

1914

c 156 Apportionment Act

Ontario

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CHAPTER 156.

An Act respecting the Apportionment of
Periodical Payments.

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 Apportionment Act*. 1 Geo. Short title.
V. c. 21, s. 1.

2. In this Act,

Interpreta-
tion.

(a) "Annuities" shall include salaries and pensions; "Annuities."

(b) "Dividends" shall include all payments made by the "Dividends."
name of dividend, bonus or otherwise out of revenues of trading or other public companies divisible between all or any of the members, whether such payments are usually made or declared at any fixed times or otherwise, but shall not include payments in the nature of a return or re-imburement of capital; and

(c) "Rent" shall include rent service, rent charge and "Rent."
rent seek and all periodical payments or renderings in lieu or in the nature of rent. 1 Geo. V. c. 21,
s. 2.

3. Dividends shall, for the purposes of this Act, be deemed Dividends,
to have accrued by equal daily increment during and within how deemed
the period for or in respect of which the payment of the to accrue.
same is declared or expressed to be made. 1 Geo. V. c. 21, s. 3.

4. All rents, annuities, dividends, and other periodical pay- Rents, etc.,
ments in the nature of income, whether reserved or made pay- how to
able under an instrument in writing or otherwise, shall, like accrue and
interest on money lent, be considered as accruing from day to be appor-
day, and shall be apportionable in respect of time accordingly. tionable.
Imp. Act
1 Geo. V. c. 21, s. 4. 33-34 V. c.
35, s. 2.

5. The apportioned part of any such rent, annuity, divi- When ap-
dend or other periodical payment shall be payable or recover- portioned,
able in the case of a continuing rent, annuity, dividend or part of rent,
other such payment when the entire portion, of which such etc., to be
apportioned part forms part, becomes due and payable, and payable.
not before; and in the case of a rent, annuity or other such Imp. Act,
payment determined by re-entry, death or otherwise, when the 33-34 V. c.
35, s. 3.

next entire portion of the same would have been payable if the same had not so determined, and not before. 1 Geo. V. c. 21, s. 5.

Recovering
apportioned
parts.

6.—(1) All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators and assigns, respectively, of persons whose interests determine with their own deaths, shall have such or the same remedies for recovering such apportioned parts when payable, allowing proportionate parts of all just allowances, as they respectively would have had for recovering such entire portions if entitled thereto.

Imp. Act 33-
34 V. c. 35,
s. 4.

Proviso as to
rents re-
served in cer-
tain cases.

(2) The persons liable to pay rents reserved out of or charged on lands or other hereditaments, and the same lands or other hereditaments shall not be resorted to for any such apportioned part forming part of the entire or continuing rent specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person, who, if the rent had not been apportionable under this Act, or otherwise, would have been entitled to such entire or continuing rent; and such apportioned part shall be recoverable by action from such heir or other person by the executors or other persons entitled under this Act to the same. 1 Geo. V. c. 21, s. 6.

Policies
of assurance.
Imp. Act 33-
34, V. c. 35,
s. 6.
Stipulation
against ap-
portionment.
Ibid, s. 7.

7. Nothing in the preceding provisions shall render apportionable any annual sums made payable in policies of assurance of any description, or extend to any case in which it is expressly stipulated that no apportionment shall take place. 1 Geo. V. c. 21, s. 7.