c 95 The City of Hamilton Act, 1976 (No. 2)

Ontario
CHAPTER 95

An Act respecting the City of Hamilton

Assented to May 7th, 1976

WHEREAS The Corporation of the City of Hamilton hereby represents that Kenneth R. Elliott, the City's former appointee to The Hamilton Harbour Commissioners, issued a writ of summons on the 10th day of August, 1972, against Herman Turkstra, a member of the City of Hamilton Harbour Committee who was one of the five members of the said Committee that voted in favour of the resignation of Kenneth R. Elliott from The Hamilton Harbour Commissioners in consequence of certain allegations placed before the said Committee, following which the council of The Corporation of the City of Hamilton, on the 28th day of August, 1972, requested the said Kenneth R. Elliott to resign from The Hamilton Harbour Commissioners; and whereas legal action commenced by Kenneth R. Elliott by the writ of summons dated the 10th day of August, 1972, was discontinued by the said Kenneth R. Elliott, but costs and legal expenses of $1,000 were incurred by the said Herman Turkstra; and whereas The Corporation of the City of Hamilton was authorized by The City of Hamilton Act, 1973 to assume and pay all costs and legal expenses as a result of a writ of summons issued on the 5th day of September, 1972 by Kenneth R. Elliott against five members of the Harbour Committee, including Herman Turkstra, who voted in favour of the resignation of Kenneth R. Elliott and whose resignation the council of The Corporation of the City of Hamilton requested as aforesaid; and whereas the said Act did not provide for the payment of the costs and expenses as a result of the earlier writ of summons issued on the 10th day of August, 1972; and whereas the costs and legal expenses of the members of the Harbour Committee, other than Herman Turkstra, in respect of the writ of summons issued on the 5th day of September, 1972, were duly taxed in the amount of $6,569.80, which said amount was paid by The Corporation of the City of Hamilton, pursuant to the legislation aforesaid; and whereas the costs and legal expenses of Herman Turkstra, in respect of the writ of summons issued on the 5th day of September, 1972, were duly taxed in the amount of $15,441.87 which said amount was paid by The Corporation of the City of Hamilton pursuant to the legislation aforesaid; and whereas it is considered desirable that The Corporation of the City of Hamilton assume and pay the costs and legal expenses of $1,000 incurred by Herman Turkstra by reason of the issue of the earlier writ of summons.
on the 10th day of August, 1972; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is deemed expedient to grant such application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The City of Hamilton Act, 1973, being chapter 190, is amended by adding thereto the following section:

   2a. The council is hereby authorized to assume and pay the costs and legal expenses incurred by former member of the Harbour Committee, Herman Turkstra, in the amount of $1,000 by reason of the issue of a writ of summons on the 10th day of August, 1972.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as The City of Hamilton Act, 1976 (No. 2).