

1960

c 170 Haliburton Act

Ontario

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CHAPTER 170

The Haliburton Act

1. Except where otherwise provided in this Act, the Provisional County of Haliburton and the corporation and council thereof have and possess respectively all the rights, powers, liabilities and incidents of a county, county corporation and county council, and, except where inconsistent with this Act, the law and the statutes applicable to counties, county corporations and county councils, and the members of such councils, apply. R.S.O. 1950, c. 164, s. 1.

Rights, liabilities and powers of the Provisional County corporation and council

2. No by-law for granting aid to a railway company is valid unless within three months from its passing it is approved by the Lieutenant Governor in Council. R.S.O. 1950, c. 164, s. 2.

By-laws in aid of railways

3. The meetings of the council shall be held at the place in the county where the registry office is kept. R.S.O. 1950, c. 164, s. 3.

Meetings of council

4. For judicial purposes, including the holding of courts, the officers of such courts, judicial process and proceedings, and the selection of jurors, the Provisional County is united to and forms part of the County of Victoria. R.S.O. 1950, c. 164, s. 4.

County to form part of Victoria for judicial purposes

5. The justices of the peace appointed for the Provisional County are entitled to sit in the general sessions held for the County of Victoria. R.S.O. 1950, c. 164, s. 5.

Justices of the peace

6. Where an appeal lies from the decision of a justice or justices of the peace to the general sessions of the peace, the appeal in a case arising in the Provisional County lies to and may be heard and determined by the Court of General Sessions of the Peace for the County of Victoria. R.S.O. 1950, c. 164, s. 6.

Appeal from decisions of justices of the peace

7. All returns of convictions required by law to be made by a justice of the peace for the Provisional County shall be made to the clerk of the peace for the County of Victoria. R.S.O. 1950, c. 164, s. 7.

Returns of convictions

Erection of
jails

8. The Lieutenant Governor in Council may from time to time direct that one or more suitable jails or lock-ups shall be provided by the Minister of Public Works in the Provisional County out of any money appropriated for that purpose. R.S.O. 1950, c. 164, s. 8.

Jails in
Haliburton
to be
common
jails of
Haliburton
and Victoria

9. Every jail and lock-up erected under the authority of the Lieutenant Governor in Council is a common jail of the Provisional County and of the County of Victoria for the safe custody of persons charged with the commission, within the Provisional County, of crimes, or with the commission therein of offences against any statute of Ontario or against any municipal by-law, who may not have been finally committed for trial, and for the safe custody of such persons when finally committed for trial until removed to the common jail at Lindsay, and for the confinement of persons sentenced within the Provisional County for such crimes or offences for periods not exceeding one month, and for the confinement of persons so sentenced for periods exceeding one month until such persons can be conveniently removed to the common jail at Lindsay, or other lawful prison to which they are sentenced. R.S.O. 1950, c. 164, s. 9.

Power to
commit to
the jail at
Lindsay

10. Nothing in section 9 prevents any court or justice of the peace from directing the committal to the common jail at Lindsay, either for safe custody or for punishment, of any person whom it is considered expedient to commit thereto. R.S.O. 1950, c. 164, s. 10.

Appoint-
ment and
salary of
jailer

11. The Lieutenant Governor in Council may appoint the jailer, jail surgeon and other jail employees for the Provisional County, and fix their salaries which shall be paid by the Provisional County. R.S.O. 1950, c. 164, s. 11.

Contribu-
tion by
Haliburton
to expenses
of adminis-
tration of
justice

12.—(1) The Provisional County shall bear and pay to the corporation of the County of Victoria its just share or proportion of all charges and expenses from time to time incurred in erecting, building and repairing and maintaining, enlarging or improving the court house and common jail at Lindsay and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the jail and courts of justice, other than the division courts, and for the library of the law association of the county and of providing proper offices, together with fuel, light, stationery and furniture for officers connected with such courts, where the same are required to be provided by the county council, and all other charges relating to criminal justice, payable by the county. R.S.O. 1950, c. 164, s. 12 (1), *amended*.

(2) The provisions of *The Municipal Act* with respect to the determination of the compensation to be paid by the corporation of a city or separated town to the corporation of the county in which for judicial purposes the city or town is situate apply to the determination of the compensation payable under this section. R.S.O. 1950, c. 164, s. 12 (2).

13.—(1) An appeal lies from the decision of the court of revision of any municipality in the Provisional County to the judge of the county court of the County of Victoria.

(2) The provisions of *The Assessment Act* with respect to appeals from the judge of the county court to the Ontario Municipal Board apply to the Provisional County. R.S.O. 1950, c. 164, s. 13.

14. The registrar of deeds shall keep his office in a place to be named for that purpose in his commission, or at such other place as is appointed by the Lieutenant Governor in Council. R.S.O. 1950, c. 164, s. 14.

15.—(1) In addition to the powers conferred by *The Municipal Act*, the council of a township or village in the Provisional County may pass by-laws for,

- (a) granting aid to or for promoting the establishment of a grist mill in the township or village;
- (b) taking stock in any company incorporated for establishing a grist mill in the township or village; or
- (c) lending money to any such company.

(2) The aid to be granted, the stock to be taken and the money to be lent under subsection 1 shall not in all exceed one-half of the actual cost of such grist mill or in any case the sum of \$3,000.

(3) Notwithstanding *The Municipal Act*, the vote in the affirmative of two-thirds of the electors actually voting upon any such by-law is necessary and sufficient to the carrying of the by-law.

(4) Not such by-law shall be passed for or in respect of the establishment of a grist mill in a location less than fifteen miles from a grist mill established in the Provisional County and in operation on the 13th day of April, 1897.

(5) In case of a dispute as to the result of the vote on any by-law, the judge of the county court of the County of Victoria has the powers conferred by *The Municipal Act* upon the judge of a county court with respect to a scrutiny of the votes of electors upon a by-law.

Proceedings

(6) The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Representa-
tion of
council on
board of
directors

(7) The council of a municipality taking stock in a company under the authority of this section shall annually, at its first meeting for the year, elect from among its members a representative of such council to the board of directors of the company, and such representative is entitled to sit and vote at all meetings of the board and to vote at all meetings of shareholders in respect of the stock held by the municipality that he represents.

Application
of R.S.O.
1960, c. 249

(8) Except as otherwise provided in this Act, the provisions of *The Municipal Act* as to money by-laws and the obtaining of the assent of the electors thereto apply. R.S.O. 1950, c. 164, s. 15.
