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Prisby Council
Appal no. 37 of 1937

CITY OF TORONTO v. TOWNSHIP OF YORK.

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UNIVERSITY OF LONDON
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No. 1.

Consolidated Statutes of Upper Canada 1859.

CHAPTER 10.

An Act respecting the Superior Courts of Civil and Criminal jurisdiction.

SUPERIOR COURTS OF LAW.

* * * * *

3. The said Courts (i.e. Court of Queen's Bench and Court of Common Pleas) shall be Courts of Record of Original and Co-ordinate jurisdiction and shall respectively possess all such powers and authorities as by the law of England are incident to a Superior Court of Civil and Criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a Court of Record, and all other rights, incidents and privileges as fully to all intents and purposes as the same are, at the time this Act takes effect, used, exercised and enjoyed by any of Her Majesty's Superior Courts of Common Law at Westminster, in England, etc.

* * * * *

No. 2.

Consolidated Statutes of Upper Canada 1859.

CHAPTER 12.

An Act respecting the Court of Chancery.

GENERAL JURISDICTION.

26. The Court (i.e. the Court of Chancery) shall have the like jurisdiction and power as by the laws of England were at the said date possessed by the Court of Chancery in England, in respect of the matters hereinafter enumerated that is to say :—

(1-9) * * * * *

(10) And generally, the like jurisdiction and power as the Court of Chancery in England possessed on the 10th day of June, one thousand eight hundred and fifty-seven, as a Court of Equity to administer justice in all cases in which there exists no adequate remedy at Law.

* * * * *

No. 3.
Consolidated Statutes of Upper Canada 1859.

CHAPTER 15.
Act respecting County Courts.

JURISDICTION.

* * * * *

17. Subject to the exceptions contained in the last preceding section, the County Courts shall have jurisdiction and hold plea :

(1) In all personal actions where the debt or damages claimed do not exceed the sum of two hundred dollars ;

10 (2) In all causes and suits relating to debt, covenant and contract, to four hundred dollars, where the amount is liquidated or ascertained by the act of the parties or by the signature of the Defendant ; and

(3) [Not relevant.]

(4) [Not relevant.]

No. 4.
Consolidated Statutes of Upper Canada 1859.

CHAPTER 128.

An Act respecting the administration of justice in unorganised tracts.

PROVISIONAL JUDICIAL DISTRICTS.

20 **96.** The Laws now in force, with respect to the holding of . . . County Courts . . . in the several Counties in Upper Canada, and to the composition, power and jurisdiction of such Courts respectively, . . . shall extend and apply to such Provisional Judicial Districts, and such Districts shall be deemed and held to be Counties for all and every the purposes of such Laws.

97. Such Courts shall be held at the place in each such Provisional Judicial District which the Governor in Council by Proclamation from time to time appoints, and the word " District " shall be substituted for the word " County " in the titles of such Courts and Officers, as well as
30 in the interpretation of such Laws, in their application to such Provisional Judicial Districts.

No. 5.

Consolidated Statutes of Canada 1859.

CHAPTER 13.

An Act respecting inquiries concerning public matters, and official notices.

1. Whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of this Province, or the conduct of any part of the public business thereof, or the administration of justice therein, and such inquiry is not regulated by any special law,—the Governor may by the commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, orally or in writing, . . . and to produce such documents and things, as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine :

2. The Commissioner or Commissioners shall then have the same power to enforce the attendance of such witnesses and to compel them to give evidence, as is vested in any Court of Law in civil cases . . .

* * * * *

No. 6.

Consolidated Statutes of Canada 1859.

CHAPTER 28.

An Act respecting the Public Works.

OFFICIAL ARBITRATORS.

41. The Governor in Council shall, from time to time, appoint one or such other number not exceeding three proper persons who shall be Arbitrator or Arbitrators and Appraiser or Appraisers for the whole Province of Canada, who shall arbitrate on, appraise, determine and award the sums which shall be paid to any owner, occupier or person representing such owner for the land or real estate taken either in perpetuity or temporarily for the use of the said public works, or any of them, or as compensation for any loss or damage etc.

* * * * *

POWERS OF THE SAID ARBITRATORS, AND PROCEEDINGS BY OR BEFORE THEM.

52. The said Arbitrators may, . . . command the attendance . . . of all witnesses or the production of any documents required by any of the parties, and may swear the said witnesses etc.

* * * * *

55. The said Arbitrators, in investigating and awarding upon any claim arising out of any contract in writing, shall decide in accordance with the stipulations in such contract, etc.

No. 7.

10

Consolidated Statutes of Canada 1859.

CHAPTER 66.

An Act respecting Railways.

LANDS AND THEIR VALUATION.

11. * * * * *

Fifthly. After one month . . . application may be made to the owners of lands . . . and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation . . . and in case of disagreement . . . all questions which arise between them, shall be settled as follows, that is to say :

* * * * *

20 *Eleventhly.* The Arbitrators, or any two of them, . . . shall proceed to ascertain the said compensation . . . and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive . . .

* * * * *

TOLLS.

* * * * *

28. No tolls shall be levied or taken until approved of by the Governor in Council . . .

29. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council . . .

* * * * *

BOARD OF RAILWAY COMMISSIONERS, THEIR DUTIES, &c.

178. The Receiver General, the Minister of Finance, the Commissioner of Public Works, and the Provincial Postmaster General, shall constitute a Board of Railway Commissioners . . .

179. The Board of Railway Commissioners shall, in addition to their other powers and duties, have and discharge the powers and duties in this Act prescribed . . .

RAILWAY INSPECTORS, THEIR DUTIES, &c.

180. [Appointment of railway Inspector or Inspectors.]

* * * * *

187. The said Inspector shall forthwith report the same to the said Board of Railway Commissioners, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the Inspector . . .

188. The said Board of Railway Commissioners may, with the sanction of the Governor in Council, limit the number or times or rate of speed of running of trains or vehicles, upon such Railway . . .

* * * * *

No. 8.

Statutes of Canada 1865, 29 Victoria.

CHAPTER 32.

An Act to regulate the costs of arbitrations in Upper Canada. 20

* * * * *

9. It shall be lawful for the parties who refer any matter in difference between them to arbitration . . . to agree, by writing, . . . to pay . . . such fees or sums . . . as the said parties shall see fit, . . .

* * * * *

No. 9.

Statutes of Canada 1866, 29–30 Victoria.

CHAPTER 51.

An Act respecting the Municipal Institutions of Upper Canada.

* * * * *

YEARLY RATES FOR DEBTS.

225. The Council of every township and the Council of every county and of every provisional Corporation, and of every city and of every town, and of every incorporated village, respectively, shall assess and levy on the whole rateable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year, but no such Council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates ; and if in any municipality
10 the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and principal of the debts contracted by such municipality at the time of the passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such rateable property, the Council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but shall contract no further debts until the annual rates required to be levied within such municipality are reduced within the aggregate rate aforesaid.

* * * * *

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

243. In case one third of the members of any Council petition for a Commission to issue under the Great Seal, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a Commission accordingly, and the Commissioner or the Commissioners, or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases.

* * * * *

296. The Council of every City, Town and Incorporated Village may respectively pass By-laws for the following purposes :

* * * * *

30

WATER.

(5) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof ; . . .

* * * * *

300. The Council of a City or Town may also pass By-laws :

* * * * *

(4) For constructing Gas and Water Works, and for levying an annual special rate to defray . . .

* * * * *

COMPENSATION FOR LANDS TAKEN.

325. Every Council shall make to the owners of real property entered upon, taken or used by the Corporation . . . due compensation . . . and any claim for such compensation, if not mutually agreed upon shall be determined by arbitration under this Act.

* * * * *

ARBITRATIONS.

353. In all cases of arbitration directed by this Act, the proceedings shall be as follows :

10

(1) Each party shall appoint one arbitrator . . .

(2) The two arbitrators appointed by or for the parties shall choose a third arbitrator ;

* * * * *

No. 10.

Statutes of Canada 1866, 29-30 Victoria.

CHAPTER 53.

An Act to amend and consolidate the several Acts respecting the assessment of property in Upper Canada.

* * * * *

APPEAL FROM THE COURT OF REVISION.

64. If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom,—in which case,

(1) He shall . . . serve . . . a written notice of his intention to appeal to the County Judge in Counties, and in Cities to the Recorder ;

* * * * *

(6) At the Court so holden, the Judge or Recorder (as the case may be) shall hear the appeals . . .

* * * * *

67. In all proceedings before the County Judge, Recorder or acting Judge of the Court, under or for the purposes of this Act, such Judge or Recorder shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of 30

books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, either in term time or vacation, in the same Court, in relation to any matter or suit depending in the said Court.

* * * * *

70. The decision and judgment of the Judge, Recorder or acting Judge, shall be final and conclusive . . .

* * * * *

No. 11.

Statutes of Ontario, 6 Edw. VII.

CHAPTER 31.

10 **An Act for the appointment of a Railway and Municipal Board.**

* * * * *

NAME, CONSTITUTION, DUTIES, ETC.

4.—(1) From and after the appointment of the Board the Railway Committee of the Executive Council of Ontario shall be abolished.

* * * * *

(7) Whenever any power or authority is given or duty imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document, such power, authority or duty may or shall, as the case may be, be exercised by the Board.

* * * * *

RAILWAY COMMITTEE TO HAVE POWERS OF BOARD UNTIL BOARD APPOINTED.

20 **33.** The Railway Committee of the Executive Council of Ontario shall have the powers and jurisdiction of the Board and it shall be the duty of the said Railway Committee to exercise the same until such time as the Board is constituted under this Act.

* * * * *

ADDITIONAL POWERS OF THE BOARD.

51.—(1) The appeal provided for by section 76 of *The Assessment Act* shall be to the Board instead of to the Board of County Judges as therein provided.

* * * * *

53. The Board shall have all the powers conferred by *The Consolidated Municipal Act, 1903*, and amending Acts, upon the Lieutenant-Governor in Council regarding,—

(a) The addition to or taking from any municipality any territory ;

(b) The annexation of any territory to any city or town ;

(c) The alteration in any manner of the boundaries or limits of any municipality ;

(d) The approval or confirmation of by-laws relating to finance, debentures, sinking funds or the creation of debts, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required 10 by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

(e) The approval or confirmation of by-laws relating to public highways, roads, streets, or bridges, to street or electric railways or to gas or waterworks or to any other industry or concern commonly known as a public utility, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

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TORONTO
V.
TOWNSHIP OF YORK.

APPENDIX OF STATUTES.

BLAKE & REDDEN,
17 Victoria Street, S.W.1.