

SUPPLEMENT  
TO THE  
HANDY GUIDE  
TO THE  
LAWS OF ONTARIO

By EDITH LANG

CONTAINING

The Amendments and Additions passed by the  
Dominion and Provincial Legislatures in 1919  
to the following Acts :

THE PROVINCIAL AND DOMINION FRANCHISE  
ACTS

THE MOVIE ACT

THE CRIMINAL CODE

THE REGISTRATION OF BIRTHS AND DEATHS  
ACT

THE PROVINCIAL AND DOMINION LIQUOR  
ACTS

THE FACTORY ACT

THE ASSESSMENT ACT

THE EDUCATION ACTS

THE INDUSTRIAL REFUGE ACT

THE WILLS ACT

THE HOUSING ACT

THE COMMUNITY HALLS ACT

Price - Fifteen Cents

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SUPPLEMENT TO  
HANDY GUIDE TO THE LAWS OF ONTARIO

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Amendments to the Statutes of Ontario during  
the Session 1918-19

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**Chap. I., Subdivision B, p. 2.** *Those eligible for election to the Provincial Legislature* are men and women residents in Ontario, who are 21 years old and British subjects.

*For the purposes of this Act, a male person shall not be considered a British subject by naturalization unless he was naturalized prior to April 12, 1917, or has since become naturalized under Section 2 of the Naturalization Act of 1919. (See under the Naturalization Act.)*

*For the purposes of this Act, a female person shall be deemed to be a British subject if—*

(a) She was born British, *and* is unmarried *or* is married to a British subject and has not become a subject of a foreign power.

(b) She was born an alien, but

- (i) has become naturalized in her own right, *or*
- (ii) her parents became naturalized before she was 21 years old, *and* she has not since forfeited her status *and* gets certificate as under subdivision (iii); *or*
- (iii) has married a British subject, provided she gets a certificate under the signature of a judge of

the Supreme Court, or of a County or District Court, certifying or stating that she is 21 years of age and possesses all the requirements necessary to entitle her, if unmarried, to become naturalized in her own right, and has taken the oath of allegiance to His Majesty.

*Those eligible for election to the Municipal Councils are :*

- (I) *Every man*, 21 years of age, a British subject, who is a resident in, or within two miles of the boundaries of, the municipality for which he wishes to stand, *and*
  - (i) who occupies property rated in his own name or that of his wife for at least \$2,000, *or*
  - (ii) who is, or whose wife is, the owner of property assessed at \$1,000 in a city, and correspondingly less in smaller places, *or*
  - (iii) who is, or whose wife is, the tenant of property assessed at \$2,000.
- (II) *Women*, who have the same qualifications as those stated for men above, except that the property qualifications must be assessed in her own name, *i.e.*, a woman cannot become a candidate in respect of property assessed in her husband's name, as he can in respect of her property.

**Chap. I, Sec. C.** The Legislature of 1918-19 added a section to state that a woman is to be considered a British woman in order to get on the provincial voters lists, *if*

(a) She was born British, *and* is not married, *or* has married a British subject, and has not herself become a subject of a foreign power.

(b) If she was born an alien, *but*

- (i) had become naturalized in her own right prior to April 12, 1917, or has since become naturalized under section 2 of the Naturalization Act of 1919, and has not since become a subject of a foreign power, *or*
- (ii) whose parents became naturalized while she was a minor, and she has done nothing to lose her status and has *got* her certificate as directed under subsection (iii), *or*
- (iii) has married a British subject, and has done nothing to lose her status as a British subject, and has obtained a certificate from a judge of the Supreme Court, or of a County or District Court, certifying that she has personally appeared before him and has satisfied him that she has all the requirements necessary to entitle her to have become naturalized, if unmarried, in her own right, and that she has taken the oath of allegiance.

**Chap. I., Sec. 2., p. 8.** The school act has been amended to allow ratepayers who reside in or within a mile of the boundary of an urban municipality to be eligible for school trustees, and a further act has been passed making the daughters and wives of farmers eligible for election as school trustees whether they pay rates or not.

Chap. I., Sec. 3, p. 9, has been repealed, and the Dominion Franchise Act of 1919 has taken its place. This acts states:

A.—*Those eligible to vote at Dominion Elections* are men and women, other than unenfranchised Indians, who are

- (i) British subjects by birth or naturalization; *and*
- (ii) 21 years of age; *and*
- (iii) have resided in Canada for 1 year and the electoral district where they wish to vote for at least 2 months immediately preceding the issue of the writ of election.

For the purposes of this act the nationality of a person shall be deemed incapable of being changed, or of having been changed, by marriage with, or change of nationality of, another person, or indeed by any other means than the personal naturalization of the would-be voter. Provided that this ruling does not apply to any person born on the continent of North America, nor to any person who, in person, applies to and obtains from any competent judge a certificate that he or she has been naturalized by ordinary legal procedure, but that if he or she has not been so naturalized, he or she could have obtained this certificate to be *personally* naturalized in Canada.

The effect of these clauses is far reaching, in that it means that a British woman does not forfeit her right to the franchise by marriage with an alien, nor by the subsequent alienage of her husband, nor can an alien woman, though married to a Briton, obtain her franchise

unless she has *personally* become a naturalized British subject.

*B.—Those eligible to become members* of the Dominion House of Commons are :—All British subjects, men or women, of the full age of 21 years.

*C.—The voters' lists* are compiled by personal registration in all polling divisions wholly or partly contained within cities or towns of more than 1,000 inhabitants. In polling divisions neither wholly nor partly contained within cities or towns of more than 1,000 inhabitants, the voters' lists are compiled by enumerators calling from house to house.

In the case of by-elections occurring within 1 year of the completion of a Provincial voters' list for any polling division, this list shall be the one used for the Dominion by-election and a new Dominion list need not be compiled.

**Chap. I., Sec. 4, p. 11.** The Naturalization Act of 1914 and subsequent amendments have been repealed, and replaced by the Consolidated Naturalization Act of 1919. By this act a man or an unmarried woman is a British subject who

- (a) Is born in British territory.
- (b) Is born of British parents, even on foreign soil.
- (c) Is born in a British ship.
- (d) Has become personally a naturalized British subject, or whose parents have become naturalized during his or her minority.

A married woman takes the nationality of her husband, *but*

- (i) She has now (1919) the right to take out naturalization papers on her own account the same as if she were unmarried.
- (ii) If the husband ceases to be a British subject during his marriage, the wife may retain her British nationality by making a declaration to that effect.
- (iii) A woman, British by birth, married to an alien, who is a subject of a state at war with Britain, may make a declaration that she desires to resume her British nationality, and the Secretary of State, if convinced that it is desirable, may grant her a certificate of naturalization.
- (iv) If the alien husband of a woman British by birth dies or the marriage is dissolved, the British woman need not necessarily fulfil the qualifications *re* residence (see below) before obtaining a certificate of naturalization to become British once more.

Before an alien, either man or woman, can become naturalized, he or she must

- (i) Have resided in Canada for not less than 1 year immediately preceding the application, and have previous residence, either in Canada or in some other part of His Majesty's Dominions, for a period of 4 years within the last 8 years before the application.
- (ii) Be of good character.

- (iii) Have an adequate knowledge of the English or French language.
- (iv) Intend to reside in a British Dominion.
- (v) Take the oath of allegiance to His Majesty.

When a certificate of naturalization has been obtained by false pretences, or by anyone who has since traded with or helped in any way the king's enemies, or by anyone who by the law of his old country remains a citizen of that country, or by anyone who does not live in a British Dominion, except for some special reason, for more than 7 years, the certificate may be revoked. When such a revocation is made, the wife and children will remain British, unless the Secretary of State decrees otherwise, or unless she takes out alienation papers herself. The Secretary of State shall not decree the wife to be an alien if she were originally of British birth, unless he is convinced that she has done something which would have entitled her to revocation of her certificate had she been born an alien.

No certificate of naturalization shall be granted to any member of an alien enemy country before the expiration of 10 years after the signing of peace, unless such alien served in the war on the allies' side, or is a member of a race or community known to be opposed to the enemy governments, or was at birth a British subject.

Chap. II., Sec. 3, p. 14. *The Movie Theatre Act* has been amended to read:—No child under 15 years of age may attend a movie or other show for which an admission fee is charged, except in company of an adult, or on Saturdays and public holidays between the

hours of 9 a.m. and 6 p.m., during which hours a matron, paid by the exhibitor, shall be on duty to supervise the conduct of such children and of adults towards them while in such theatre.

**Chap. III., Sec. 1, p. 19.** *The Marriage Act* has been amended by adding:—"If either party to a marriage is under 18 years of age, the consent of the parent or guardian must be had *in writing* before a valid marriage can be performed. If the consent has not been obtained in writing, the marriage is null and void."

**Chap. IV., Sec. 220, p. 37.** The action of the House of Commons in making it illegal for a man and woman to register falsely as man and wife at a hotel has been turned down by the senate, as has also a bill to protect all girls from their employers, and to increase the penalty for white slavers from 5 to 10 years' imprisonment, and to raise the age of protection of a girl from 16 to 18 years.

**Chap. V., Sec. 3, p. 40.** *Births.*—The birth of a still-born child shall be registered under both births and deaths, and a doctor's certificate shall show the cause of death.

*Deaths.*—If a child under 12 months old dies, a burial certificate shall not be issued until the place of its birth is ascertained, and if it was born in the same division as where it dies, a certificate of burial shall not be given until the birth is registered.

**Chap. VI., Sec. 1, p. 43.** *The Ontario Temperance Act* is amended so that no one but the government, through its Liquor Board, may be the wholesale distributors of liquor. This does away with the licensed vendors.

A further amendment makes it possible to take proceedings against a person violating the O.T.A. any time within three months of the offence. The result of the Temperance Referendum has been to uphold the Ontario Temperance Act, which therefore remains the law of Ontario.

**Chap. VI., Sec. 2, p. 47.** The Dominion Liquor Laws are at present (Oct., 1919) in a state of being revised. It is expected that they will consist of the Doherty Act of 1916, supplemented by a further Act by which any province, after a Referendum, may ask the Dominion Government to prohibit the manufacture of liquor in, and the importation of liquor into, that province, and that this will then be enacted by the Dominion Government. The Dominion Orders in Council, passed for the duration of the war and one year after, will automatically cease to exist.

**Chap. VII., p. 49.** *The Trades and Labour Branch* of the government has been changed into the "Department of Labour," and the person in charge of this department, the Minister of Labour, will henceforth be a member of the cabinet.

**Chap. VII., Sec. 1, p. 50.** *The Factory Act* is amended so that no one may make a contract with women and girls for work in a camp (defined as a shelter for six or more people for less than six months), without a permit from the Deputy Minister of Labour, who may make such regulations regarding sanitation, food, season, number of hours of work, proper supervision and chaperonage, materials used for huts, water supply and washing facilities, etc., etc., as he may see fit.

**Chap. VII., Sec. 3, p. 54.** Clerks are not now exempted from the Workmen's Compensation Act.

**Chap. VIII., Sec. 4, p. 60.** *The Assessment Act is amended* so that the following incomes are exempt from income tax in Ontario. Personal incomes, or pensions, etc., the result of personal services, shall be exempt from income tax up to

- (a) \$1,700 in a city (or \$1,400 elsewhere) if the taxpayer is a householder, or the head of a family inhabiting with his family a part of a house even if he is not assessed therefor, *or*
- (b) \$700 in cities (and \$600 elsewhere) if the person is not a householder or head of a family, *or*
- (c) \$800 income from investments, mortgages, etc., if the whole income from all sources does not exceed \$1,500.

Income from real estate in Ontario is exempt from income tax except interest on mortgages.

The council of a city, town or village *may*, with the consent of the money by-law electors, pass a by-law providing that rates and taxes, except for school purposes, on dwelling houses assessed for not more than \$4,000, shall be levied on such percentage of the assessed value as the council thinks proper, but not on a less percentage than the following:

- On dwelling houses assessed at not more than \$2,000, on not less than 50% of the assessed value.
- On dwelling houses assessed at not more than \$2,500, on not less than 60% of the assessed value.
- On dwelling houses assessed at not more than \$3,000, on not less than 70% of the assessed value.

On dwelling houses assessed at not more than \$3,500,  
on not less than 80% of the assessed value.

On dwelling houses assessed at not more than \$4,000,  
on not less than 90% of the assessed value.

Councils may, without the assent of the electors, pass by-laws exempting houses, assessed at not more than \$3,000, owned and occupied by officers and men of overseas service, from rates and taxes (except for school and local improvement purposes) for not longer than 10 years.

Chap. IX., Sec. 10, p. 69. The Truancy Act has been repealed as from January, 1920, and in its place the Compulsory School Attendance Act has been passed. Under it, every child between 8 and 14 years of age must attend school for the full term for which the school in his district is open, unless

- (a) The child is under efficient instruction elsewhere.
- (b) The child is sick or unavoidably absent.
- (c) There is no public school which the child has a right to attend within 2 miles of his home if under 10 years of age, or within 3 miles of it if he is over that age.
- (d) There is not sufficient accommodation in the school which the child is entitled to attend.
- (e) The child has been excused from attendance (for a maximum of 6 weeks in each term) by a certificate from a justice of the peace, the school attendance officer, or the principal of the school, on the grounds *only* that the services of the child are needed for husbandry, urgent and

necessary home duties, or for his necessary maintenance. No one may employ any child under 14 years of age in school hours without such a certificate.

- (f) The child has reached the equivalent of the matriculation standard.

The Lieutenant-Governor in Council may appoint a Provincial School Attendance Officer, who in addition to carrying out the purposes of this act, may take upon himself the duties and powers of a Board of Trustees to provide schools and proper schooling for children who live in districts without municipal organization, if the residents are not performing this function themselves.

The Boards of Education in every urban municipality, and the Councils of every township, *must* appoint one or more school attendance officers.

The Council of every county *may* appoint one or more school attendance officers. Women may be appointed for all such positions.

Every school attendance officer shall, on his own initiative, or on the request of an inspector, teacher or ratepayer warn, in writing, the parents of children not attending school regularly. The fine for a child's non-attendance without sufficient cause is not less than \$5 or more than \$20, or a bond of \$100 that the child shall in future attend school.

The school attendance officer is the person to take proceedings against a parent, or if there is no such officer, the inspector shall notify the parents, etc.

Chap. IX., Sec. 11, p. 70. The Adolescent School Attendance Act (1916) is going to be repealed by a Proclamation of the Lieutenant-Governor in Council, and in its place will stand the Adolescent School Attendance Act of 1919.

By the latter, *every adolescent between 14 and 16 years of age shall attend school for full time unless*

- (a) He is unable to do so on account of sickness.
- (b) He is employed on a *home permit* (granted by the attendance officer if he considers it necessary for the adolescent to work on or about the house of its parents), or on an *employment certificate* (granted by the attendance officer if he considers it necessary that the adolescent work to support itself or someone dependent on it).

Otherwise no adolescent between 14 and 16 years may be employed by anyone between 8 a.m. and 5 p.m.

If a child holds a home permit or an employment certificate, it must attend school for at least 400 hours in each year.

*Every adolescent between 16 and 18 years of age shall attend part time courses for at least 320 hours each year, unless*

- (a) he is unable to attend because of sickness, *or*
- (b) he has reached a matriculation standard, *or*
- (c) he is in full time attendance at a high school, university, etc., *or*
- (d) he has been up to 16 years of age under full time efficient instruction.

No adolescent between 16 and 18 years of age may be employed by any person unless he holds either a school dismissal card or a school registration card.

His employment must be suspended during the time of his necessary part-time course and he must be allowed sufficient time to go and come to his school.

All time spent by an adolescent in a part-time course shall count as a part of the number of hours a day which such adolescent may legally work.

A school attendance officer may revoke a home permit, employment certificate or school registration card if the adolescent fails to attend his part-time course.

Every urban municipality *shall* and any other municipality or school section *may*, after the date fixed by the proclamation, establish and maintain part-time courses for adolescents.

**Chap. IX., Sec. 1, p. 62.** The Department of Education Act is amended to give the Minister of Education the "power and duty" to appoint officers for the purpose of medical and dental inspection in public and separate schools throughout Ontario and to pay their salaries and all other expenses.

**Chap. X., Sec. 6, p. 74.** *The Industrial Refuge for Females Act* has been amended to state that the indeterminate sentence shall be not longer than 2 years.

The amended act also states that no one may be detained in an Industrial Refuge except on a judge's order.

*Any person* may bring before a judge any woman under the age of 35 years who is found begging in a

public place or is leading an idle and dissolute life, and *any parent or guardian* may bring before the judge a female under 21 years of age who is unmanageable and incorrigible.

In either case the judge shall hear all sides and if convinced of the necessity, may then commit the offender to the Industrial Refuge on an indefinite sentence of not more than 2 years.

**Chap. XI., Sec. 1.** *The Wills Act* is amended so as to make a soldier's, sailor's or mariner's will valid if executed since August, 1914, even if he were not at that time 21 years of age.

The following two acts may be added to the miscellaneous chapter, viz.:

I. *The Housing Act.* This act entitles the Ontario Government to borrow money from the Dominion Government or elsewhere for the purpose of reloaning it to such municipalities who by by-law express their desire to borrow it. The municipalities may only use the money

- (a) to buy land and build houses of a value, in general, of not more than \$2,500 (or house and land together of a value in general, of not more than \$3,000), or
- (b) to loan it up to 85% of the value of the land and houses acquired by them, to a housing company for the above purposes,
- (c) to loan it under certain conditions to a private person who wishes to erect a house on land owned by him or by the municipal housing commission.

The Lieutenant-Governor in Council may loan money to a farmer who wishes to build on his farm a house for any married son, or married men employed by him as a farmer.

Municipalities who desire to avail themselves of this act must appoint a housing commission consisting of the head of the municipality and two, four or five residents in the municipality. Such commission shall have the power to buy or expropriate land suitable for building, the compensation to be determined by an arbitration after seven days' notice in writing has been served on the owner. Such compensation shall be the fair present market value of the land.

No loan shall be made to an alien.

II. *The Act respecting the Establishment of Community Halls and Athletic Fields in rural districts* provides that the Council of any district may pass a by-law to construct a community hall and athletic field in its district, such hall and field to be controlled by a board consisting of two councillors (appointed annually) and five other representatives (appointed bi-annually) of those societies (other than religious or fraternal societies) which use the hall and field.

The Provincial Government may give grants in aid of building such a hall. The grant shall not exceed 25% of the cost of the building apart from the cost of the land, and be not more than \$2,000 in all. In return for a grant it may require that certain conditions be fulfilled by the board controlling the hall and field.

