and have verified the cash, bank balance and securities;



- (b) In the case of companies transacting other than life insurance, that they have checked the reserve of unearned premiums and that it is calculated as required by the Insurance Act.
- (c) That they have examined the reserve for unpaid claims and that in their opinion it is inadequate;
- (d) That they have verified the balances owing by agents and other insurers;
- (e) That the balance sheet does not include as assets, items prohibited by the Insurance Act from being shown in the annual statements required to be filed thereunder;
- (f) That, after due consideration, they have formed an independent opinion as to the position of the company and that, with their independent opinion so formed, and according to the best of their information and the explanations given them, they certify that in their opinion, the balance sheet sets forth fairly and truly the state of affairs of the company; and
- (g) That all transactions of the company that have come within their notice have been within its powers.

Delivery of
by-laws to
Superin-
tendent,

318b. Every insurer shall deliver to the Superintendent within one month after passing thereof, a certified copy of its by-laws and of every repeal or addition to or amendment or consolidation thereof.

Balance
sheets and
statements.

318c. A copy of every balance sheet or other statement published or circulated by an insurer purporting to show its financial condition, shall be mailed or delivered to the Superintendent concurrently with its issue to its shareholders or policyholders, or to the general public.

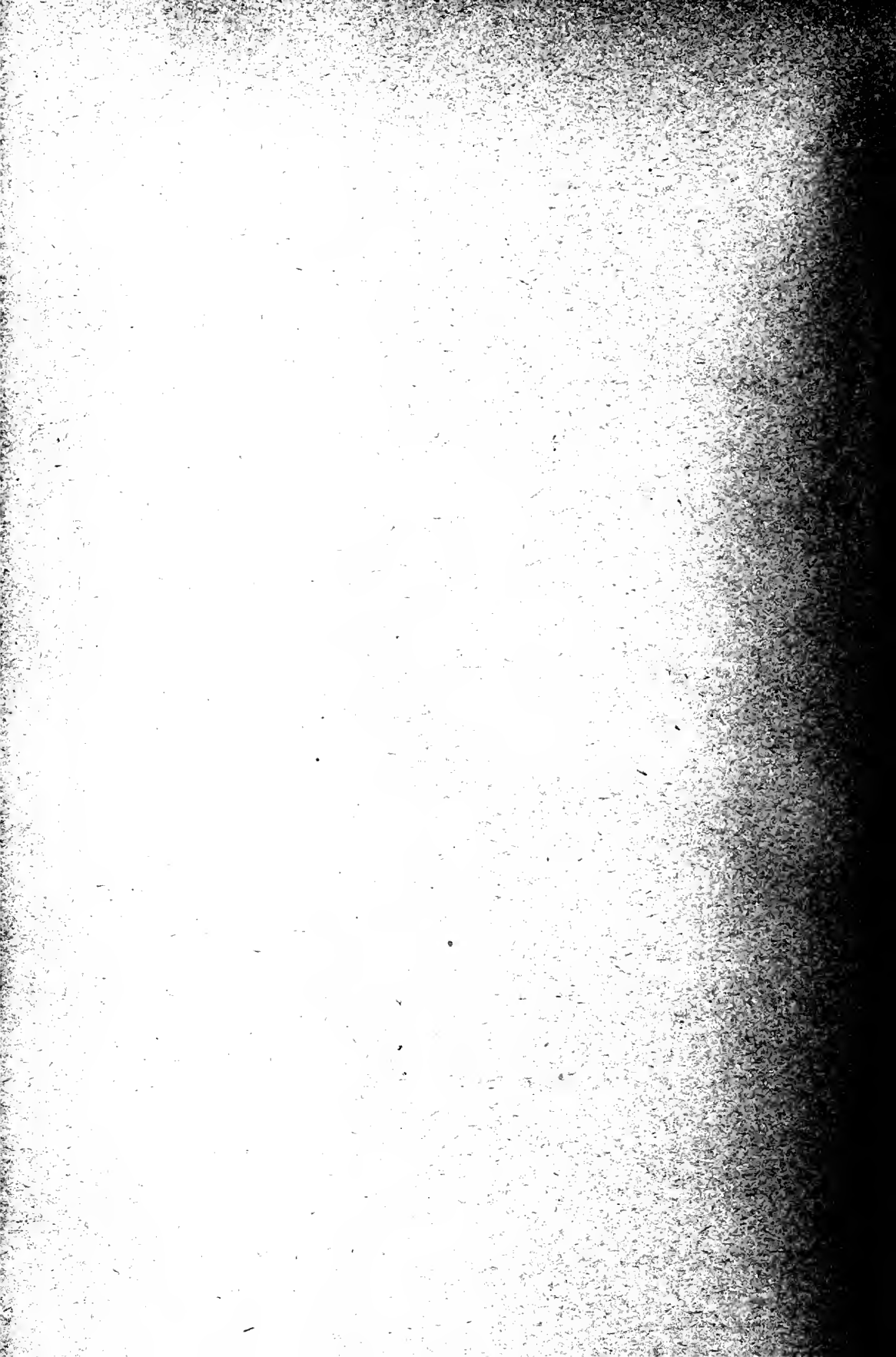
Offence.

318d. Every person who fails to comply with the provisions of the three next preceding sections shall be deemed to be guilty of an offence under *The Insurance Act*.

Rev. Stat.
c. 222.

Commence-
ment of Act.

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



BILL.

An Act to amend the Companies Act.

1st Reading,

March 24th, 1930.

2nd Reading,

3rd Reading,

MR. PRICE.

No. 158

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

BILL

An Act to amend The Companies Act.

MR. PRICE.

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

No. 158.

1930.

BILL

An Act to amend The Companies 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 Companies Act, 1930*.

Rev. Stat.
c. 218, s. 5,
subs. 4
amended.

2. Subsection 4 of section 5 of *The Companies Act* is amended by the insertion after the word "section" in the fourth line from the end of the words: "on receipt by the company of the consideration for the issue and allotment thereof."

Sale of
shares,
Rev. Stat.
c. 218, s. 14,
c. b.
Changing
company to
a public
company.
Rev. Stat.
c. 218, s. 23,
cl. m
amended.

3. The clause lettered *b* in section 14 of *The Companies Act* is repealed, and the following substituted therefor: "The company files with the Provincial Secretary a prospectus as prescribed by *The Companies Information Act*."

4. The clause lettered *m* in section 23 of *The Companies Act* is amended by striking out the words: "of a majority in number."

1929, c. 49,
s. 3, subs. 2,
repealed.

5. Subsection 2 of section 3 of *The Companies Act, 1929*, is repealed and the amendment to section 34 as made by subsection 1 of the said section shall be retroactive and be deemed to have been in force from the date of the passing of the said section, the eighth day of April, 1926. Any action heretofore brought in respect of a company dissolved under section 32 of *The Companies Act* may be continued but the court shall have regard to this amendment in dealing with the costs thereof.

Rev. Stat.
c. 218, s. 25,
repealed.

6. Section 25 of *The Companies Act* is repealed.

Rev. Stat.
c. 218, s. 56,
amended.

7. Section 56 of *The Companies Act* is amended by adding thereto the following subsection:

(1a) The company may by by-law provide that the signatures of the officer or officers designated to sign certificates may be engraved, lithographed or otherwise mechanically reproduced upon certificates for shares, and in such event, subject to the provisions of such by-law, certificates so signed shall be deemed to have been manually signed by such officers and shall be as valid to all intents and purposes as if they had been manually signed.

Signing such certificates.

8. Sections 65 to 73 of *The Companies Act* are repealed and the following substituted therefor:

Rev. Stat. c. 218, ss. 65-73, repealed.

65. A company, if so authorized by its letters patent or supplementary letters patent and subject to the provisions thereof may, with respect to any fully paid-up shares, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the share or shares included in the warrant hereafter termed a share warrant.

Share warrants.

66. A share warrant shall entitle the bearer thereof to the shares therein specified, and the shares may be transferred by delivery of the warrant.

Effect of share warrant.

67. The bearer of a share warrant shall, subject to the provisions and regulations representing share warrants contained in the letters patent or supplementary letters patent, be entitled, or surrendering it for cancellation, to have his name entered on the books of the company as the holder of the shares specified in such share warrant, and the company shall be responsible for any loss incurred by any person by reason of the company entering on its books the name of the bearer of a share warrant in respect of the shares therein specified without the warrant being surrendered and cancelled.

Exchanging warrant for entry as shareholder.

68. The bearer of a share warrant may, if the provisions and regulations respecting share warrants so provide, be deemed to be a shareholder of the company either to the full extent or for any purposes defined by such regulations; except that he shall not be qualified in respect of the shares specified in the warrant for being a director of the company.

When bearer of warrant may be deemed a shareholder.

69. On the issue of a share warrant the company shall remove from its books the name of the shareholder

When shareholder has share warrant issued—entry in books.

then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in such books the following particulars, namely.

- (a) The fact of the issue of the warrant;
- (b) A statement of the shares included in the warrant; and
- (c) The date of the issue of the warrant.

Entry on
surrender.

70. Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Act to be entered in the books of the company in respect of such share or shares, and on the surrender, the date of the surrender shall be entered, as if it were the date at which a person ceased to be a shareholder.

Representa-
tion of
shares at
general
meeting.

71. Unless the bearer of a share warrant is entitled to attend and vote at general meetings the shares represented by such share warrant shall not be counted as part of the stock of the company for the purposes of a general meeting.

Rev. Stat.
c. 218,
amended.

9. Section 82 of *The Companies Act* is amended by adding the following subsection:

By-laws
making
changes in
capitaliza-
tion.

(4) A copy of the by-law certified under the seal of the company must be filed forthwith in the office of the Provincial Secretary.

Rev. Stat.
c. 218, s. 98,
subs. 1,
amended.

10.—(1) Subsection 1 of section 98 of *The Companies Act* is amended by striking out the words: "Subject to the approval in the following subsection mentioned."

Subs. 2,
repealed.

Subsection (2) of section 98 of *The Companies Act* is repealed.

Rev. Stat.
c. 218,
amended.

11. *The Companies Act* is amended by adding thereto the following sections:

AUDITORS, BY-LAWS AND PUBLISHED STATEMENTS.

Report of
auditors of
joint stock
insurance
company.

318a. The report of the auditors of a joint stock insurance company required to be made by section 137 shall also state:

- (a) That they have audited the books of the company and have verified the cash, bank balance and securities;

- (b) In the case of companies transacting other than life insurance, that they have checked the reserve of unearned premiums and that it is calculated as required by the Insurance Act.
- (c) That they have examined the reserve for unpaid claims and that in their opinion it is adequate;
- (d) That they have verified the balances owing by agents and other insurers;
- (e) That the balance sheet does not include as assets, items prohibited by the Insurance Act from being shown in the annual statements required to be filed thereunder;
- (f) That, after due consideration, they have formed an independent opinion as to the position of the company and that, with their independent opinion so formed, and according to the best of their information and the explanations given them, they certify that in their opinion, the balance sheet sets forth fairly and truly the state of affairs of the company; and
- (g) That all transactions of the company that have come within their notice have been within its powers.

318b. Every insurer shall deliver to the Superintendent Delivery of by-laws to Superintendent, within one month after passing thereof, a certified copy of its by-laws and of every repeal or addition to or amendment or consolidation thereof.

318c. A copy of every balance sheet or other statement Balance sheets and statements. published or circulated by an insurer purporting to show its financial condition, shall be mailed or delivered to the Superintendent concurrently with its issue to its shareholders or policyholders, or to the general public.

318d. Every person who fails to comply with the provisions of the three next preceding sections shall be deemed to be guilty of an offence under *The Insurance Act*. Offence. Rev. Stat. c. 222.

12. 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 Companies Act.

1st Reading,

March 24th, 1930.

2nd Reading,

March 26th, 1930

3rd Reading,

March 28th, 1930

MR. PRICE.

No. 159

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

BILL

**An Act to amend The Companies
Information Act, 1928.**

MR. PRICE..

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

No. 159.

1930.

BILL

An Act to amend The Companies Information Act, 1928

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 Companies Information Act, 1930.*

1928, c. 33, amended. **2.** *The Companies Information Act, 1928*, is amended by adding thereto the following section:—

Liability of directors, promoters, etc., for untrue statements on soliciting subscriptions

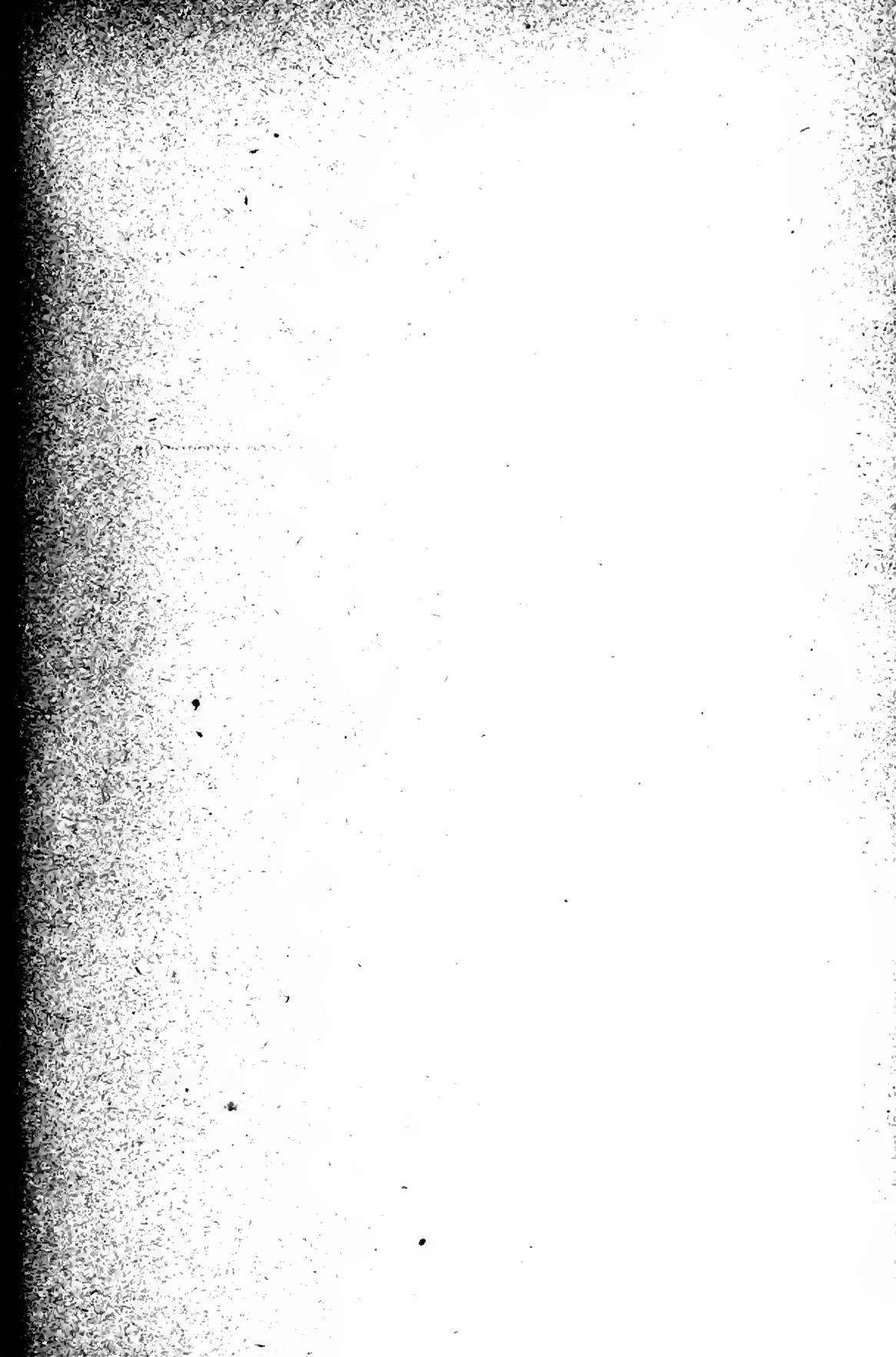
5a.(1) Where a prospectus, notice or other circular invites subscriptions for shares in, debentures, debenture stock or other securities of a company, every person who is a director of the company at the time of the issue of the prospectus, notice or other circular, and every person who having authorized such naming of him is named in the prospectus, notice or other circular as a director of the company, or as having agreed to become a director of the company, either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus, notice or other circular shall be liable to pay compensation to all persons who subscribe for any shares, debentures, debenture stock or other securities on the faith of such prospectus, notice or other circular for the loss or damage they may have sustained by reason of any untrue statement in the prospectus, notice or other circular or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that

When not to be liable.

(a) having consented to become a director of the company he withdrew his consent before the issue of the prospectus, notice or other

circular, and that the prospectus, notice or other circular was issued without his authority or consent; or

- (b) the prospectus, notice or other circular was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or
- (c) after the issue of such prospectus, notice or other circular and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or
- (d) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement was true; or
- (e) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, notice or other circular, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; or
- (f) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document.

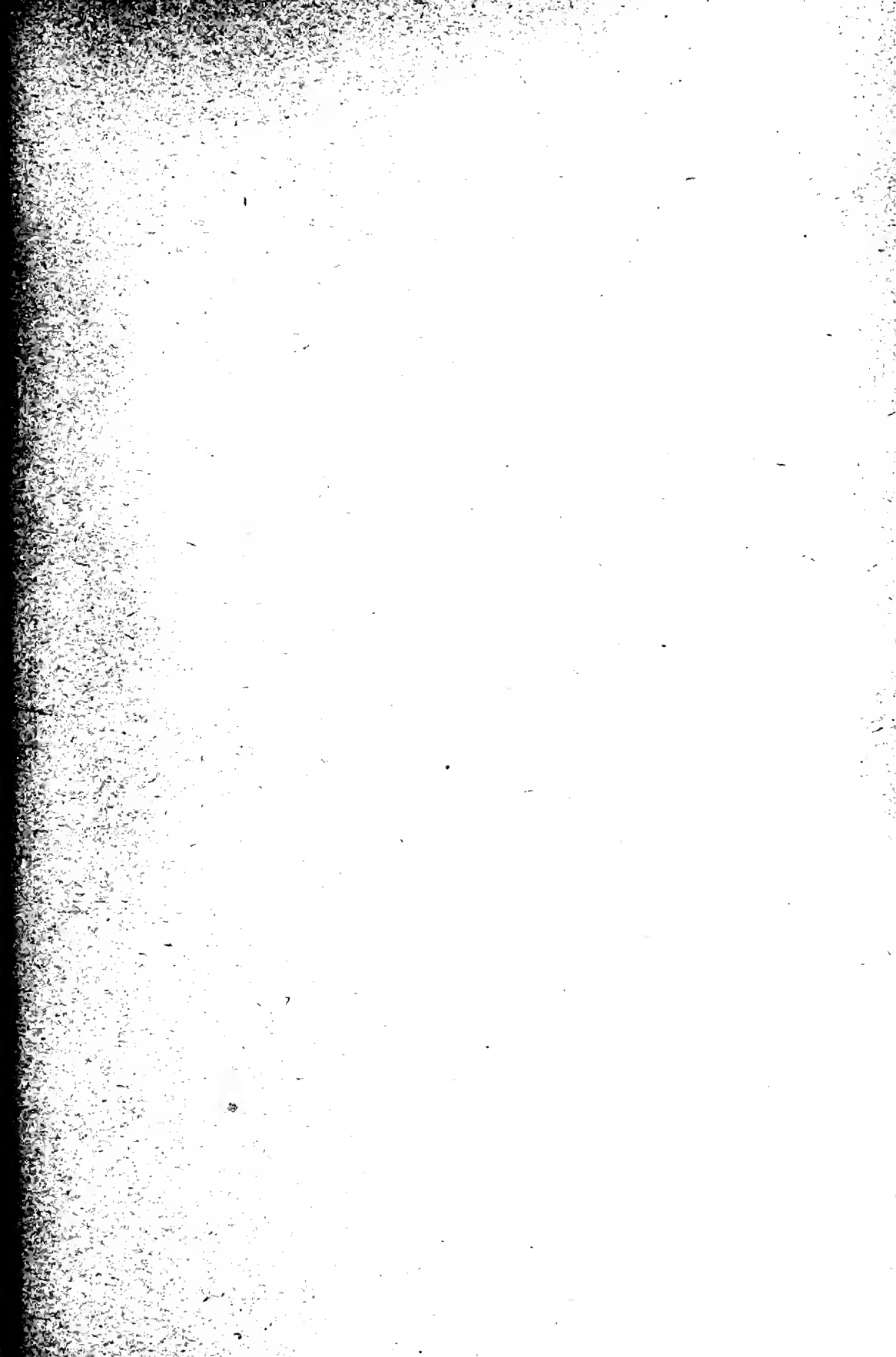


"Promoter,"
who to be
deemed.

- (2) A promoter in this section shall mean a promoter who was a party to the preparation of the prospectus, notice or other circular or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting solely in a professional capacity for persons engaged in procuring the formation of the company."

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 Companies
Information Act.

1st Reading

March 24th, 1930.

2nd Reading

3rd Reading

MR. PRICE

No. 159

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

BILL

**An Act to amend The Companies
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TORONTO
PRINTED BY HERBERT H. BALL,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 159.

1930.

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An Act to amend The Companies Information Act, 1928.

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 Companies Information Act, 1930*.

1928, c. 33,
amended.

2. *The Companies Information Act, 1928*, is amended by adding thereto the following section:—

Liability of directors, promoters, etc., for untrue statements on soliciting subscriptions

5a.—(1) Where a prospectus, notice or other circular invites subscriptions for shares in, debentures, debenture stock or other securities of a company, every person who is a director of the company at the time of the issue of the prospectus, notice or other circular, and every person who having authorized such naming of him is named in the prospectus, notice or other circular as a director of the company, or as having agreed to become a director of the company, either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus, notice or other circular shall be liable to pay compensation to all persons who subscribe for any shares, debentures, debenture stock or other securities on the faith of such prospectus, notice or other circular for the loss or damage they may have sustained by reason of any untrue statement in the prospectus, notice or other circular or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that

When not to be liable.

(a) having consented to become a director of the company he withdrew his consent before the issue of the prospectus, notice or other

circular, and that the prospectus, notice or other circular was issued without his authority or consent; or

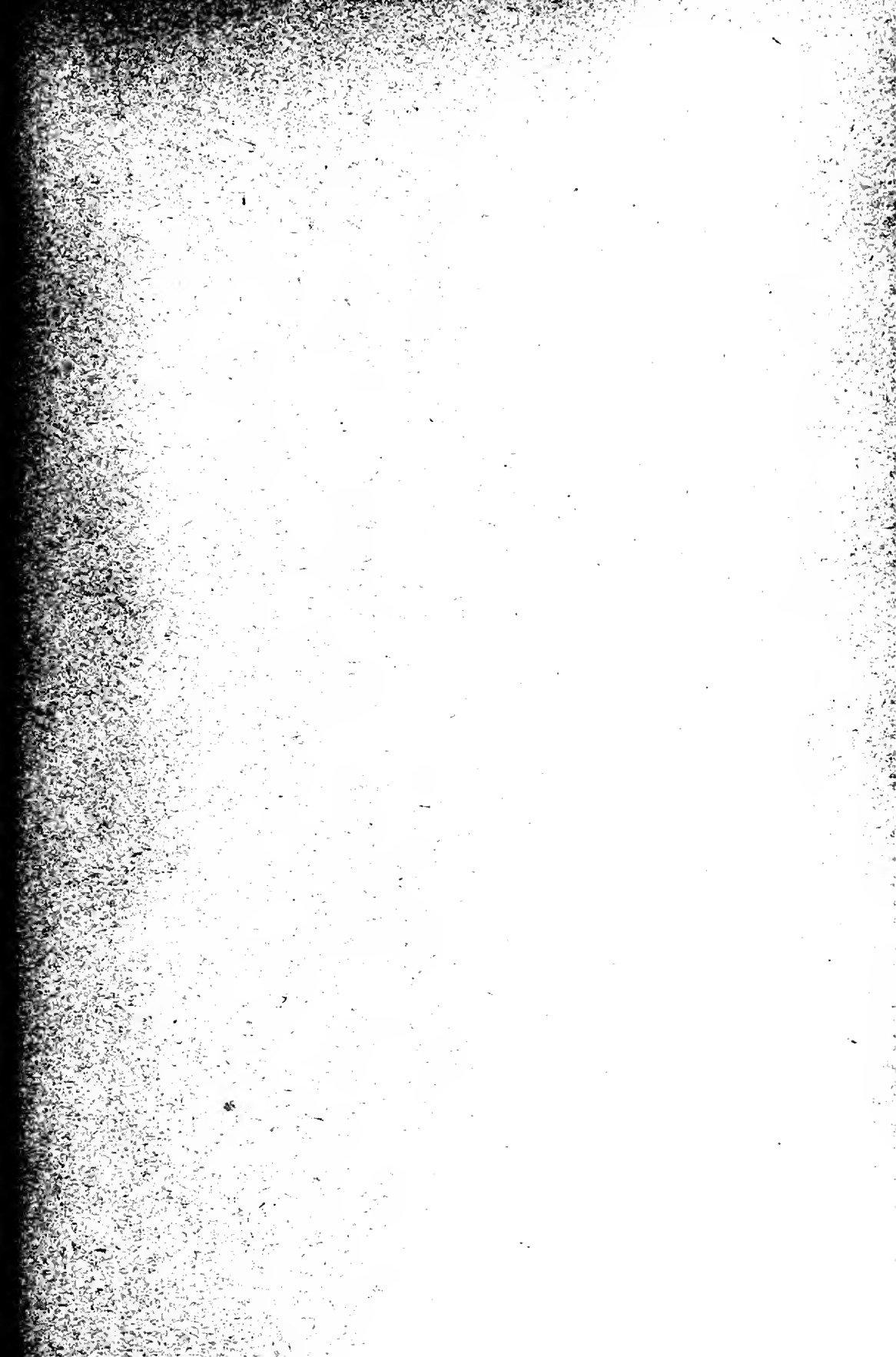
- (b) the prospectus, notice or other circular was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or
- (c) after the issue of such prospectus, notice or other circular and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or
- (d) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement was true; or
- (e) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, notice or other circular, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; or
- (f) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document.

"Promoter,"
who to be
deemed.

(2) A promoter in this section shall mean a promoter who was a party to the preparation of the prospectus, notice or other circular or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting solely in a professional capacity for persons engaged in procuring the formation of the company."

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 Companies
Information Act.

1st Reading
March 24th, 1930.

2nd Reading
March 26th, 1930.

3rd Reading
March 28th, 1930.

MR. PRICE

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

BILL

The Statute Law Amendment Act, 1930.

MR. PRICE.

BILL

The Statute Law Amendment Act, 1930

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

Rev. Stat.
c. 25, s. 2,
amended.

1. Section 2 of *The Audit Act* is amended by striking out the figures \$6,000 in the third line and inserting the figures \$6,500 in lieu thereof.

Rev. Stat.
c. 74, s. 1,
subs. 2,
amended.

2. Subsection 2 of section 1 of *The County Publicity Act* is amended by striking out the word "agricultural" in the second line of the subsection.

Rev. Stat.
c. 78, s. 6,
sub. 3,
repealed.

3. 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 fact certified to be recorded.

Rev. Stat.
c. 94, ss. 60
and 61
amended.

4. Sections 60 and 61 of *The Surrogate Courts Act* is amended by inserting the words "executor or" before the word "administrator" in the first and fifth lines.

Rev. Stat.
c. 94,
Schedule
"b,"
amended.

5. Schedule "B" of *The Surrogate Courts Act* is amended by striking out the figures \$10,000 in the last line but three of the said schedule, and inserting in lieu thereof \$100,000.

Rev. Stat.
c. 119, s. 26,
amended.

6. Section 26 of *The Magistrates Act* is amended by adding after the word "judge" in the first line, the words "or deputy judge."

Rev. Stat.
c. 121, s. 3,
amended.

7.—(1) Section 3 of *The Summary Convictions Act* is amended by adding thereto the following subsection:

(2) Notwithstanding anything contained in *The Judicature Act*, a case stated under the said part 15 shall be heard and determined by a Judge of the Supreme Court in Chambers.

Rev. Stat.
c. 121, s. 14,
ss. 1,
amended.

(2) Subsection 1 of section 14 of *The Summary Convictions Act* is amended by inserting after the word "upon" in the fourth line, the words "a stated case or upon."

EXPLANATORY NOTES

Section 1. This increases the Auditor's salary by \$500.

Section 2. *The County Publicity Act* provides for the forming of publicity associations by county council.

Section 2 restricts the objects of the associations to the investigation of the agricultural resources and possibilities of the county. The amendment is intended to extend the work of these associations to all the resources and possibilities of the county or district.

Section 3. In the revision of 1927, certificates of Births and Deaths were made *prima facie* evidence if the Births and Deaths were registered within one year after it occurred, and might be accepted by the Judges as *prima facie* evidence where the registration had taken place after the expiry of one year. For some reason Marriage certificates were left out altogether.

The amendment returns to the old law, attention having been called to the fact that the omission of Marriages in the section might be of considerable importance in divorce cases in foreign jurisdiction, when it is sought to prove Marriage in Ontario by the production of a certificate issued by the Registrar General.

Section 4. Attention has been called to the fact that there is doubt as to whether the provision for cancellation of the bond of the administrator who has passed his final account, extends to an executor. Under section 20 of the Act, security is required from a person not resident in Ontario or elsewhere in the British Dominion, to the same amount as in the case of an administrator.

Section 5. This corrects a printer's error in the Revised Statutes.

Section 6. This is to enable the deputy judge of the Juvenile Court to act as police magistrate when so directed by the Attorney General.

To a
foreign
executor,
Ex-officio
Police
Magistrate.

Section 7. *The Judicature Act* requires that stated cases shall be heard before the Appellate Division.

Rev. Stat.
c. 148, s. 8,
amended.

8.—(1) Section 8 of *The Devolution of Estates Act* is amended by adding thereto the following subsection:

Where
widow
patient in
Ontario
Hospital.

(4) Where the widow is a patient in an Ontario Hospital and the Public Trustee is committee of her estate, he shall be entitled to exercise on her behalf the power of election conferred by this section.

(2) Section 20 of *The Devolution of Estates Act* is amended by adding thereto the following subsection:

Concurrence
where person
is a patient
in an
Ontario
Hospital.

(3a) Where the person beneficially entitled is a patient in an Ontario Hospital and the Public Trustee is committee of his estate, the concurrence and approval required by subsections 2 and 3 of this section may be given by the Public Trustee on behalf of such patient.

(3) Subsection 6 of said section 20 is repealed.

Rev. Stat.
c. 148, s. 20,
subs. 8,
amended.

9. Subsection 8 of section 20 of *The Devolution of Estates Act*, is amended by striking out the clauses lettered "a," "b" and "c" in the said subsection and by inserting in lieu thereof the following:

Real prop-
erty con-
veyed, etc.,
by personal
representa-
tion to
remain
liable for
debts.

(a) Real property conveyed, divided or distributed by virtue of such powers to or among the persons beneficially entitled thereto, shall be deemed to have been and to be liable for the payment of the debts of the deceased owner as if no conveyance, division or distribution had been made, even though it has subsequently during such three-year period been conveyed to a purchaser or purchasers in good faith and for value; but in the case of such purchaser or purchasers, such liability shall only continue after the expiry of such three-year period if some action or legal proceeding has been instituted by the creditor, his assignee or successor to enforce the claim and a *lis pendens* or a caution has, before such expiry been registered against the property, and that

Limitation
as to
purchaser
in good
faith.

Relief over.

(b) Although such liability has applied and shall apply as aforesaid, in respect of real property, so conveyed, divided or distributed, any such purchaser, in good faith and for value shall be deemed to have had and to have a right to relief over against the persons beneficially entitled, and where such conveyance, division or distribution was made by the personal representative with knowledge of the debt in respect of which claim is made, or without due advertisement

The Summary Convictions Act requires that unless otherwise provided, the procedure of the Criminal Code shall be adopted, and under the Code it is provided that a stated case may be heard before the Judge in Chambers.

It has been held that, because of the insertion of these words "unless otherwise provided" procedure is thrown back upon *The Judicature Act* and under that Act a stated case must be heard before the Appellate Division.

The Bill is designed to bring a procedure into uniformity with that of the Code.

Section 8. Section 8 of *The Devolution of Estates Act* provides that where the widow is a lunatic, the election as to her dower may be exercised by the Official Guardian. As the Public Trustee has the power to deal with the patient's estate, he is the appropriate officer to exercise this election.

Subsection 2 makes a similar change, substituting the Public Trustee for the Official Guardian and consenting to a sale of property where a patient in an Ontario Hospital is beneficially entitled.

Section 9. The object of this amendment is to remove an apparent inconsistency between section 20 and other provisions of *The Devolution of Estates Act*, created by the introduction of an amendment in 1927.

The new clauses make it clear that real property which has been conveyed to a beneficiary by the personal representative, shall remain liable for the payment of debts; but in the case of a purchaser in good faith, and for value from the beneficiary, liability only continues after the expiry of the three year period, if before such expiry, the creditor has taken proceedings to enforce his claim.

for creditors, then against such personal representative, and that

Where no
lis pendens
or caution.

- (c) Upon the expiration of such three-year period where no *lis pendens* or caution has been registered, the provisions of subsection 2 of section 23 and of section 25 shall apply as if such real property had become vested in the person beneficially entitled thereto under section 12.

Rev. Stat.
c. 192, s. 5,
amended.

10. Section 5 of *The Law Society Act* is amended by striking out clause (b) and substituting therefor the following:

Deputy
Attorney
General
ex officio
Bencher
after
election.

- (b) The Attorney-General for Ontario and every person who has held that office, and every person who having been elected a Bencher pursuant to the provisions of this Act, is or has been Deputy Attorney General for Ontario.

Rev. Stat.
c. 236, s. 132,
subs. 2,
amended.

11. Section 12 of *The Planning and Development Act* is amended by adding thereto the following subsection:

Consent to
laying out
highway.

- (2) Where the highway is situate in the urban zone or joint urban zone of a city having a population of not less than 200,000, it shall only be necessary to obtain the approval of the council of such city and of the council of the municipality in which such highway is situate, or of the board.

Rev. Stat.
c. 249, s. 9,
subs. 1,
amended.

12. Subsection 1 of section 9 of *The Public Utilities Act* is amended by inserting after the word "therein" in the third line, the words "or within three miles thereof" and by adding at the end of the subsection the words "Provided that any expenditure on works beyond the limits of the municipality chargeable to capital account, shall be borne and paid by the Province.

Rev. Stat.
c. 359, s. 5,
subs. 4,
repealed.

13. Subsection 4 of section 5 of *The Hospitals and Charitable Institutions Act* is repealed.

Rev. Stat.
c. 359, s. 13,
repealed.

Section 13 of *The Hospitals and Charitable Institutions Act* is hereby repealed and the following substituted therefor:

Designating
charitable
institutions
to be aided.

- (1) The Lieutenant-Governor in Council may designate any public hospital, home or hospital for incurables, refuge, orphanage or infants' home to which aid may be granted; but no such institution shall be so designated unless the Inspector reports that it ought to be aided under this Act.

Section 10. The present clause (b) includes only the present Attorney-General and anyone who has previously held that office.

The new clause includes the Deputy Attorney-General after he has once been elected.

Section 11. Section 12 of *The Planning and Development Act* requires that the laying out or alteration of a highway in an urban zone or joint urban zone, should have the approval of the council of each municipality in which the highway or any part of it is situated, and of the council of any adjoining municipality or of The Railway and Municipal Board.

There are six or eight municipalities whose consent would be required under this section in the case of the City of Toronto. The consent is always given as a matter of course when the City of Toronto and the municipality in which the highway is situate are agreed.

The object of the section is to dispense with the necessity for requiring the consent of these municipalities in the case of the City of Toronto and a highway in an adjoining municipality.

Section 12. Subsection 1 of section 9 provides that the corporation of every municipality having a system of waterworks shall supply water to any public institutions belonging to the Province in the municipality.

The amendment is desired to permit of water being supplied to a public institution which is outside of the municipality, but that the cost of carrying the pipes beyond the limits of the municipality shall be borne and paid by the Province.

Section 13. Subsection 4 of section 5 of *The Hospitals and Charitable Institutions Act* provides that the limitations to the amount which must be paid in order to make any one a paying patient in a Hospital, shall not apply to a Hospital which has not received aid for a period of ten years. This is repealed.

The present section 13 gives the Lieutenant- Governor in Council the power to designate the hospitals, etc., to which aid may be granted upon the report of the inspector that the institution has all the proper requirements for one of its nature and object, and that it ought to be aided. The section goes on to provide that the Order in Council shall not take effect until ratified by the Assembly. The new section enlarges the power of the Lieutenant-Governor in Council and dispenses with the approval of the Assembly in accordance with what is the actual provision and makes the order to take effect from the time when the aid is granted.

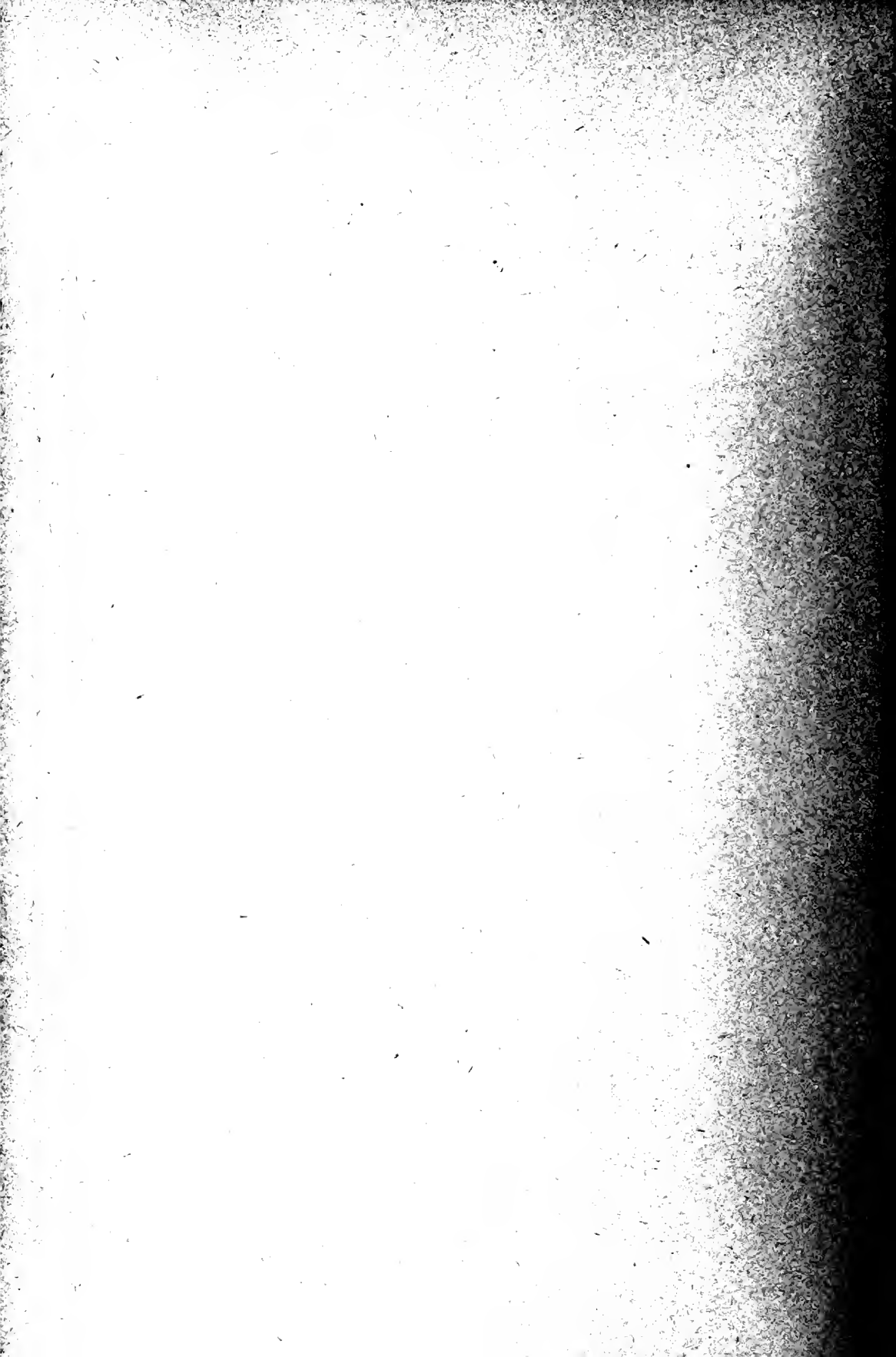
When order
to take
effect.

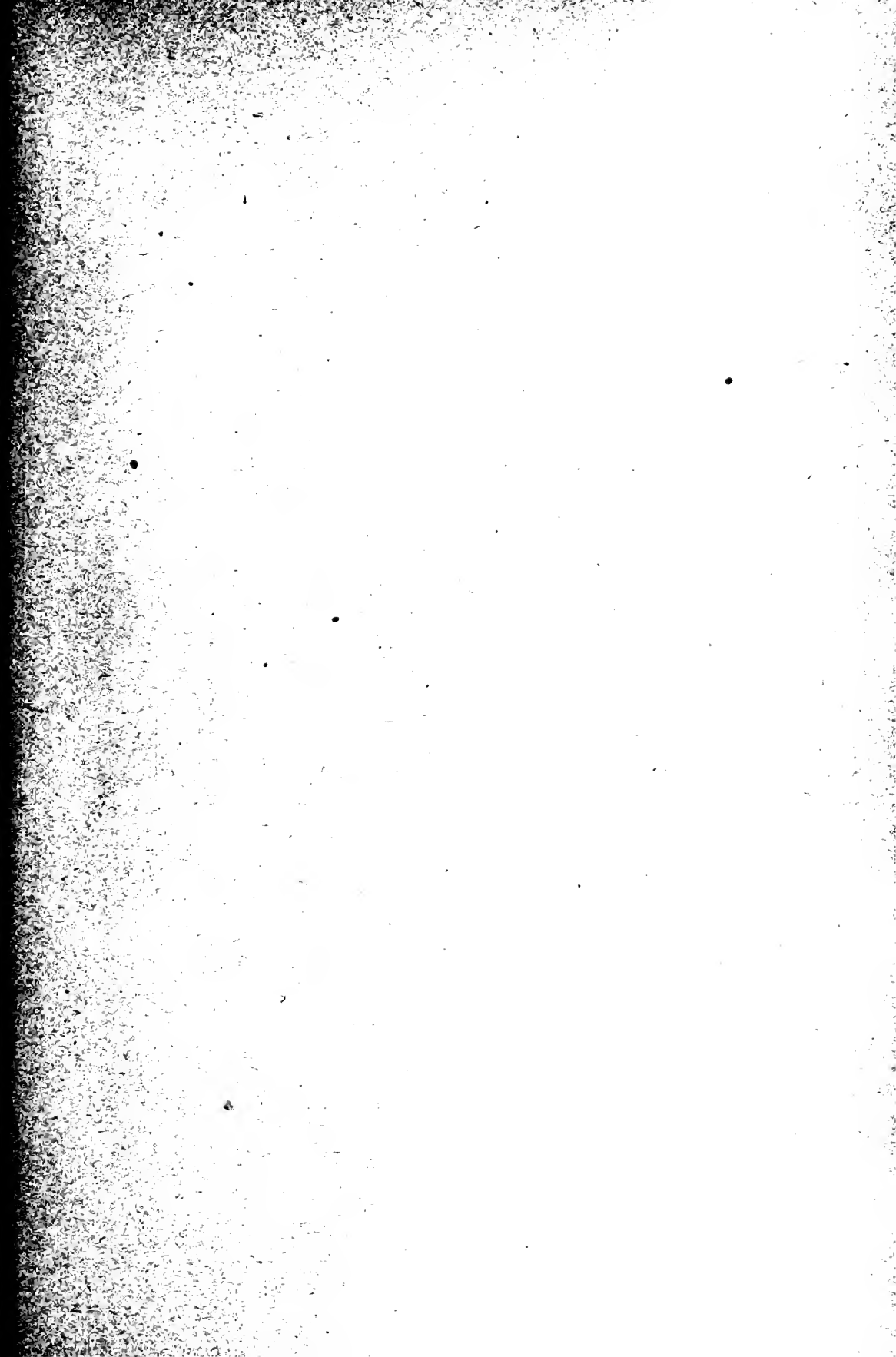
- (2) Every Order-in-Council heretofore or hereafter made designating any public hospital, home or hospital for incurables, refuge, orphanage or infants' home to which aid may be granted shall be deemed to come or to have come into effect on the day specified therein, and if no day is specified, then on the day of the date of such Order-in-Council and from such day every such institution so designated shall, subject to section 14, be conclusively presumed to be receiving aid under this Act.

1928, c. 20,
repealed.

14. *The Canada Foundry Company Sites Act, 1928*, is repealed.

Section 14. This Act was passed in 1928 in order to prevent an excessive valuation being placed upon land, which had, during the war, been granted for a nominal amount. The land in question has been since acquired by the Crown and the necessity for the Act no longer exists.





BILL.

The Statute Law Amendment Act, 1930.

1st Reading,

March 24th, 1930.

2nd Reading,

3rd Reading

MR. PRICE.

No. 160

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

BILL

The Statute Law Amendment Act, 1930.

MR. PRICE.

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

No. 160.

1930.

BILL

The Statute Law Amendment Act, 1930

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

Rev. Stat.,
c. 18, s. 39,
cl. b,
amended.

1. The clause lettered *b* in section 39 of *The Sheriff's Act* is amended by striking out the figure "2" and inserting in lieu thereof the figure "3."

Rev. Stat.,
c. 25, s. 2,
amended.

2.—(1) Section 2 of *The Audit Act* is amended by striking out the figures "\$6,000" in the third line and inserting the figures "\$6,500" in lieu thereof.

Retroactive.

(2) The amendment made by subsection 1 shall have effect as from the 1st day of November, 1929.

Rev. Stat.,
c. 28, s. 4,
subs. 1,
amended.

3. Subsection 1 of section 4 of *The Mining Tax Act* is amended by inserting before the word "six" in the second line of the clause lettered *b* the word "and," and by striking out all the words and figures after the figures \$5,000,000 in the third line of the said clause.

Rev. Stat.,
c. 30, s. 3,
amended.

4.—(1) Section 3 of *The Provincial Land Tax Act* is amended by striking out the following words at the end of the said section "as being *bona fide* settlers engaged in bringing the land under cultivation or otherwise developing the agricultural resources thereof."

Exemptions.

Rev. Stat.,
c. 30,
amended.

(2) *The Provincial Land Tax Act* is amended by adding thereto the following section:

Regulations
as to exemp-
tion from
tax,

3a. The Lieutenant-Governor in Council may make regulations describing and determining the persons who and land which shall be exempt from the said tax under the provision of the preceding section.

Rev. Stat.,
c. 74, s. 1,
subs. 2,
amended.

5. Subsection 2 of section 1 of *The County Publicity Act* is amended by striking out the word "agricultural" in the second line of the subsection.

6. An appeal to His Majesty in His Privy Council from a judgment of a court in an action authorized by section 19 of *The Judicature Act*, shall not be subject to the restrictions contained in the *Privy Council Appeals Act*. Appeal under Rev. Stat., c. 88, s. 19, not subject.

7. Sections 19 and 33 of *The Judicature Act* are repealed. Rev. Stat., c. 88, ss. 19 and 33, repealed.

8.—(1) Sections 60 and 61 of *The Surrogate Courts Act* is amended by inserting the words "executor or" before the word "administrator" in the first and fifth lines. Rev. Stat. c. 94, ss. 60 and 61 amended.

(2) Schedule "B" of *The Surrogate Courts Act* is amended by striking out the figures \$10,000 in the last line but three of the said schedule, and inserting in lieu thereof \$100,000. Rev. Stat. c. 94, Schedule "b," amended.

9. Section 26 of *The Magistrates Act* is amended by adding after the word "judge" in the first line, the words "or deputy judge." Rev. Stat. c. 119, s. 26, amended.

10.—(1) Section 3 of *The Summary Convictions Act* is amended by adding thereto the following subsection: Rev. Stat. c. 121, s. 3, amended.

(2) Notwithstanding anything contained in *The Judicature Act*, a case stated under the said Part XV shall be heard and determined by a Judge of the Supreme Court in Chambers.

(2) Subsection 1 of section 14 of *The Summary Convictions Act* is amended by inserting after the word "upon" in the fourth line, the words "a stated case or upon." Rev. Stat. c. 121, s. 14, subs. 1, amended.

11.—(1) Section 8 of *The Devolution of Estates Act* is amended by adding thereto the following subsection: Rev. Stat. c. 148, s. 8, amended.

(4) Where the widow is a patient in an Ontario Hospital and the Public Trustee is committee of her estate, he shall be entitled to exercise on her behalf the power of election conferred by this section. Where widow patient in Ontario Hospital.

(2) Section 20 of *The Devolution of Estates Act* is amended by adding thereto the following subsection: Rev. Stat., c. 148, s. 20, amended.

(3a) Where the person beneficially entitled is a patient in an Ontario Hospital and the Public Trustee is committee of his estate, the concurrence and approval required by subsections 2 and 3 of this section may be given by the Public Trustee on behalf of such patient. Concurrence where person is a patient in an Ontario Hospital.

(3) Subsection 6 of said section 20 is repealed.

Rev. Stat., c. 148, s. 20, subs. 6, repealed.

Rev. Stat.
c. 148, s. 20,
subs. 8,
amended.

(4) Subsection 8 of section 20 of *The Devolution of Estates Act*, is amended by striking out the clauses lettered *a*, *b* and *c* in the said subsection and by inserting in lieu thereof the following:

Real prop-
erty con-
veyed, etc.,
by personal
representa-
tion to
remain
liable for
debts.

(a) Real property conveyed, divided or distributed by virtue of such powers to or among the persons beneficially entitled thereto, shall be deemed to have been and to be liable for the payment of the debts of the deceased owner as if no conveyance, division or distribution had been made, even though it has subsequently during such three-year period been conveyed to a purchaser or purchasers in good faith and for value; but in the case of such purchaser or purchasers, such liability shall only continue after the expiry of such three-year period if some action or legal proceeding has been instituted by the creditor, his assignee or successor to enforce the claim and a *lis pendens* or a caution has, before such expiry been registered against the property, and that

Limitation
as to
purchaser
in good
faith.

Relief over.

(b) Although such liability has applied and shall apply as aforesaid, in respect of real property, so conveyed, divided or distributed, any such purchaser, in good faith and for value shall be deemed to have had and to have a right to relief over against the persons beneficially entitled, and where such conveyance, division or distribution was made by the personal representative with knowledge of the debt in respect of which claim is made, or without due advertisement for creditors, then against such personal representative, and that

Where no
lis pendens
or caution.

(c) Upon the expiration of such three-year period where no *lis pendens* or caution has been registered, the provisions of subsection 2 of section 23 and of section 25 shall apply as if such real property had become vested in the person beneficially entitled thereto under section 12.

Rev. Stat.
c. 171,
amended.

12.—(1) *The Limited Partnership Act* is amended by substituting the word “limited” for the word “special” wherever it occurs.

Rev. Stat.
c. 171, s. 1,
amended.

(2) Section 1 of the said Act is amended by inserting the words “brokerage, financial” after the word “any” in the first line.

Rev. Stat.
c. 171, s. 12,
repealed.

(3) Section 12 of the said Act is repealed and the following substituted therefor:

12. The business of the partnership shall be conducted under a name in which the names of one or more of the general partners shall be used, and unless any limited partner whose name is used in the partnership name wherever it appears is clearly designated as a limited partner in a line immediately beneath the name of the partnership, he shall be deemed a general partner. Partnership name.
- (4) Section 15 of the said Act is repealed and the following substituted therefor: Rev. Stat. c. 171, s. 15, repealed.
15. A limited partner may from time to time examine into the state and progress of the partnership business, and may advise as to its management, and he shall only become liable as a general partner if, in addition to the foregoing he takes part in the control of the business. Rights and liabilities of limited partners.
13. Section 5 of *The Law Society Act* is amended by striking out clause (b) and substituting therefor the following: Rev. Stat. c. 192, s. 5, amended.
- (b) The Attorney-General for Ontario and every person who has held that office, and every person who having been elected a Bencher pursuant to the provisions of this Act, is or has been Deputy Attorney General for Ontario. Deputy Attorney General ex officio Bencher after election.
14. Section 12 of *The Planning and Development Act* is amended by adding thereto the following subsection: Rev. Stat. c. 236, s. 12, subs. 2, amended.
- (2) Where the highway is situate in the urban zone or joint urban zone of a city having a population of not less than 200,000, it shall only be necessary to obtain the approval of the council of such city and of the council of the municipality in which such highway is situate, or of the board. Consent to laying out highway.
15. Subsection 1 of section 9 of *The Public Utilities Act* is amended by inserting after the word "therein" in the third line, the words "or within three miles thereof" and by adding at the end of the subsection the words "Provided that any expenditure on works beyond the limits of the municipality chargeable to capital account, shall be borne and paid by the Province." Rev. Stat. c. 249, s. 9, subs. 1, amended.
16. Subsection 1 of section 13 of *The Athletic Commission Act* is repealed and the following substituted therefor: Rev. Stat. c. 261, s. 13, subs. 1, repealed.
- (1) Where the Ontario Branch of the Amateur Athletic Union of Canada, or any other branch of Inquiries by Commission.

the Amateur Athletic Union of Canada or any amateur league or body, operating in Ontario, requests the Commission to cause investigation to be held into any matter which the branch league or body considers should be investigated in the interest of amateur sport in the Province, the Commission may hold such investigation or may refer the matter for investigation to a committee for investigation and report.

Rev. Stat.,
c. 320,
amended,

17. *The Wolf Bounty Act* is amended by adding thereto the following section:

Additional
bounty in
certain
cases.

8a. The Lieutenant-Governor in Council may direct the payment of a bounty of \$10 in addition to that hereinbefore provided for in section 5 or section 8, upon every wolf taken or killed in any area prescribed by him where it is deemed such action is in the interest of any pioneer settlement and of the Province.

Rev. Stat.
c. 359, s. 5,
subs. 4,
repealed.

18. Subsection 4 of section 5 of *The Hospitals and Charitable Institutions Act* is repealed.

Rev. Stat.
c. 359, s. 13,
repealed.

(2) Section 13 of *The Hospitals and Charitable Institutions Act* is hereby repealed and the following substituted therefor:

Designating
charitable
institutions
to be aided.

(1) The Lieutenant-Governor in Council may designate any public hospital, home or hospital for incurables, refuge, orphanage or infants' home to which aid may be granted; but no such institution shall be so designated unless the Inspector reports that it ought to be aided under this Act.

When order
to take
effect.

(2) Every Order-in-Council heretofore or hereafter made designating any public hospital, home or hospital for incurables, refuge, orphanage or infants' home to which aid may be granted shall be deemed to come or to have come into effect on the day specified therein, and if no day is specified, then on the day of the date of such Order-in-Council and from such day every such institution so designated shall, subject to section 14, be conclusively presumed to be receiving aid under this Act.

1921, c. 36,
s. 6,
subs. 1,
repealed.

19. Subsection 1 of section 6 of the *Act to Incorporate the Town of Kapuskasing* is repealed and the following substituted therefor:

School
arrange-
ments.

(1) The said town of Kapuskasing shall remain a part of the existing rural school section for school purposes,

and that part of such school section which lies outside the said town shall nevertheless, for public school and high school purposes, be deemed to be annexed to the said town, and the officers of the said town shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to that part of such section which lies within the unorganized township of O'Brien as with respect to that part which lies within the said town, and the said taxes shall be paid by the collector to the treasurer of the said town, and the treasurer shall pay over such taxes to the treasurer of the public school board and high school board respectively of such section without any charge or deduction.

20.—(1) *The Apprenticeship Act, 1928*, is amended by 1928, c. 25, adding thereto the following section: amended.

16a. To defray the costs of maintaining a system of Employers apprenticeship and administering this Act, the assessable Minister may require employers in any designated for cost of trade to contribute annually or otherwise such sums system. as may be specified in the regulations.

(2) Section 17 of *The Apprenticeship Act, 1928*, is amended 1928, c. 25, by inserting therein the following clause: s. 17, amended.

(ee) governing the manner of making the assess- Regulations. ment provided for in section 16a and the collection and distribution of the same.

21. *The Canada Foundry Company Sites Act, 1928*, is 1928, c. 20, repealed. repealed.

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

BILL.

The Statute Law Amendment Act, 1930.

1st Reading,

March 24th, 1930.

2nd Reading,

March 26th, 1930

3rd Reading

March 28th, 1930

MR. PRICE.

No. 161

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

BILL

The Power Commission and Companies Transfer Act, 1930.

MR. COOKE.

No. 161.

1930.

BILL

The Power Commission and Companies Transfer Act, 1930.

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

Short title.

1. This Act may be cited as *The Power Commission and Companies Transfer Act, 1930.*

Agreement and Indenture between M. J. O'Brien Limited, and Commission confirmed.

2. The agreement dated the 31st day of May, 1929, and the indenture dated the 29th day of June, 1929, between M. J. O'Brien, Limited, and The Hydro-Electric Power Commission of Ontario, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Property conveyed by M. J. O'Brien Limited, to Commission vested in Commission.

3. All and every part of the properties, assets, contracts, easements, leases, rights, privileges, licenses, franchises and undertakings agreed to be sold to the said Commission by the said agreement dated 31st day of May, 1929, or conveyed or purported to be conveyed to the said Commission by the said indenture dated the 29th day of June, 1929, shall be and shall be deemed to have been from the said 29th day of June, 1929, vested in the property of the said Commission, free from all liens, charges and encumbrances save as provided in the said indenture dated the 29th day of June, 1929.

Commission authorized to contract with Wahnapiatae Power Company for transfer of assets.

4. The Commission is authorized and empowered to make with Wahnapiatae Power Company, Limited, a contract for the sale and transfer to the Commission of all the properties, rights, assets, franchises and undertakings of the said Wahnapiatae Company and of its subsidiary companies—Upper Wahnapiatae River Improvement Company, Limited, and The Wahnapiatae Boom and Timber Slide Company, Limited, and every such sale and transfer shall be legal, valid and binding upon the parties thereto and upon *cestuis que trustent* under the indenture of mortgage dated the 1st day of November, 1924, given by The Wahnapiatae Power Company,



Limited, to Montreal Trust Company, to secure an issue of bonds of the said Wahnapiatae Company, and shall not constitute a breach of any covenant contained in such indenture of mortgage, nor cancel, annul or affect in any manner any contract entered into, or any franchise or right held by the said Wahnapiatae Company prior to such sale and transfer, but such sale and transfer shall be subject to the said indenture of mortgage and to the bonds secured thereby, and to all rights by such indenture of mortgage and bonds reserved.

Effect of transfer.

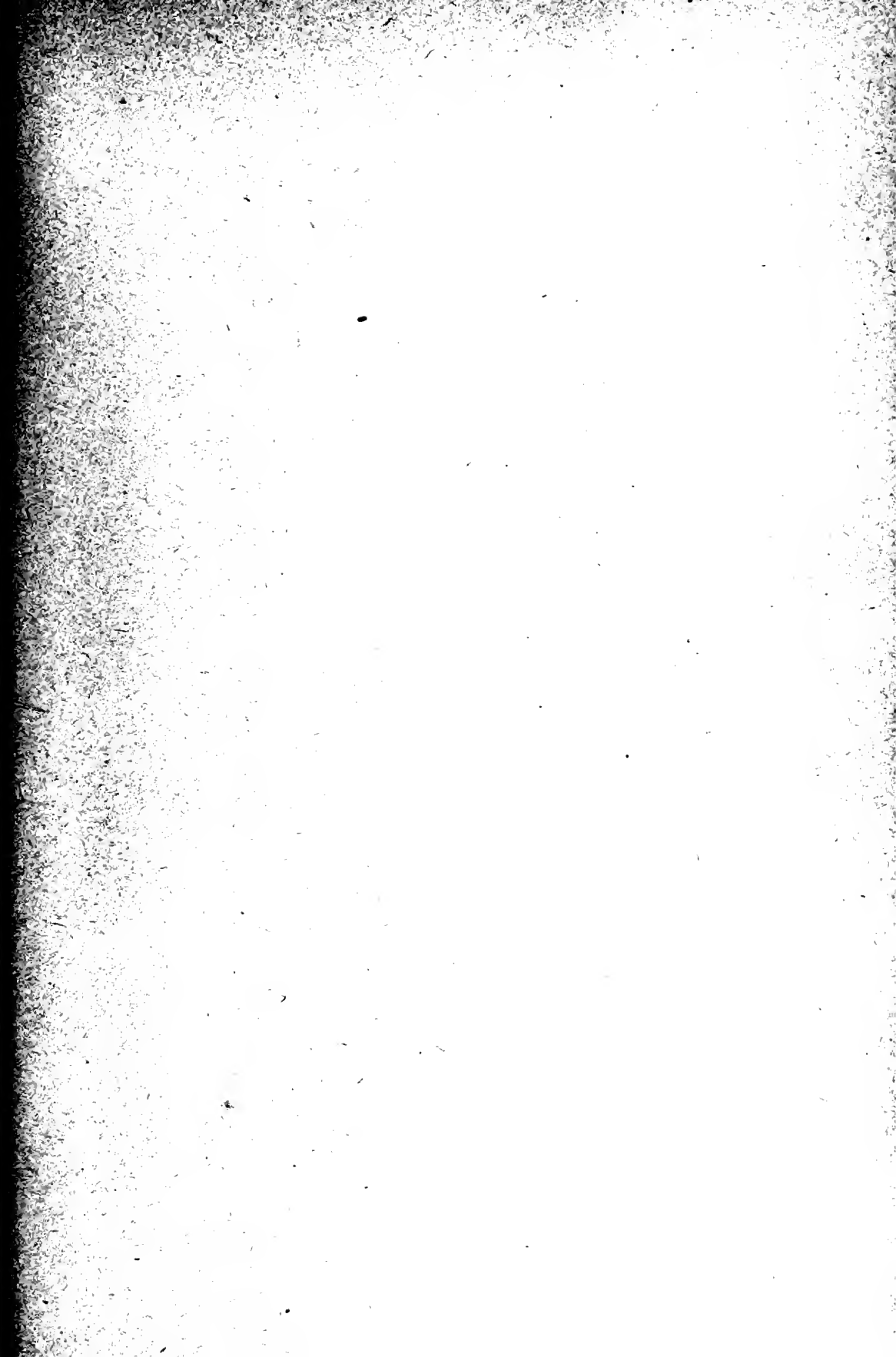
5. Upon the execution and delivery of said agreement and transfer all the properties, rights, assets and franchises of the Wahnapiatae Power Company, Limited, Upper Wahnapiatae River Improvement Company, Limited, and The Wahnapiatae Boom and Timber Slide Company, Limited, shall be vested in and be the property of the Commission, subject to the said indenture of mortgage and to the bonds secured thereby, and to all rights by such indenture of mortgage and bonds reserved but otherwise free from all liens, charges and encumbrances, save as in the said contract for sale and transfer.

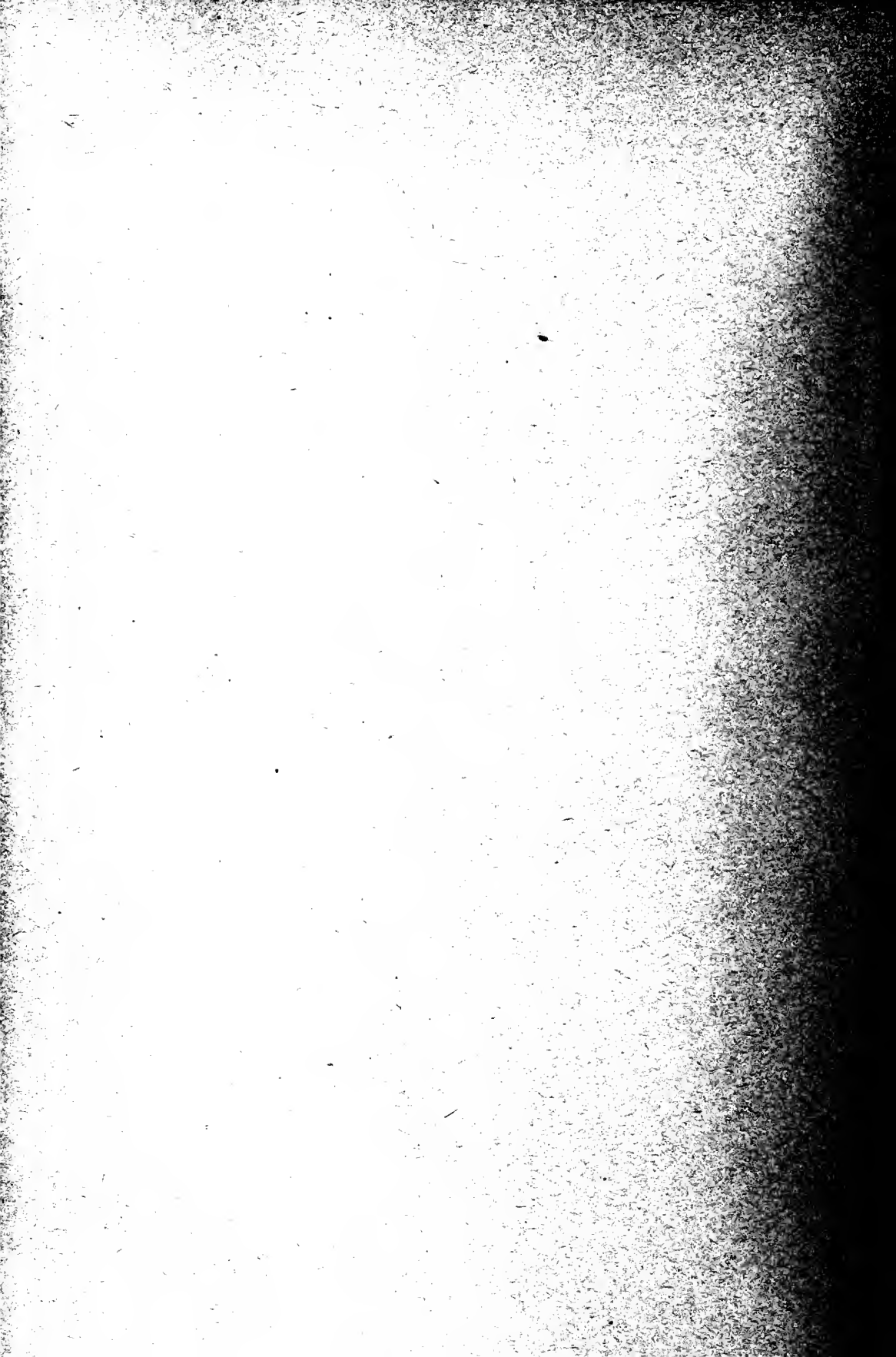
Commission shall have same power to operate.

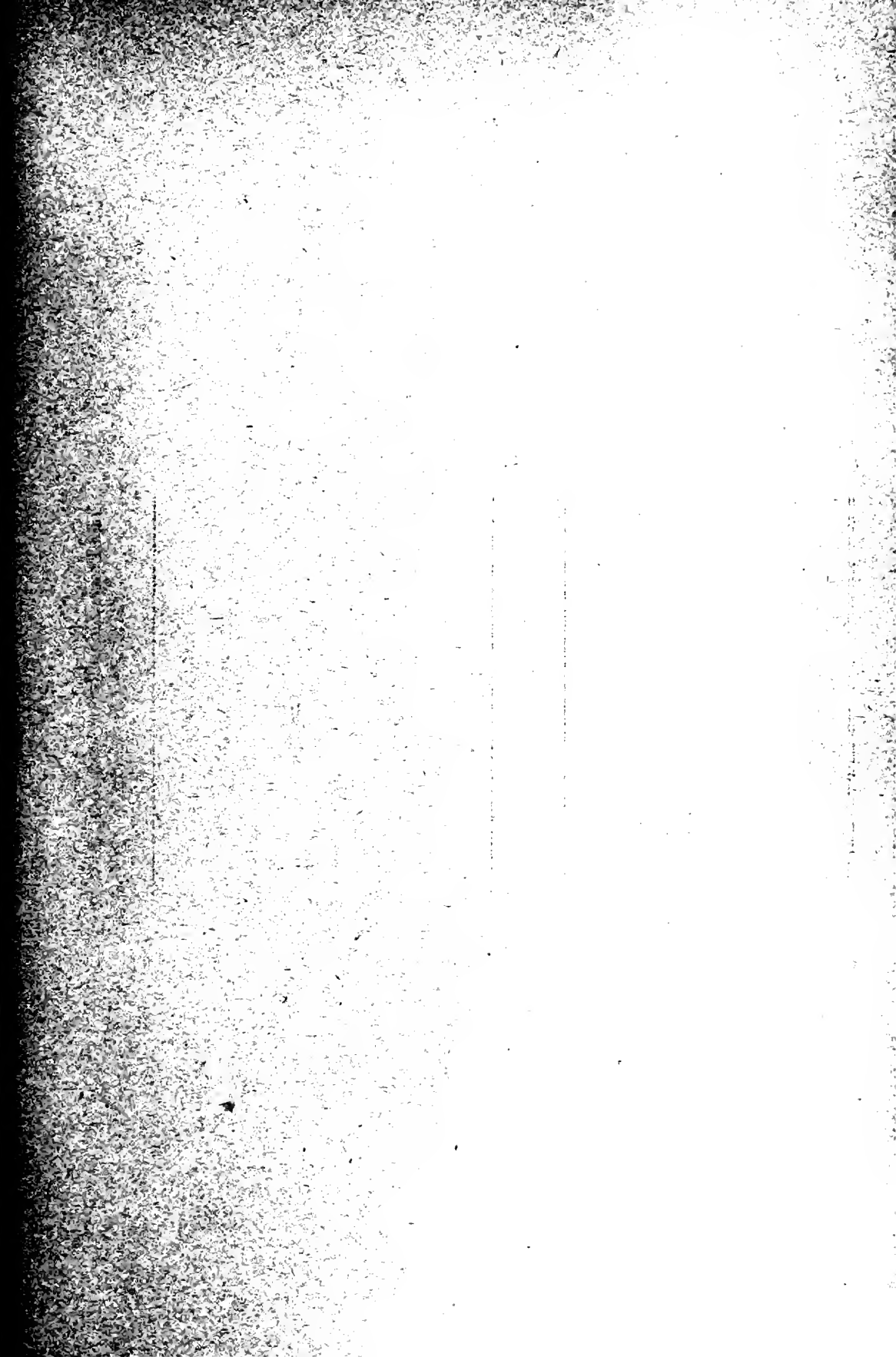
6. In addition to the powers, rights and privileges under *The Power Commission Act*, the Commission as from the respective date of transfer shall have and hold and may exercise, enforce and enjoy all the rights, powers and privileges in respect to the properties, assets, contracts, easements, leases, rights, privileges, licenses, franchises and undertakings transferred to and vested in the Commission and referred to in sections 3, 4 and 5 which the company owning or holding the said properties, assets, contracts, easements, leases, rights, privileges, licenses, franchises and undertakings had, held, exercised, enforced or enjoyed before such transfer to the said Commission.

Commencement of Act.

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







BILL.

The Power Commission and Companies
Transfer Act, 1930.

1st Reading

March 25th, 1930

2nd Reading

3rd Reading

MR. COOKE.

No. 161

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

BILL

The Power Commission and Companies Transfer Act, 1930.

MR. COOKE.

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

No. 161.

1930.

BILL

The Power Commission and Companies Transfer Act, 1930.

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

Short title. **1.** This Act may be cited as *The Power Commission and Companies Transfer Act, 1930.*

Agreement and Indenture between M. J. O'Brien Limited, and Commission confirmed. **2.** The agreement dated the 31st day of May, 1929, and the indenture dated the 29th day of June, 1929, between M. J. O'Brien, Limited, and The Hydro-Electric Power Commission of Ontario, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Property conveyed by M. J. O'Brien Limited, to Commission vested in Commission. **3.** All and every part of the properties, assets, contracts, easements, leases, rights, privileges, licenses, franchises and undertakings agreed to be sold to the said Commission by the said agreement dated 31st day of May, 1929, or conveyed or purported to be conveyed to the said Commission by the said indenture dated the 29th day of June, 1929, shall be and shall be deemed to have been from the said 29th day of June, 1929, vested in the property of the said Commission, free from all liens, charges and encumbrances save as provided in the said indenture dated the 29th day of June, 1929.

Commission authorized to contract with Wahnapiatae Company for transfer of assets. **4.** The Commission is authorized and empowered to make with Wahnapiatae Power Company, Limited, a contract for the sale and transfer to the Commission of all the properties, rights, assets, franchises and undertakings of the said Wahnapiatae Company and of its subsidiary companies—Upper Wahnapiatae River Improvement Company, Limited, and The Wahnapiatae Boom and Timber Slide Company, Limited, and every such sale and transfer shall be legal, valid and binding upon the parties thereto and upon *cestuis que trustent* under the indenture of mortgage dated the 1st day of November, 1924, given by The Wahnapiatae Power Company,

Limited, to Montreal Trust Company, to secure an issue of bonds of the said Wahnapiatae Company, and shall not constitute a breach of any covenant contained in such indenture of mortgage, nor cancel, annul or affect in any manner any contract entered into, or any franchise or right held by the said Wahnapiatae Company prior to such sale and transfer, but such sale and transfer shall be subject to the said indenture of mortgage and to the bonds secured thereby, and to all rights by such indenture of mortgage and bonds reserved.

5. Upon the execution and delivery of said agreement and transfer all the properties, rights, assets and franchises of the Wahnapiatae Power Company, Limited, Upper Wahnapiatae River Improvement Company, Limited, and The Wahnapiatae Boom and Timber Slide Company, Limited, shall be vested in and be the property of the Commission, subject to the said indenture of mortgage and to the bonds secured thereby, and to all rights by such indenture of mortgage and bonds reserved but otherwise free from all liens, charges and encumbrances, save as in the said contract for sale and transfer.

6. In addition to the powers, rights and privileges under *The Power Commission Act*, the Commission as from the respective date of transfer shall have and hold and may exercise, enforce and enjoy all the rights, powers and privileges in respect to the properties, assets, contracts, easements, leases, rights, privileges, licenses, franchises and undertakings transferred to and vested in the Commission and referred to in sections 3, 4 and 5 which the company owning or holding the said properties, assets, contracts, easements, leases, rights, privileges, licenses, franchises and undertakings had, held, exercised, enforced or enjoyed before such transfer to the said Commission.

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

BILL.

The Power Commission and Companies
Transfer Act, 1930.

1st Reading

March 25th, 1930

2nd Reading

March 26th, 1930

3rd Reading

March 28th, 1930

MR. COOKE.

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

BILL

An Act to authorize the Purchase of Certain Shares and Properties by
The Hydro-Electric Power Commission of Ontario.

MR. FERGUSON.

No. 162.

1930.

BILL

An Act to authorize the Purchase of Certain Shares and Properties by The Hydro-Electric Power Commission of Ontario.

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

Rev. Stat.,
c. 57, s. 20,
subs. 1
amended.

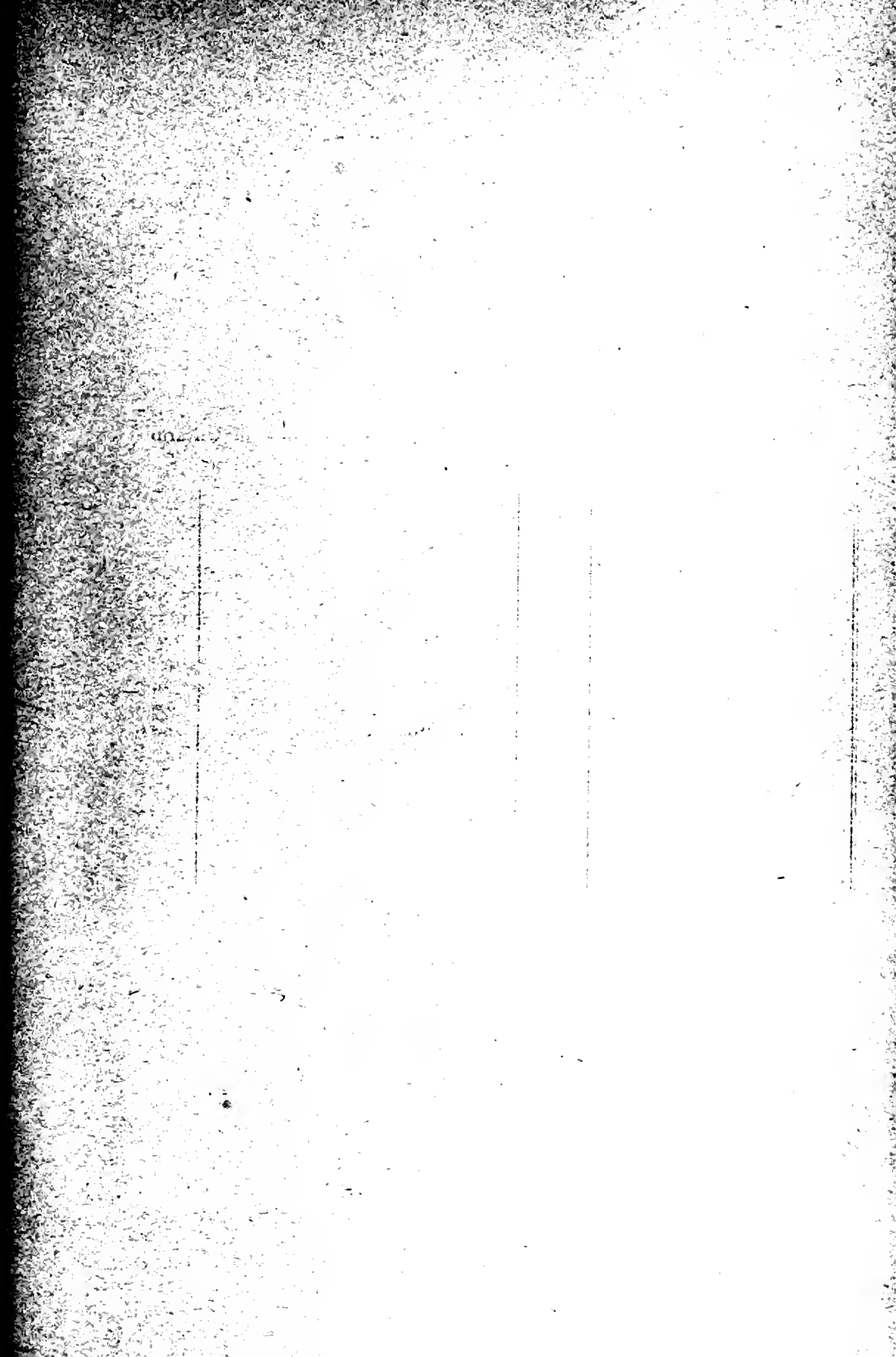
1. Subsection 1 of section 20 of *The Power Commission Act* is amended by inserting after clause *a* the following clause:

To acquire
Dominion
Power and
Transmission
Company
Limited.

(*aa*) acquire by purchase the whole or any part of the property, assets and undertaking, of Dominion Power and Transmission Company Limited, including shares held or owned by said company in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to maintain and operate any property or properties so acquired.

Commence-
ment of Act.

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



BILL.

An Act to authorize the Purchase of Certain Shares and Properties by the Hydro-Electric Power Commission of Ontario.

1st Reading

March 26th, 1930

2nd Reading

3rd Reading

MR. FERGUSON.

No. 163

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

BILL

The Municipal Amendment Act, 1930.

MR. FINLAYSON.

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

No. 163.

1930.

BILL

The Municipal Amendment Act. 1930.

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 councils of the municipalities concerned amend or vary such order but not so as to impose more onerous terms and conditions upon the annexed territory than those contained in such order.”

Rev. Stat.,
c. 233, s. 51,
subs. 1,
repealed.

2.—(1) Subsection 2 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
section.

(2) Subsection 1 shall come into force on January 1st, 1932.

Rev. Stat.,
c. 233, s. 53,
subs. 1, cl. o,
amended.

3. 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.”

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

4. 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. 70,
subs. 4a
(1929, c. 58,
s. 1),
amended.

5. 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 towns."

6. Section 75 of *The Municipal Act* is amended by inserting after the word "on" in the sixth line thereof the following words, "the Friday preceding."

Rev. Stat.,
c. 233,
amended.

7. *The Municipal Act* is amended by adding thereto the following section:

Polling
places.

- 83a. In cities having a population of not less than 100,000 where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by councils of such cities for providing a polling place for such polling subdivision in an adjoining pooling subdivision.

Rev. Stat.,
c. 233, s. 271,
amended.

8. Section 271 of *The Municipal Act* is amended by adding thereto the following subsection:

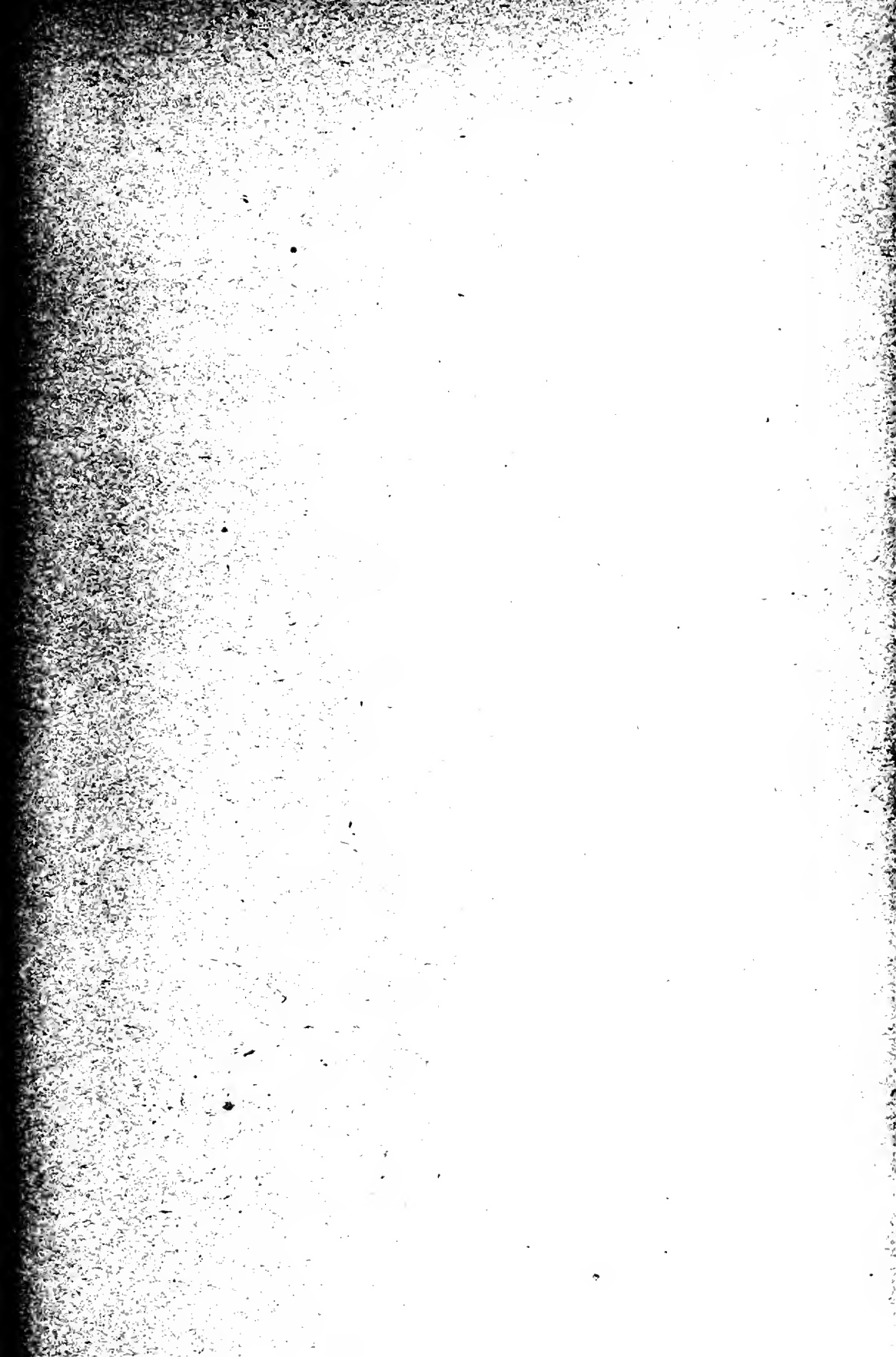
- (9) Where more money by-laws than one are submitted at the same time, all, or any number of such by-laws may be included in one notice of submission required by subsections 6 and 7.

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

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

- (1a) Where a corporation gives a premium note for fire 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.

10. Subsection 3 of section 304 of *The Municipal Act* is amended by striking out the words "and except in the case provided for by section 300, the burden on the ratepayers is not increased by the amending by-law" in the fifth, sixth and seventh lines thereof.



Rev. Stat.,
c. 233, s. 306,
amended.

11.—(1) Section 306 of *The Municipal Act* is amended by striking out the words “assess and levy on the whole rateable property within the municipality,” in the second and third lines and inserting in lieu thereof the words “levy on the whole rateable property according to the last revised assessment roll.”

Rates
for 1930.

(2) Any rates heretofore levied by the council of any municipality in the year 1930 shall be deemed to have been levied under the provisions of section 306 as amended by subsection 1.

Rev. Stat.,
c. 233, s. 354,
amended.

12. Section 354 *The Municipal Act* is amended by inserting after the word “county” in the fourth line the words “or district.”

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

13. Paragraph 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.”

Rev. Stat.,
c. 233, s. 398,
par. 2,
amended,

14. Paragraph 2 of section 398 of *The Municipal Act* is amended by adding thereto the following clauses:

Formal
order of
Board.

(d) The approval of the Municipal Board to any such by-law shall be given by a formal order of the Board, and until such formal order has been made the approval of the Board shall not be deemed to have been given to any such by-law.

Determining
owners to
be notified. }

(e) The Municipal Board shall have power and authority to determine who are the owners affected by any such by-law to whom notice of the application to the Board required by clause c shall be given and the order of the Board determining the owners to whom such notice shall be given shall be final and conclusive and not subject to appeal.

Rev. Stat.,
c. 233, s. 399,
par. 43,
amended.

15. 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. 400,
amended. **16.** 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 on such street, and for providing that in the event of any such owner refusing to keep same in repair or neglecting to put same in repair within one month after notice from the corporation 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.

Rev. Stat.,
c. 233, s. 408,
par. 1,
amended. **17.** Paragraph 1 of section 408 of *The Municipal Act* is amended by inserting the words "owners and" after the word "daymen," in the second line thereof.

Rev. Stat.,
c. 233, s. 411,
par. 2,
amended. **18.**—(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.

(3) Clause *b* of paragraph 4 of section 411 of *The Municipal Act* is amended by striking out the word "building" in the second and third lines thereof and inserting in lieu thereof the words "building, land or premises."

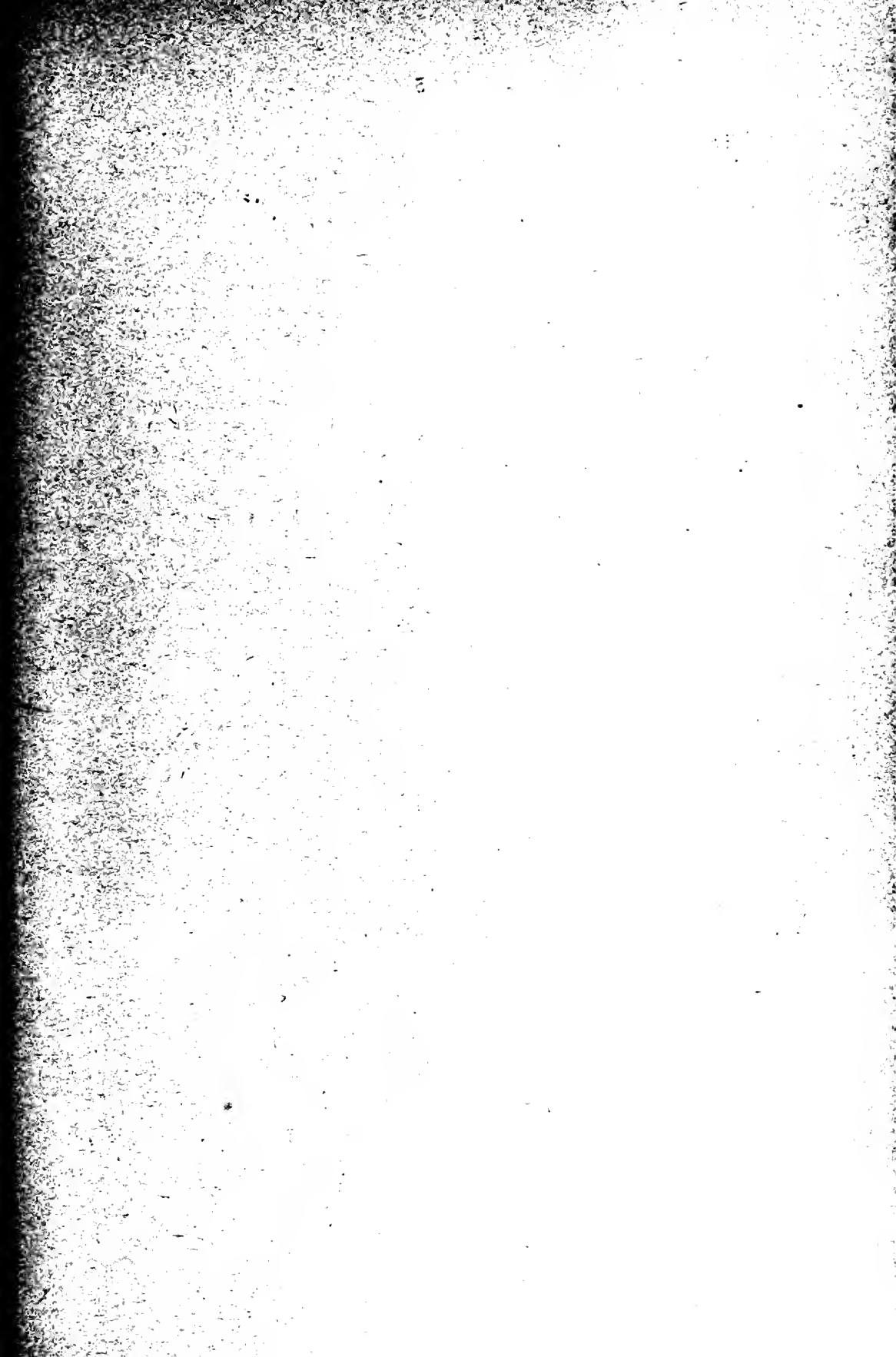
Rev. Stat.,
c. 233, s. 419,
par. 1,
repealed. **19.** The first five lines of paragraph 1 of section 419 of *The Municipal Act* are repealed and the following substituted therefor:

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.

Rev. Stat.,
c. 233, s. 422,
par. 4,
amended. **20.** 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 grocers 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 and groceries to any person other than to a retail dealer."

Licensing
butchers,
bakers, etc.



Rev. Stat.,
c. 233, s. 424,
amended.

21. 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.

Rev. Stat.,
c. 233, s. 429,
par. 6, cl. b
(1929, c. 58,
s. 12),
repealed.

22. 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.

Rev. Stat.,
c. 233, s. 431,
par. 1,
amended.

23. 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. 435,
amended.

24. 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.

Commence-
ment of
Act.

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

BILL.

The Municipal Amendment Act, 1930.

1st Reading

March 27th, 1930

2nd Reading

3rd Reading

MR. FINLAYSON.

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

BILL

The Municipal Amendment Act, 1930.

MR. FINLAYSON.

No. 163.

1930.

BILL

The Municipal Amendment Act. 1930.

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 councils of the municipalities concerned amend or vary such order but not so as to impose more onerous terms and conditions upon the annexed territory than those contained in such order.”

Rev. Stat.,
c. 233, s. 51,
subs. 1,
repealed.

2.—(1) Subsection 1 of section 51 of *The Municipal Act* is repealed and the following substituted therefor:

Deputy
reeves in
towns, vil-
lages and
townships.

(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
section.

(2) Subsection 1 shall come into force on January 1st, 1932.

Rev. Stat.,
c. 233, s. 53,
subs. 1, cl. o,
amended.

3. 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.”

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

4. 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:

- (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. In cities, towns, townships and villages.
5. 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 towns." Rev. Stat., c. 233, s. 70, subs. 4a (1929, c. 58, s. 1), amended.
6. Section 75 of *The Municipal Act* is amended by inserting after the word "on" in the sixth line thereof the following words, "the Friday preceding." Rev. Stat., c. 233, s. 75, amended.
7. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 233, amended.
- 83a. In cities having a population of not less than 100,000 where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by councils of such cities for providing a polling place for such polling subdivision in an adjoining polling subdivision. Polling places.
8. Section 271 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 271, amended.
- (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. Subdivision of by-laws.
9. Section 297 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 297, amended.
- (1a) Where a corporation gives a premium note for fire 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. Premium note.
10. Subsection 3 of section 304 of *The Municipal Act* is amended by striking out the words "and except in the case provided for by section 300, the burden on the ratepayers is not increased by the amending by-law" in the fifth, sixth and seventh lines thereof. Rev. Stat., c. 233, s. 304, subs. 3, amended.

Rev. Stat.,
c. 233, s. 306,
amended. **11.**—(1) Section 306 of *The Municipal Act* is amended by striking out the words “assess and levy on the whole rateable property within the municipality,” in the second and third lines and inserting in lieu thereof the words “levy on the whole rateable property according to the last revised assessment roll.”

Rates
for 1930. (2) Any rates heretofore levied by the council of any municipality in the year 1930 shall be deemed to have been levied under the provisions of section 306 as amended by subsection 1.

Rev. Stat.,
c. 233, s. 354,
amended. **12.** Section 354 of *The Municipal Act* is amended by inserting after the word “county” in the fourth line the words “or district.”

Rev. Stat.,
c. 233, s. 396,
par. 31
(1929, c. 58,
s. 5),
amended. **13.** Paragraph 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.”

Rev. Stat.,
c. 233, s. 398,
par. 2,
amended. **14.** Paragraph 2 of section 398 of *The Municipal Act* is amended by adding thereto the following clauses:

Formal
order of
Board.

(d) The approval of the Municipal Board to any such by-law shall be given by a formal order of the Board, and until such formal order has been made the approval of the Board shall not be deemed to have been given to any such by-law.

Determining
owners to
be notified.

(e) The Municipal Board shall have power and authority to determine who are the owners affected by any such by-law to whom notice of the application to the Board required by clause c shall be given and the order of the Board determining the owners to whom such notice shall be given shall be final and conclusive and not subject to appeal.

Rev. Stat.,
c. 233, s. 399,
par. 43,
amended. **15.** 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.

16. Section 400 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat.,
c. 233, s. 400,
amended.

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 on such street, and for providing that in the event of any such owner refusing to keep same in repair or neglecting to put same in repair within one month after notice from the corporation 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. Owner to
keep certain
land in
repair.

17. Paragraph 1 of section 408 of *The Municipal Act* is amended by inserting the words "owners and" after the word "draymen," in the second line thereof. Rev. Stat.,
c. 233, s. 408,
par. 1,
amended.

18.—(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. 2,
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. Rev. Stat.,
c. 233, s. 411,
par. 3,
amended.

(3) Clause *b* of paragraph 4 of section 411 of *The Municipal Act* is amended by striking out the word "building" in the second and third lines thereof and inserting in lieu thereof the words "building, land or premises." Rev. Stat.,
c. 233, s. 411,
par. 4, cl. b,
amended.

19. The first five lines of paragraph 1 of section 419 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 233, s. 419,
par. 1,
repealed.

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. Licensing,
regulating
junk shops,
etc.

20. 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 grocers 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 and groceries to any person other than to a retail dealer." Rev. Stat.,
c. 233, s. 422,
par. 4,
amended.

Licensing
butchers,
bakers, etc.

Rev. Stat.,
c. 233, s. 424,
amended.

21. 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:

Application
of by-law.

(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.

Rev. Stat.,
c. 233, s. 429,
par. 6, cl. b
(1929, c. 58,
s. 12),
repealed.

22. 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:

Stock of
insolvent.

(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.

Rev. Stat.,
c. 233, s. 431,
par. 1,
amended.

23. 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. 435,
amended.

24. 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.

Commence-
ment of
Act.

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

NO. 103.
BILL.

The Municipal Amendment Act, 1930.

1st Reading

March 27th, 1930

2nd Reading

March 28th, 1930

3rd Reading

March 28th, 1930

MR. FINLAYSON.

No. 164

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

BILL

The Assessment Amendment Act, 1930.

MR. FINLAYSON.

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

No. 164.

1930.

BILL

The Assessment Amendment Act, 1930.

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.—(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.

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.

(3) This section shall not apply to taxes levied in 1930 on an assessment made in 1929.

Rev. Stat.,
c. 238, s. 14,
subs. 3,
amended,

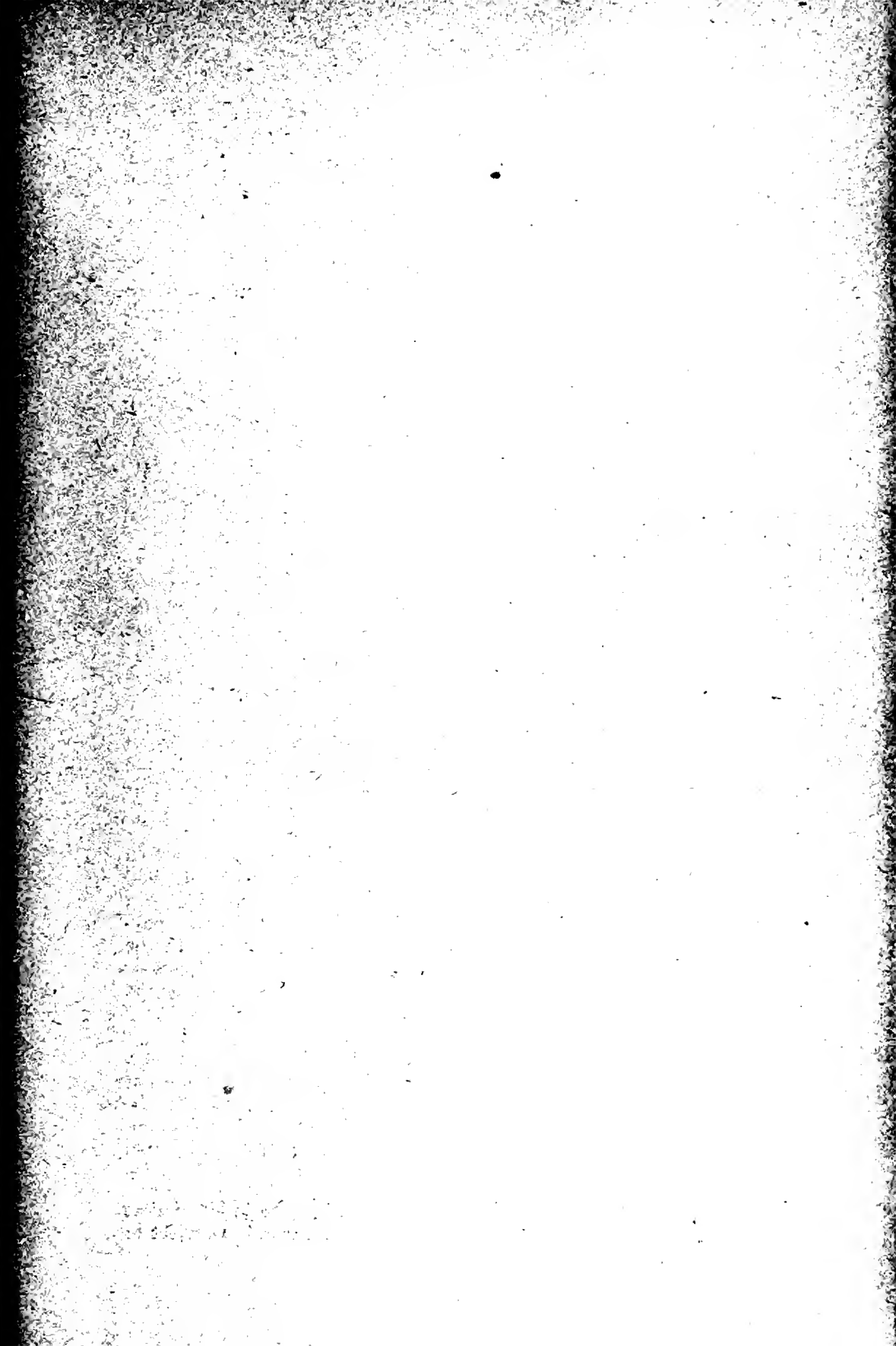
2.—(1) Subsection 3 of section 14 of *The Assessment Act* is amended by inserting after the word "company" in the sixth line thereof the following words, "and the poles, structures or conduits used in connection therewith."

Rev. Stat.,
c. 238, s. 14,
subs. 4
and 5,
repealed.

(2) Subsections 4 and 5 of section 14 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of circuits
of local
telephone
systems.

(4) Where a telephone company does not operate generally throughout Ontario and is not authorized by Statute to carry on business throughout Ontario, the circuits placed or strung on poles or other structures or conduits used in connection therewith



within any township shall be assessed at their actual value, but not exceeding in the whole the rates per mile prescribed by this section except that where the first circuit placed or strung on any poles or other structures of the company and included in the computation of the assessor consists of iron wire such value shall not exceed \$50 per mile.

Compu-
tation of
length of
circuits.

- (5) In the computation of the length of such telephone circuits in a township the circuits placed or strung within a police village and every circuit placed or strung on poles or other structures or in conduits which does not exceed twenty-five miles in length and which is not used as a connecting circuit between two or more central exchange switchboards, shall not be included.

Rev. Stat.,
c. 233, s. 12,
(1929, c. 63,
s. 2),
repealed.

3.—(1) Section 12 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act, 1929*, is repealed and the following substituted therefor:

Exemption
of income
payable
to non-
residents.

12. Where a person resident outside of Ontario invests money in Ontario or through an agent or trustee resident in Ontario, or creates a trust or agency fund in Ontario, or dies leaving an estate in Ontario, and income from such money, fund or estate is payable to any person resident out of Ontario, the income so payable shall not be assessed, and where such income is not distributable annually but accumulated by an executor, administrator, trustee or agent for the benefit of a person not resident in Ontario, the income so accumulated shall not be assessed.

Assessment
of income
from estates
or trust
funds.

- 13.—(1) Where a person resident in Ontario creates a trust or agency fund or dies leaving an estate, and income from such fund or estate is payable to a person resident outside of Ontario, the income payable to such non-resident shall be assessed in the hands of the executors, administrators, trustees or agents of such estate or fund, who may pay the amount of taxes out of the income in their hands.

Where
income not
distributed
annually.

- (2) Subject to section 12 income received by an executor, administrator, trustee or agent, which income is not distributable annually but is accumulated, shall be liable to assessment from year to year, but shall not be liable to be again assessed when the accumulated fund is distributed.

Income
received by a
deceased
person prior
to his death.

- (3) Income received by a deceased person in his lifetime shall be liable to assessment and taxation subject to

the exemptions to which the deceased person, if living, would have been entitled, and the executor, administrator or trustee of his estate shall be assessed in respect to such income, but only in his representative capacity and any income assessed under this subsection shall not be again assessed when the same has been distributed and received by the beneficiaries of the estate of the deceased person.

When executor, etc., personally liable.

- (4) Any executor, administrator, trustee or agent failing to pay the income tax levied upon any assessment made under this section out of the fund or estate shall be personally liable therefor.

Municipality entitled to assess.

- (5) The municipality entitled to assess shall be the municipality in which the testator resided at the time of his death, or in which the settlor or principal resided at the date of the creation of the trust or agency fund, or, if the testator, settlor or principal did not reside in Ontario, at such time or date, the municipality where the trustee or agent resides, or if there be more than one, where the chief business of the trust or agency fund is carried on.

Place of assessment.

- (6) Where the person in receipt of income assessable under this section resides or carries on business within the municipality entitled to assess, the assessment shall be made either at his place of business or residence; and where such person does not reside or carry on business in the municipality entitled to assess, the assessment shall be made at the office of the clerk of such municipality.

Rev. Stat., c. 238, s. 21, amended.

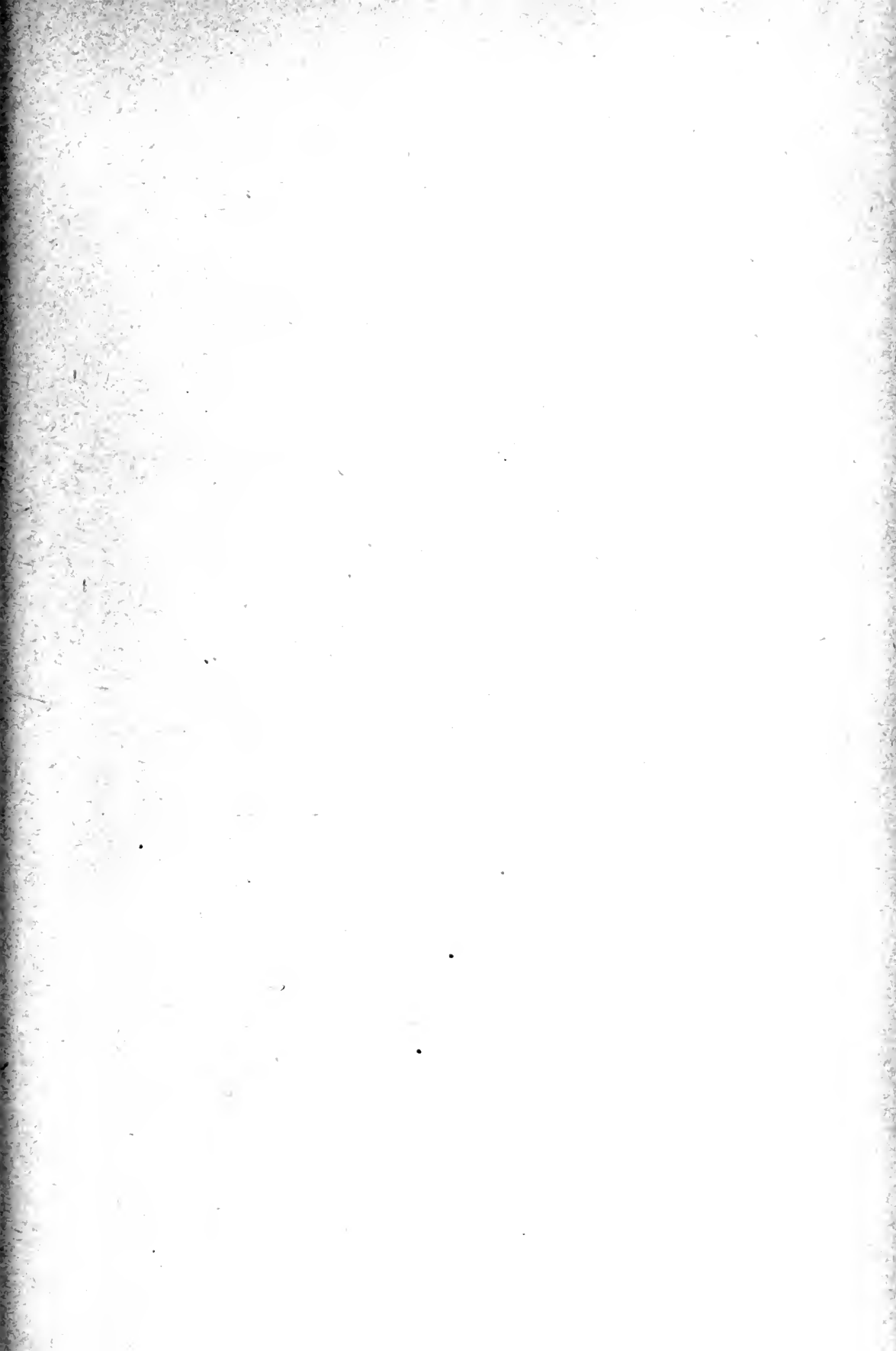
- (2) Section 21 of *The Assessment Act* is amended by adding thereto the following subsection:

Return by executor, etc., as to income of testator.

- (2) Every executor, administrator or trustee of the estate of a person who died during the year ending on December 31st then last past or before the assessment roll is returned in the then current year without having completed and filed a return as provided in section 18 shall, when requested so to do by the assessor or assessment commissioner complete and file with the assessor of the municipality wherein such person was resident at the time of his death such a return, stating the income received by such deceased person during the year ending on December 31st then last past.

Rev. Stat., c. 238, s. 57, subs. 2, amended.

- (3) Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "year in which an assess-



ment has been made and taxes levied on this assessment in the same year or, if at any time during the year in which an assessment has been adopted under the provisions of sections 59 or 60," in the first to fifth lines, and inserting in lieu thereof the words "year in which the taxes are levied."

Rev. Stat.,
c. 238, s. 59,
subs. 1,
amended.

(4) Subsection 1 of section 59 of *The Assessment Act* is amended by striking out the words "and concluded may be adopted by the council of the following year as," in the thirteenth and fourteenth lines, and inserting in lieu thereof the words "shall be."

Rev. Stat.,
c. 238, s. 59,
subs. 2,
amended.

(5) Subsection 2 of section 59 of *The Assessment Act* is amended by striking out all the words after the word "December," in the third line and inserting in lieu thereof the words "the assessment when finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied."

Rev. Stat.,
c. 238, s. 60,
subs. 5, 6,
repealed.

(6) Subsections 5 and 6 of section 60 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
so made shall
be assess-
ment for
following
year.

(5) The assessment so made whether or not it is completed by the 20th day of October, shall, upon its final revision be the assessment upon which the taxes for the following year shall be levied.

Rev. Stat.,
c. 238, s. 98,
subs. 3,
repealed.

(7) Subsection 3 of section 98 of *The Assessment Act* is repealed and the following substituted therefor:

Liability for
taxes on in-
come and
business in
case of death
or change of
residence.

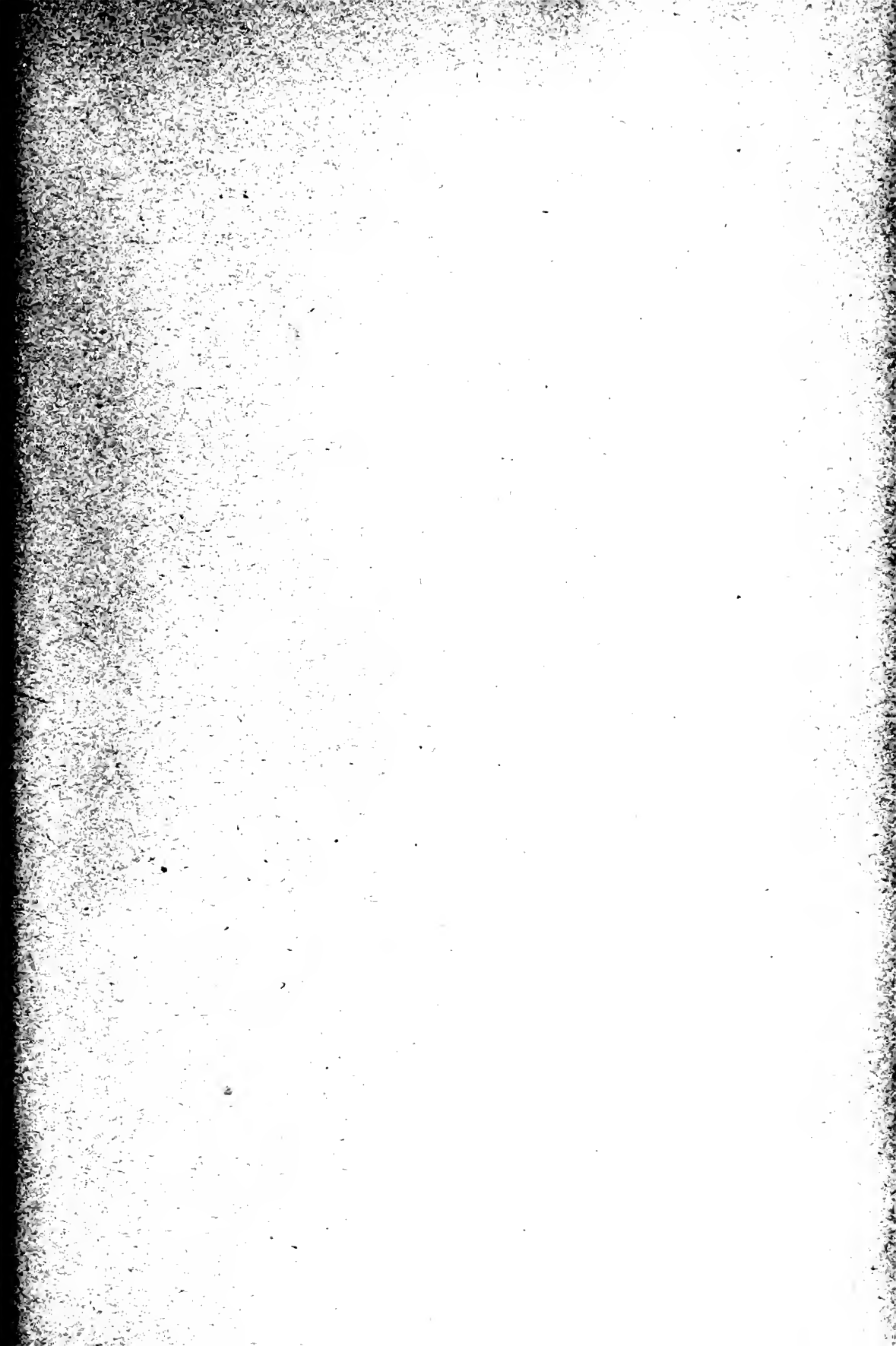
(3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 121 every person assessed in respect of business or income upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised.

Rev. Stat.,
c. 238, s. 121,
subs. 2,
amended.

(8) Subsection 2 of section 121 of *The Assessment Act* is amended by striking out the words "and adopted by the council of the following year as the assessment for such following year," in the second, third and fourth lines, and inserting in lieu thereof the words "for the following year."

Commence-
ment of
Act.

(9) This section shall be read and construed as having effect on and from the 1st day of January, 1930, except as to any action or litigation now pending.



Rev. Stat.,
c. 238, s. 143,
subs. 1
(1929, c. 63,
s. 8),
amended.

4. 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.

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

The first part of the document
 discusses the general principles
 of the proposed system.
 It is intended to provide a
 clear and concise overview
 of the key concepts and
 objectives of the project.
 The second part of the document
 details the specific components
 and architecture of the system.
 This section includes a thorough
 analysis of the various modules
 and their interactions, as well
 as a discussion of the
 implementation challenges and
 solutions.

BILL.

**The Assessment Amendment
Act, 1930.**

1st Reading

March 27th, 1930

2nd Reading

3rd Reading

MR. FINLAYSON.

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

BILL

The Assessment Amendment Act, 1930.

MR. FINLAYSON.

No. 164.

1930.

BILL

The Assessment Amendment Act, 1930.

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.—(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.

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.

(3) This section shall not apply to taxes levied in 1930 on an assessment made in 1929.

Rev. Stat.,
c. 238, s. 14,
subs. 3,
amended.

2.—(1) Subsection 3 of section 14 of *The Assessment Act* is amended by inserting after the word "company" in the sixth line thereof the following words, "and the poles, structures or conduits used in connection therewith."

Rev. Stat.,
c. 238, s. 14,
subs. 4
and 5,
repealed.

(2) Subsections 4 and 5 of section 14 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of circuits
of local
telephone
systems.

(4) Where a telephone company does not operate generally throughout Ontario and is not authorized by Statute to carry on business throughout Ontario, the circuits placed or strung on poles or other structures or conduits operated or used by the company,

and the poles, structures or conduits used in connection therewith within any township shall be assessed at their actual value, but not exceeding in the whole the rates per mile prescribed by this section except that where the first circuit placed or strung on any poles or other structures of the company and included in the computation of the assessor consists of iron wire such value shall not exceed \$50 per mile.

- (5) In the computation of the length of such telephone circuits in a township the circuits placed or strung within a police village and every circuit placed or strung on poles or other structures or in conduits, and the poles, structures or conduits used in connection therewith which does not exceed twenty-five miles in length and which is not used as a connecting circuit between two or more central exchange switchboards, shall not be included.

Compu-
tation of
length of
circuits.

3.—(1) Section 12 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act, 1929*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 233, s. 12,
(1929, c. 63,
s. 2),
repealed.

12. Where a person resident outside of Ontario invests money in Ontario or through an agent or trustee resident in Ontario, or creates a trust or agency fund in Ontario, or dies leaving an estate in Ontario, and income from such money, fund or estate is payable to any person resident out of Ontario, the income so payable shall not be assessed, and where such income is not distributable annually but accumulated by an executor, administrator, trustee or agent for the benefit of a person not resident in Ontario, the income so accumulated shall not be assessed.

Exemption
of income
payable
to non-
residents.

- 13.—(1) Where a person resident in Ontario creates a trust or agency fund or dies leaving an estate, and income from such fund or estate is payable to a person resident outside of Ontario, the income payable to such non-resident shall be assessed in the hands of the executors, administrators, trustees or agents of such estate or fund, who may pay the amount of taxes out of the income in their hands.

Assessment
of income
from estates
or trust
funds.

- (2) Subject to section 12 income received by an executor, administrator, trustee or agent, which income is not distributable annually but is accumulated, shall be liable to assessment from year to year, but shall not be liable to be again assessed when the accumulated fund is distributed.

Where
income not
distributed
annually.

- (3) Income received by a deceased person in his lifetime shall be liable to assessment and taxation subject to

Income
received by a
deceased
person prior
to his death.

the exemptions to which the deceased person, if living, would have been entitled, and the executor, administrator or trustee of his estate shall be assessed in respect to such income, but only in his representative capacity and any income assessed under this subsection shall not be again assessed when the same has been distributed and received by the beneficiaries of the estate of the deceased person.

When executor, etc., personally liable.

- (4) Any executor, administrator, trustee or agent failing to pay the income tax levied upon any assessment made under this section out of the fund or estate shall be personally liable therefor.

Municipality entitled to assess.

- (5) The municipality entitled to assess shall be the municipality in which the testator resided at the time of his death, or in which the settlor or principal resided at the date of the creation of the trust or agency fund, or, if the testator, settlor or principal did not reside in Ontario, at such time or date, the municipality where the trustee or agent resides, or if there be more than one, where the chief business of the trust or agency fund is carried on.

Place of assessment.

- (6) Where the person in receipt of income assessable under this section resides or carries on business within the municipality entitled to assess, the assessment shall be made either at his place of business or residence; and where such person does not reside or carry on business in the municipality entitled to assess, the assessment shall be made at the office of the clerk of such municipality.

Rev. Stat., c. 238, s. 21, amended.

- (2) Section 21 of *The Assessment Act* is amended by adding thereto the following subsection:

Return by executor, etc., as to income of testator.

- (2) Every executor, administrator or trustee of the estate of a person who died during the year ending on December 31st then last past or before the assessment roll is returned in the then current year without having completed and filed a return as provided in section 18 shall, when requested so to do by the assessor or assessment commissioner complete and file with the assessor of the municipality wherein such person was resident at the time of his death such a return, stating the income received by such deceased person during the year ending on December 31st then last past.

Rev. Stat., c. 238, s. 57, subs. 2, amended.

- (3) Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "year in which an assess-

ment has been made and taxes levied on this assessment in the same year or, if at any time during the year in which an assessment has been adopted under the provisions of sections 59 or 60," in the first to fifth lines, and inserting in lieu thereof the words "year in which the taxes are levied."

(4) Subsection 1 of section 59 of *The Assessment Act* is amended by striking out the words "and concluded may be adopted by the council of the following year as," in the thirteenth and fourteenth lines, and inserting in lieu thereof the words "shall be." Rev. Stat., c. 238, s. 59, subs. 1, amended.

(5) Subsection 2 of section 59 of *The Assessment Act* is amended by striking out all the words after the word "December," in the third line and inserting in lieu thereof the words "the assessment when finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied." Rev. Stat., c. 238, s. 59, subs. 2, amended.

(6) Subsections 5 and 6 of section 60 of *The Assessment Act* are repealed and the following substituted therefor: Rev. Stat., c. 238, s. 60, subs. 5, 6, repealed.

(5) The assessment so made whether or not it is completed by the 20th day of October, shall, upon its final revision be the assessment upon which the taxes for the following year shall be levied. Assessment so made shall be assessment for following year.

(7) Subsection 3 of section 98 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 238, s. 98, subs. 3, repealed.

(3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 121 every person assessed in respect of business or income upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised. Liability for taxes on income and business in case of death or change of residence.

(8) Subsection 2 of section 121 of *The Assessment Act* is amended by striking out the words "and adopted by the council of the following year as the assessment for such following year," in the second, third and fourth lines, and inserting in lieu thereof the words "for the following year." Rev. Stat., c. 238, s. 121, subs. 2, amended.

(9) This section shall be read and construed as having effect on and from the 1st day of January, 1930, except as to any action or litigation now pending. Commencement of Act.

Rev. Stat.,
c. 238, s. 143,
subs. 1
(1929, c. 63,
s. 8),
amended.

4. 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.

Commence-
ment of Act.

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

BILL.

The Assessment Amendment
Act, 1930.

1st Reading

March 27th, 1930

2nd Reading

March 28th, 1930

3rd Reading

March 28th, 1930

MR. FINLAYSON.

No. 165

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

BILL

An Act to amend The Game and Fisheries Act.

MR. MCCREA.

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

No. 165.

1930.

BILL

An Act to amend The Game and Fisheries 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 Game and Fisheries Act, 1930.*

Rev. Stat.,
c. 318, s. 2,
cls. *i, j* and *o*,
amended. **2.**—(1) The clause lettered *i* of section 2 of *The Game and Fisheries Act* is amended by inserting the word “immediately” after the word “months” in the third line thereof.

(2) The clause lettered *j* of section 2 of the said Act is amended by striking out the word “warden” in the second line and inserting in lieu thereof the word “Superintendents.”

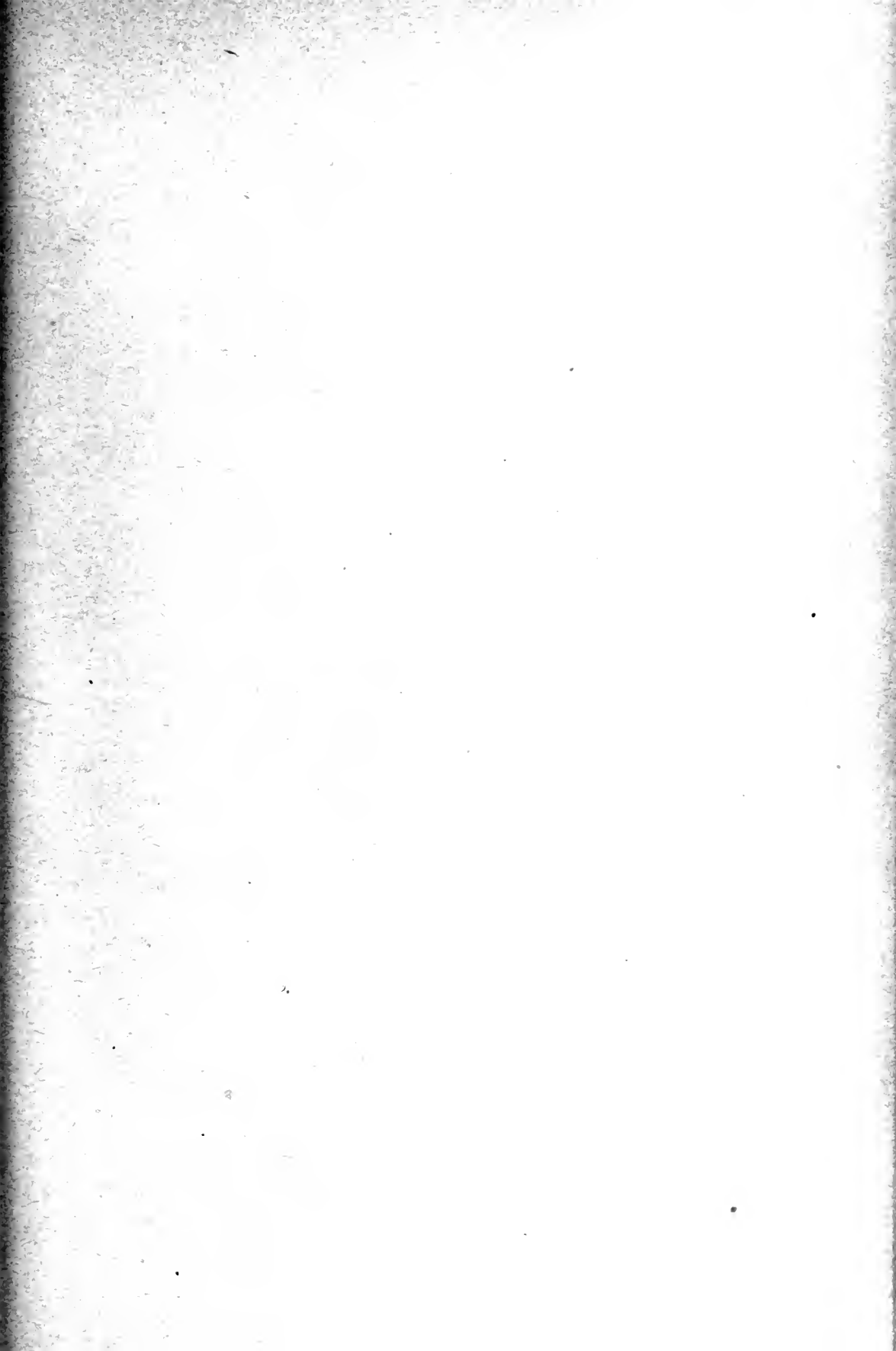
(3) The clause lettered *o* of section 2 of the said Act is amended by inserting the word “immediately” after the word “months” in the third line thereof.

Rev. Stat.,
c. 318, s. 2,
amended. **3.** Section 2 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

“Farmer.” (bb) “Farmer shall mean any person actually living upon and tilling his own lands or lands to the possession of which he is for the time being entitled.”

Rev. Stat.,
c. 318, s. 7,
cl. *cc*
(1929, s. 2,
subs. 2),
repealed. **4.** The clause lettered *cc* in section 7 of *The Game and Fisheries Act*, as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1929*, is repealed and the following substituted therefor:

(cc) Any deer or moose in that part of Ontario lying south of the French and Mattawa Rivers, except from the 5th day of November to the 20th day of November, both days inclusive, but it shall be unlawful to hunt, kill or destroy any deer or moose at any time in the counties of Bruce, Grey, Simcoe and York, and that part of Ontario lying to the south and west thereof, or in the counties of Leeds, Grenville, Dundas, Stormont, Glengarry and Carlton.



Rev. Stat.,
c. 318, s. 9,
subs. 3,
amended.

5. Subsection 3 of section 9 of *The Game and Fisheries Act* as amended by section 3 of *The Game and Fisheries Act, 1928*, is further amended by striking out the word "or" where it appears in the third line thereof, and inserting after the word "mink" in the third line, the words "or fox."

Rev. Stat.,
c. 318, s. 10,
subs. 2,
amended.

6. Subsection 2 of section 10 of *The Game and Fisheries Act* is amended by adding the words:

"In any territory where there is an open season for the taking of deer and moose in that part of Ontario lying south and east of the French and Mattawa Rivers, from the 5th day of November to the 20th day of November, both days inclusive and in that part of Ontario, lying to the north of the French and Mattawa Rivers from the 1st day of November to the 25th day of November, both days inclusive";

after the word "dog," where it appears in the eighth line thereof.

Rev. Stat.,
c. 318, s. 10,
amended.

7. Section 10 of *The Game and Fisheries Act* is further amended by adding thereto the following subsection:

(2a) The department may upon application by a resident of Ontario issue a permit authorizing the use of dogs for the hunting of foxes during the regular open season, in an area where deer are not usually found."

Rev. Stat.,
c. 318,
amended,

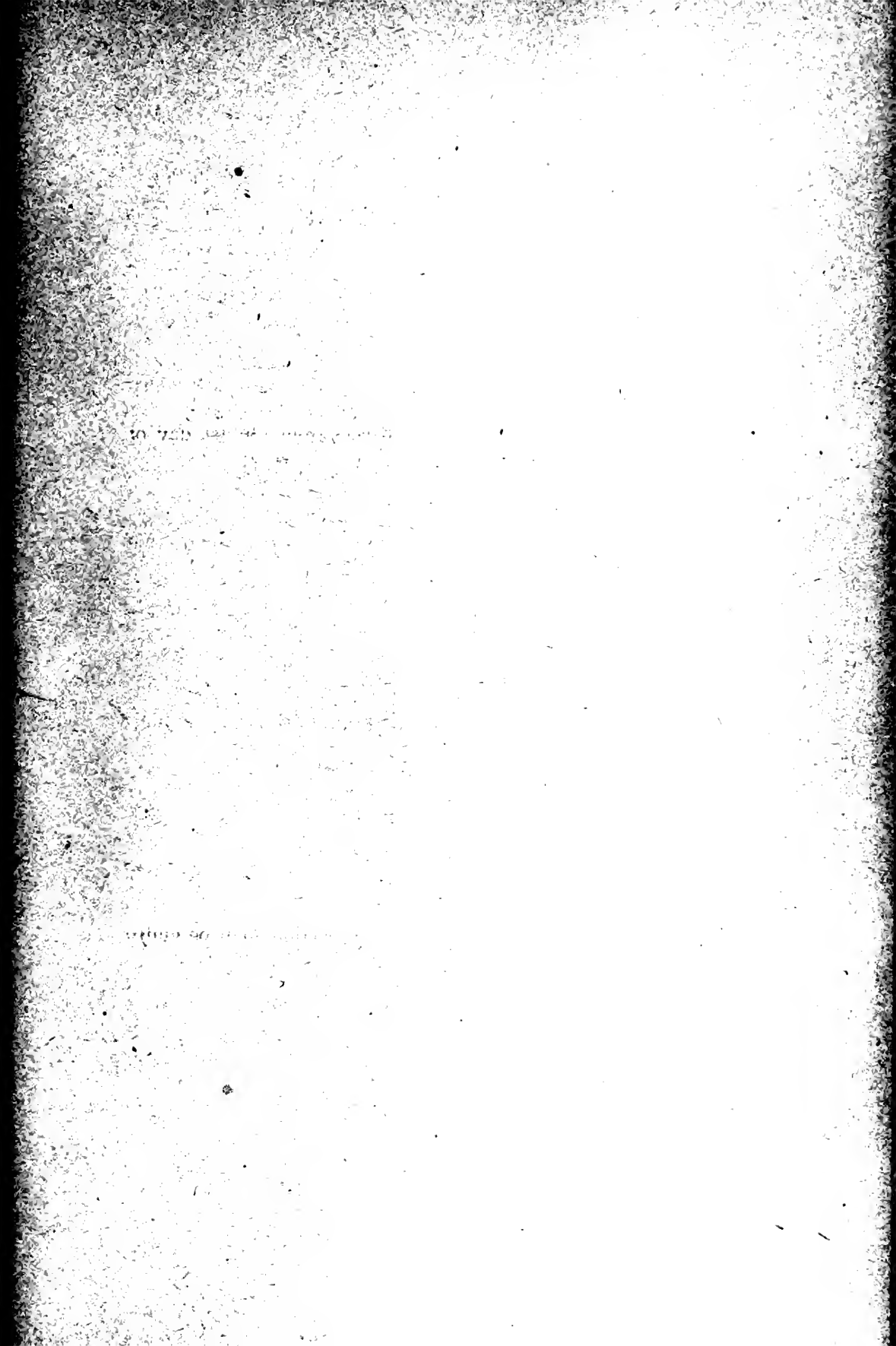
8. *The Game and Fisheries Act* is amended by adding thereto the following sections:

19b. It shall be unlawful for any issuer of licenses to issue and for any person to receive any license which has been ante-dated, and any person contravening the provision of this section shall be guilty of an offence against this Act.

19c. It shall be unlawful for any person other than a person authorized within the provision of this Act to issue any licenses or collect any fees in respect of the same, and any person so doing shall be guilty of an offence against this Act.

Rev. Stat.,
c. 318, s. 25
(1928, c. 52,
s. 8),
amended.

9. Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, is further amended by striking out the word "license" in the seventh line and inserting in lieu thereof the word "permit."



Rev. Stat.,
c. 318, s. 34,
subs. 2,
amended.

10.—(1) Subsection 2 of section 34 of *The Game and Fisheries Act* is amended by inserting the words “ordinary uncovered, flat-bottomed boats” after the words “rowboats” in the fourth line of the said section.

Rev. Stat.,
c. 318, s. 34,
subs. 4,
amended.

(2) Subsection 4 of the said section is amended by striking out the words “twenty-five” where they appear in the first line thereof, and substituting the word “fifteen” therefor, and by further striking out the words “two hundred” where they appear in the second line and substituting therefor the words “one hundred and fifty.”

Rev. Stat.,
c. 318, s. 34,
subs. 5,
amended.

(3) Subsection 5 of the said section is amended by striking out the word “birds” where the same appears in the eighth line, and substituting therefor the words “animals, birds or fowl.”

Rev. Stat.,
c. 318, s. 36,
subs. 2
(1929, c. 82,
s. 8),
amended.

11. Subsection 2 of section 36 of *The Game and Fisheries Act* as enacted by section 8 of *The Game and Fisheries Act, 1929*, is amended by the insertion of the words “Hastings, Peterborough” after the words “counties of” where they appear in the second line thereof.

Rev. Stat.,
c. 318, s. 58,
subs. 5,
amended.

12. Subsection 5 of section 58 of *The Game and Fisheries Act* is amended by striking out the word “warden” where it appears in the second line of the said section, and substituting therefor the word “superintendents.”

Commence-
ment of
Act.

13. This Act shall come into force on the 1st day of June, 1930.



BILL.

An Act to amend The Game and Fisheries Act.

1st Reading

March 27th, 1930

2nd Reading

3rd Reading

MR. MCCREA.

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

BILL

An Act to amend The Game and Fisheries Act.

MR. MCCREA.

No. 165.

1930.

BILL

An Act to amend The Game and Fisheries 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 Game and Fisheries Act, 1930.*

Rev. Stat.,
c. 318, s. 2,
cls. *i, j* and *o*,
amended.

2.—(1) The clause lettered *i* in section 2 of *The Game and Fisheries Act* is amended by inserting the word “immediately” after the word “months” in the third line thereof.

(2) The clause lettered *j* in section 2 of the said Act is amended by striking out the word “warden” in the second line and inserting in lieu thereof the word “superintendents.”

(3) The clause lettered *o* in section 2 of the said Act is amended by inserting the word “immediately” after the word “months” in the third line thereof.

Rev. Stat.,
c. 318, s. 2,
amended.

3. Section 2 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

“Farmer.”

(*bb*) “Farmer” shall mean any person actually living upon and tilling his own lands or lands to the possession of which he is for the time being entitled.

Rev. Stat.,
c. 318, s. 7,
cl. *cc*
(1929,
c. 82, s. 2,
subs. 2),
repealed.

4. The clause lettered *cc* in section 7 of *The Game and Fisheries Act*, as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1929*, is repealed and the following substituted therefor:

Close season
—deer and
moose.

(*cc*) Any deer or moose in that part of Ontario lying south of the French and Mattawa Rivers, except from the 5th day of November to the 20th day of November, both days inclusive, but it shall be unlawful to hunt, kill or destroy any deer or moose at any time in the counties of Bruce, Grey, Simcoe and York, and that part of Ontario lying to the south and west thereof, or in the counties of Leeds, Grenville, Dundas, Stormont, Glengarry and Carlton.

5. Subsection 3 of section 9 of *The Game and Fisheries Act* Rev. Stat.,
as amended by section 3 of *The Game and Fisheries Act, 1928*, c. 318, s. 9,
is further amended by striking out the word "or" where it amended.
appears in the third line thereof, and inserting after the word
"mink" in the third line, the words "or fox."

6. Subsection 2 of section 10 of *The Game and Fisheries Act* Rev. Stat.,
is amended by adding the words: c. 318, s. 10,
subs. 2,
amended.

"In any territory where there is an open season for the taking of deer and moose in that part of Ontario lying south and east of the French and Mattawa Rivers, from the 5th day of November to the 20th day of November, both days inclusive and in that part of Ontario, lying to the north of the French and Mattawa Rivers from the 1st day of November to the 25th day of November, both days inclusive";

after the word "dog," where it appears in the eighth line thereof.

7. Section 10 of *The Game and Fisheries Act* is further amended by adding thereto the following subsection: Rev. Stat.,
c. 318, s. 10,
amended.

(2a) The Department may upon application by a resident of Ontario issue a permit authorizing the use of dogs for the hunting of foxes during the regular open season, in an area where deer are not usually found. Use of dogs
for hunting
foxes,

8. *The Game and Fisheries Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 318,
amended,

19b. It shall be unlawful for any issuer of licenses to issue and for any person to receive any license which has been ante-dated, and any person contravening the provisions of this section shall be guilty of an offence against this Act. Licenses not
to be ante-
dated.

19c. It shall be unlawful for any person other than a person authorized within the provisions of this Act to issue any licenses or collect any fees in respect of the same, and any person so doing shall be guilty of an offence against this Act. Unauthor-
ized persons
not to issue
licenses, etc.

9. Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, is further amended by striking out the word "license" in the seventh line and inserting in lieu thereof the word "permit." Rev. Stat.,
c. 318, s. 25
(1928, c. 52,
s. 8),
amended.

Rev. Stat.,
c. 318, s. 34,
subs. 2,
amended.

10.—(1) Subsection 2 of section 34 of *The Game and Fisheries Act* is amended by inserting the words "ordinary uncovered, flat-bottomed boats" after the words "rowboats" in the fourth line of the said section.

Rev. Stat.,
c. 318, s. 34,
subs. 4,
amended.

(2) Subsection 4 of the said section 34 is amended by striking out the words "twenty-five" in the first line and inserting in lieu thereof the word "fifteen," and by striking out the words "two hundred" in the second line and inserting in lieu thereof the words "one hundred and fifty."

Rev. Stat.,
c. 318, s. 34,
subs. 5,
amended.

(3) Subsection 5 of the said section is amended by striking out the word "birds" where the same appears in the eighth line, and substituting therefor the words "animals, birds or fowl."

Rev. Stat.,
c. 318, s. 36,
subs. 2
(1929, c. 82,
s. 8),
amended.

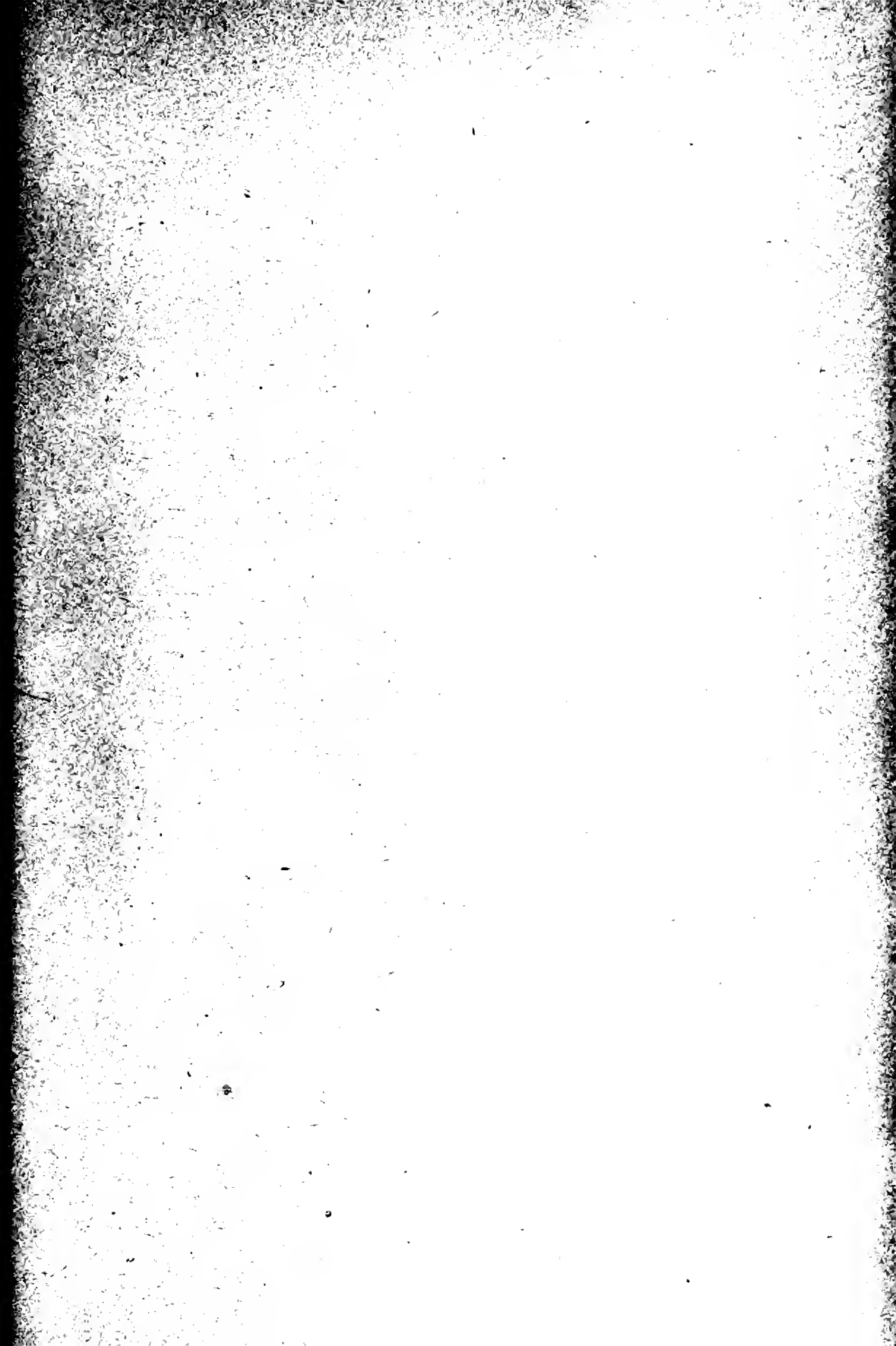
11. Subsection 2 of section 36 of *The Game and Fisheries Act* as enacted by section 8 of *The Game and Fisheries Act, 1929*, is amended by the insertion of the words "Hastings, Peterborough" after the words "counties of" where they appear in the second line thereof.

Rev. Stat.,
c. 318, s. 58,
subs. 5,
amended.

12. Subsection 5 of section 58 of *The Game and Fisheries Act* is amended by striking out the word "warden" where it appears in the second line of the said section, and substituting therefor the word "superintendents."

Commence-
ment of
Act.

13. This Act shall come into force on the 1st day of June, 1930.



BILL.

An Act to amend The Game and Fisheries Act.

1st Reading

March 27th, 1930

2nd Reading

March 28th, 1930

3rd Reading

March 28th, 1930

MR. McCREA.

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

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1930, and for the Public Service of the financial year ending the 31st day of October, 1931.

MR. MONTEITH.

No. 166.

1930.

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1930, and for the Public Service of the financial year ending the 31st day of October, 1931.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from His Honour William Donald Ross, Esq., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1930, and for the financial year ending the 31st day of October, 1931, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$22,153,-
925.97
granted for
year ending
31st October,
1930.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Twenty-two million one hundred and fifty-three thousand nine hundred and twenty-five dollars and ninety-seven cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1929, to the 31st day of October, 1930, as set forth in schedule "A" to this Act.

\$68,002,-
212.00
granted for
fiscal year
1930-31.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Sixty-eight million two thousand two hundred and twelve dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1930, to the 31st day of October, 1931, as set forth in schedule "B" to this Act.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1929-1930, and of all expenditures under schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1930-31 and of all expenditures under schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Accounts
to be laid
before
Assembly.

4. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1930, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Appropriations for
1929-30
unexpended
to lapse.

5. Any part of the money under schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1931, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Appropriations for
1930-31 un-
expended
to lapse.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Accounting
for
expenditure.

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

Commence-
ment of Act.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirty, to defray expenses of:

Prime Minister's Department . . .	\$10,410,900 00
Legislation	2,025 00
Attorney-General's Department	353,050 57
Insurance Department	4,125 00
Education Department	1,952,469 61

Lands and Forests Department	\$307,725 00
Northern Development Department.....	250,200 00
Mines Department.....	109,609 00
Game and Fisheries Department	119,100 00
Public Works Department.....	2,810,802 84
Highways Department.....	29,000 00
Health Department.....	91,800 00
Labour Department.....	4,805,304 05
Provincial Treasurer's Department.....	22,693 00
Provincial Auditor's Office.....	2,700 00
Provincial Secretary's Department.....	650,857 81
Agriculture Department.....	159,652 09
Miscellaneous.....	71,912 00

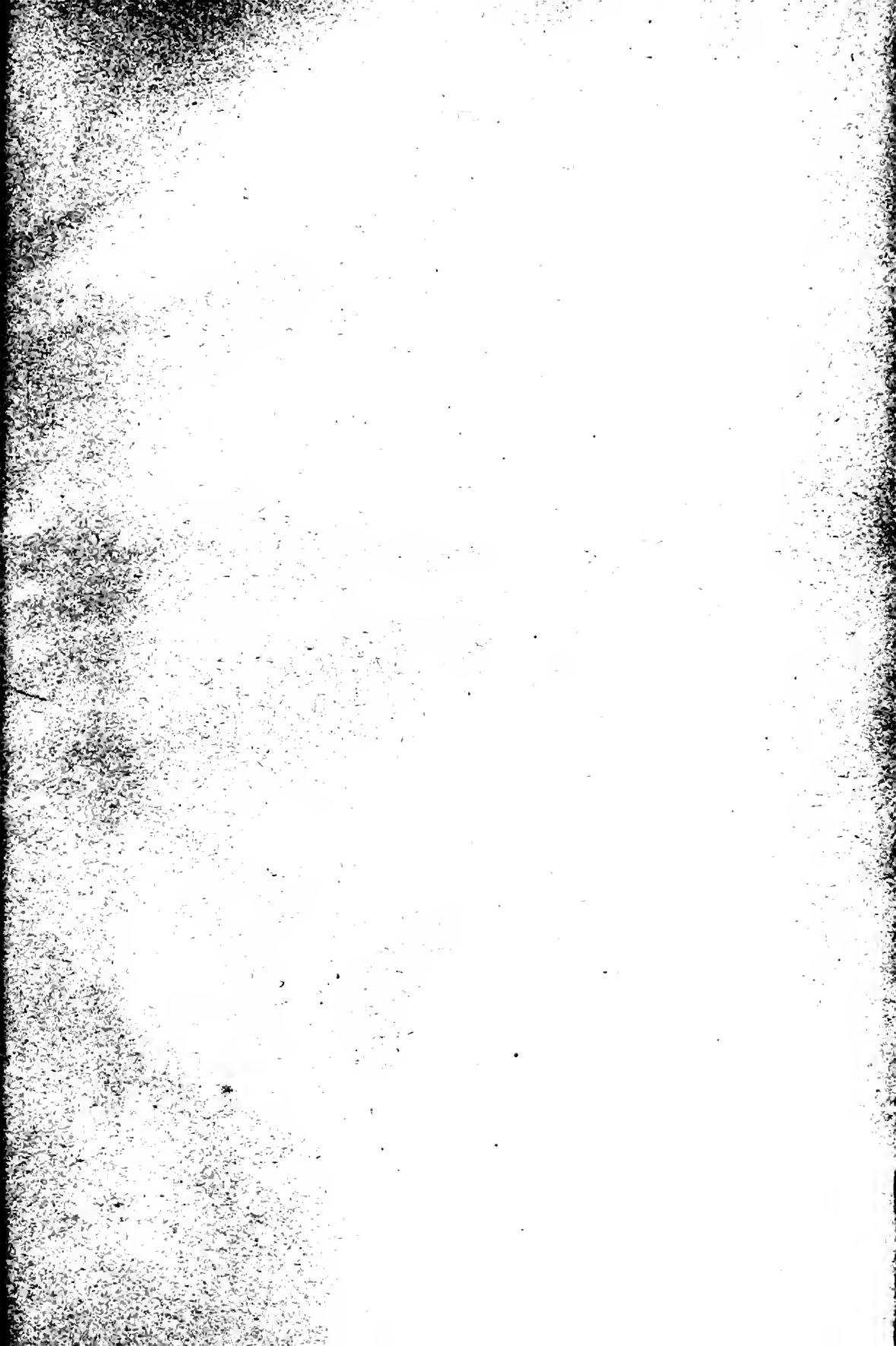
Total estimates for expenditure of 1929-1930.....\$22,153,925 97

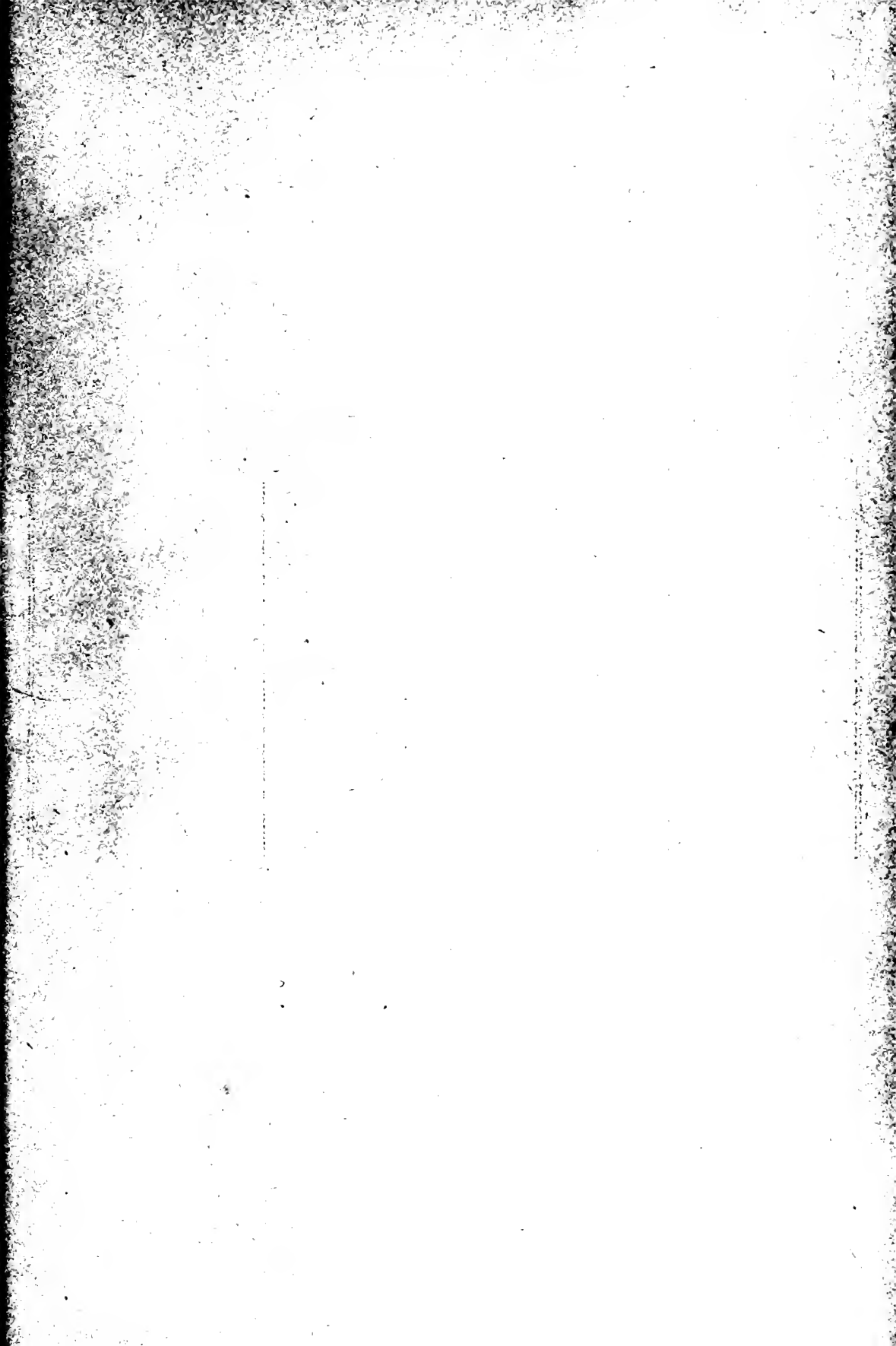
SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirty-one, to defray expenses of:

Lieutenant-Governor's Office...	\$6,350 00
Prime Minister's Department..	28,003,375 00
Legislation.....	378,375 00
Attorney-General's Department	2,439,550 00
Insurance Department.....	65,475 00
Education Department.....	8,188,709 00
Lands and Forest Department.	3,279,125 00
Northern Development Department.....	750,000 00
Mines Department.....	484,300 00
Game and Fisheries Department	687,450 00
Public Works Department.....	1,140,303 00
Highways Department.....	532,425 00
Health Department.....	804,450 00
Labour Department.....	8,731,850 00
Provincial Treasurer's Department.....	614,825 00
Provincial Auditor's Office.....	105,750 00
Provincial Secretary's Department.....	8,177,630 00
Agriculture Department.....	2,920,770 00
Miscellaneous.....	691,500 00

Total estimates for expenditure of 1930-1931.....\$68,002,212 00





BILL.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1930, and for the Public Service of the financial year ending the 31st day of October, 1931.

1st Reading

March 28th, 1930

2nd Reading

March 28th, 1930

3rd Reading

March 28th, 1930

MR. MONTEITH.

