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Ontario
CHAPTER 274.
The Statute Labour Act.

EXEMPTIONS.

1. The following persons shall not be liable to perform statute labour or to commute therefor,—

(a) every person in His Majesty's Naval or Military Service on full pay, or on actual service;

(b) every non-commissioned officer or private of the volunteer force, certified by the officer commanding the company to which such volunteer belongs or is attached, as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R.S.O. 1927, c. 239, s. 1.

(Note. — See Firemen’s Exemption Act, Rev. Stat., c. 281.)

POLL TAX.

2.—(1) Councils of cities, towns, villages and townships may pass by-laws for levying and collecting an annual tax to be known as “poll tax” of not less than $1 and not more than $10 from every male inhabitant of the municipality who,—

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed in the municipality or who is assessed and whose taxes are less than the poll tax;

(d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario. R.S.O. 1927, c. 239, s. 2 (1); 1935, c. 66, s. 18.

(2) Where any person is assessed and his taxes are less than the amount of the poll tax, he shall be liable to pay the poll tax only.

(3) Where any such male inhabitant has been employed by the same person for not less than thirty days, such employer shall pay over to the collector on demand out of any wages
due to such employee the amount of such tax and such payment shall relieve the employer from any liability to the employee for the amount so paid. R.S.O. 1927, c. 239, s. 2 (2, 3).

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3.—(1) Every person assessed upon the assessment roll of a township, which has not passed a by-law abolishing statute labour shall, if his property is assessed at not more than $300, be liable to two days’ statute labour; at more than $300 but not more than $500, three days; at more than $500 but not more than $700, four days; at more than $700 but not more than $900, five days; and for every $300 over $900, or any fractional part thereof over $150, one additional day; but the council may, by a by-law operating generally and rateably, reduce or increase the number of days’ labour to which all the persons, rated on the assessment roll or otherwise, shall be respectively liable so that the number of days’ labour to which each person is liable shall be in proportion to the amount at which he is assessed, and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

(2) Wherever one person is assessed for lots or parts of several lots in different parts of the township, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess over two hundred acres as if the excess were one lot.

(3) Every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council.

(4) The council may pass by-laws for regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. R.S.O. 1927, c. 239, s. 3.

4.—(1) The council or any township may by by-law direct that a sum not exceeding $3 a day shall be paid as commutation of statute labour for the whole or any part of such township, in which case the amount of the commutation shall be added in a separate column in the collector’s roll and shall be collected and accounted for like other taxes.
Where no such by-law has been passed, the statute labour in respect to lands of residents and non-residents shall be commuted at the rate of $2 for each day's labour. R.S.O. 1927, c. 239, s. 4.

(2) Where no such by-law has been passed, the statute labour in respect to lands of residents and non-residents shall be commuted at the rate of $2 for each day's labour. R.S.O. 1927, c. 239, s. 4.

Labour in township in which poll tax is not levied.

5.—(1) In a township which has not passed a by-law abolishing statute labour or a by-law, for levying poll tax every male inhabitant of the township who,—

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed in the township;

(d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario;

shall be liable to one day of statute labour on the roads and highways in the township.

(2) Every farmer’s son entered as such on the assessment roll of a township shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor as if he were not so entered. R.S.O. 1927, c. 239, s. 5.

Abolition of labour.

6. The council of every township may pass by-laws to abolish statute labour. R.S.O. 1927, c. 239, s. 6.

Collection of poll tax.

7.—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector, and in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress, and if no sufficient distress can be found, the defaulter, for his refusal or neglect to pay the said sum, shall incur a penalty of $10. R.S.O. 1927, c. 239, s. 7 (1); 1936, c. 56, s. 17, part.

(2) Any person liable to perform statute labour under section 5, not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for that purpose, and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of $10. R.S.O. 1927, c. 239, s. 7 (2); 1936, c. 56, s. 17, part.

Payment of penalties to treasurer.

(3) All sums and penalties, other than costs, recovered under this section shall be paid to the treasurer of the local
municipality and shall form part of the statute labour fund thereof. R.S.O. 1927, c. 239, s. 7 (3).

8. A non-resident owner of unoccupied land shall not be permitted to perform statute labour in respect thereof; but such labour shall be commuted and the amount of the commutation shall be charged against every separate lot or parcel and be entered in the collector's roll, and the council shall order all sums paid on that account to be expended in the statute labour division in which the land is situate. R.S.O. 1927, c. 239, s. 8.

9.-(1) Where an owner or tenant makes default in performing his statute labour or in payment of commutation for the same, the overseer of highways in whose division he is placed shall return him as a defaulter to the clerk of the municipality before the 15th day of August, and the clerk shall in that case enter the commutation for statute labour against the land in the collector’s roll of the current or following year, and the same shall be collected by the collector.

(2) In every such case the clerk shall notify the overseer of highways who may be appointed for such division in the following year, or after it has been collected, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. R.S.O. 1927, c. 239, s. 9.

Statute Labour in Unincorporated Townships—Road Commissioners.

10.-(1) Twenty resident landholders in any unincorporated township or in any designated part of any unincorporated township or in any two contiguous unincorporated townships or in any designated parts of two such contiguous townships shall have the right to have a public meeting called for the purpose of electing road commissioners. R.S.O. 1927, c. 239, s. 10; 1933, c. 59, s. 23 (1) part.

(2) In this section and in the following sections of this Act “landholder” shall mean owner, locatee, purchaser or tenant who is a British subject. 1933, c. 59, s. 23 (1) part.

11.-(1) The landholders desiring the meeting to be called shall sign a requisition authorizing some one of their number, who shall be named in the requisition, to call a meeting of the resident landholders of such township or townships or of the
Where jurisdiction to extend over parts of two townships.

12. In case the person so named declines to call a meeting or neglects to do so for ten days after the requisition is presented to him, any three of the persons who signed the requisition may call the meeting. R.S.O. 1927, c. 239, s. 12.

13. The notice calling the meeting shall name a place, day and hour for holding it and shall be posted up in at least six conspicuous places and at each post office and public school house in the township or townships, as the case may be, and the day named shall be at least ten days from the date of the notice. R.S.O. 1927, c. 239, s. 13.

14. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting, before proceeding to an election, decides that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. R.S.O. 1927, c. 239, s. 14.

15. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman, and the chairman shall act as returning officer and shall, in the event of a tie, have a casting vote, although he may have previously voted, and the landholders present shall also appoint a secretary, who shall record the proceedings. R.S.O. 1927, c. 239, s. 15.

16.- (1) The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly, the commissioners shall be elected one at a time, but if it is decided to proceed by ballot, all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. R.S.O. 1927, c. 239, s. 16.
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(2) Every person shall be entitled to vote in the election of such road commissioners who is,—

(a) of full age of twenty-one years;

(b) a British subject by birth or naturalization; and

(c) a landholder in the township or townships, or part or parts thereof for which such election is held.

(3) Where there is not a sufficient number of resident landholders who are British subjects to have a meeting called for the election of road commissioners pursuant to the requirements of this Act, the Minister of Lands and Forests, upon the application in writing of any three resident landholders in such township, may in writing, certify to such effect and in such case, resident landholders otherwise qualified who are and who are not British subjects may have the meeting called and vote in the election of road commissioners. 1933, c. 59, s. 23 (3).

17. No person may be elected as a road commissioner unless he is a British subject and otherwise qualified to vote in the election of road commissioners. 1933, c. 59, s. 23 (4).

18. The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and, unless the vote is by ballot, how each votes.  

R.S.O. 1927, c. 239, s. 17.

19.—(1) If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form, whereupon such person shall be permitted to vote.

You swear (or if the voter is entitled to affirm, solemnly affirm) that you are of the age of twenty-one years, and that you are the owner, tenant, purchaser or locatee of lot in the concession of this township, that you are a British subject, and that you are entitled to vote at this election.  

So help you God.  

R.S.O. 1927, c. 239, s. 18; 1933, c. 59, s. 23 (5).

(2) In the case of an election held under the authority of subsection 3 of section 16, it shall not be necessary that a person desiring to vote be required to make oath or affirm that he is a British subject, and the form set forth in subsection 1 shall be amended accordingly. 1933, c. 59, s. 23 (6).
20. The commissioners elected shall hold office until the 31st day of December next after their election, and shall take, before a justice of the peace, a declaration of office similar to that of a councillor of a township. R.S.O. 1927, c. 239, s. 19.

21. The commissioners shall meet within a fortnight after their election, and shall then or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. R.S.O. 1927, c. 239, s. 20.

22.—(1) The commissioners shall have power to open road allowances when the same have been laid down in the original surveys, and where such road allowances are either wholly or partly impracticable to lay out roads in lieu thereof and direct the performance of statute labour thereon, and where no road allowances are laid down in the original surveys, but five per centum of the area is reserved for roads, the commissioners may lay out roads where necessary and direct the performance of statute labour accordingly.

(2) In cases of deviations from road allowances and of roads laid out where there are no road allowances as above provided, the commissioners shall cause a plan thereof, so far as the same affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the same in the Department of Lands and Forests and the commissioners may pay the cost of preparing such plan out of any moneys received by way of commutation of statute labour.

(3) In the case of a deviation passing over any patented improved land, the commissioners may pay to the owner of the land taken for the purpose of making the deviation the value of it as may be agreed upon between the commissioners and the owner, or in case of disagreement as may be fixed by the judge of the district court of the district on an application made to him by the commissioners for that purpose. R.S.O. 1927, c. 239, s. 21.

23. The time for the performance of statute labour shall from time to time be regulated and fixed by resolution of the commissioners. R.S.O. 1927, c. 239, s. 22.

24.—(1) Each owner, locatee, purchaser or tenant of land may be required to perform one day’s labour for every fifty acres and one day’s labour for the remainder of the acreage held by him, where the total acreage held by him divided by fifty leaves a remainder, and for the first ten acres which he
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has cleared after the first ten, he may be required to perform one day’s additional labour, and for every twenty acres over and above the first ten, one additional day’s labour, and each householder who is not an owner, locatee, purchaser, or tenant of the land may be required each year to perform one day’s labour.

(2) Any owner, locatee, purchaser or tenant of land holding less than fifty acres may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in subsection 1 where the land is in part cleared and not exceeding one day where no part of the land is cleared. 1933, c. 59, s. 23 (7).

25.—(1) Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour.

(2) A commissioner may be paid out of the commutation fund for not exceeding two days’ labour at the rate of $3 per day if performed by him over and above the number of days’ labour he may by law be required to perform in respect of his own property.

(3) The commissioners shall have the same powers as municipal corporations have in reference to statute labour to appoint overseers and require returns to be made to them of the statute labour performed in their districts. R.S.O. 1927, c. 239, s. 24.

26. Any person instead of performing the statute labour required of him may commute therefor by payment at a rate not exceeding $3 per day as may be fixed by resolution of the commissioners, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed, unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction. R.S.O. 1927, c. 239, s. 25.

27.—(1) The commissioners may by resolution direct that a sum not exceeding $3 per day shall be paid as commutation of statute labour for the whole of the township; provided, however, that such resolution shall not take effect until the same has been submitted to and sanctioned by the majority of the landholders present at the annual meeting or at a special meeting called in the manner provided for in this Act for the election of commissioners.
(2) The name of every person liable for the payment of the commutation shall be entered in the book directed to be kept by section 30, and the commissioners shall expend all commutation money received on the roads upon which the labour which is commuted for should have been performed unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction. R.S.O. 1927, c. 239, s. 26.

28. The majority of the commissioners may call a meeting to be held at any time during the month of January for the election of their successors, but in case of their failure so to do a meeting may be called in the manner hereinbefore provided for a first election. R.S.O. 1927, c. 239, s. 27.

29. Any person liable to perform statute labour under the provisions of sections 10 to 31 who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of $5, and in addition the amount of the commutation money as fixed by the commissioners under section 26, for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, or such other roads as, in the opinion of the commissioners, require improvement. R.S.O. 1927, c. 239, s. 28.

30.—(1) The commissioners shall cause a book to be kept in which there shall be entered the name of every person liable for the performance of statute labour or payment of the commutation and the lot or parcel of land in respect of which he is so liable.

(2) Upon the performance of statute labour or payment of the commutation, entry shall be made thereof in the book in a column provided for that purpose.

(3) Where any person after six days' notice in writing from the commissioners does not perform his statute labour the commissioners shall cause an entry thereof to be made and in the proper column shall enter the amount of such commutation against the name of the person in default.

(4) The book shall be kept as nearly as may be in the form of a collector's roll for an organized township, and shall be available for inspection at all reasonable times by any owner or locatee of land, or householder in the area over which the commissioners have jurisdiction.
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(5) On the 1st day of June in the year following that in which default was made, the commissioners shall make a return of arrears to the sheriff of the district, showing each lot or parcel of land upon which the commutation has not been paid, the name of the owner or locatee, the amount chargeable at the date of the return and the year for which the amount in arrear was imposed.

(6) The sheriff shall enter the particulars so furnished in a book to be kept by him for that purpose.

(7) The commissioners shall not receive any payments on account of such arrears after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made within that period, the commissioners shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him for that purpose.

(8) After the expiration of the said period of two years, all payments shall be payable to the sheriff and the sheriff shall enter every payment in the book kept by him and shall return the amount paid to the commissioners.

(9) All arrears chargeable under this section shall bear interest at the rate of ten per centum per annum.

(10) Wherever it appears from the entries in the book kept by the sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the same became payable, the sheriff shall proceed to collect the same with interest at the rate aforesaid by the sale of the lands in respect of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in the Provincial Judicial Districts of Muskoka and Parry Sound.

R.S.O. 1927, c. 239, s. 29.

31. The commissioners, when duly elected, shall serve during the term for which they are elected or shall forfeit the sum of $5, which may be sued for, together with costs, in any court having jurisdiction by any three electors making the complaint.

R.S.O. 1927, c. 239, s. 30.

RECOVERY OF PENALTIES.

32. The penalties imposed by this Act shall be recoverable under The Summary Convictions Act. R.S.O. 1927, c. 239, s. 31.