CHAPTER 196

An Act Respecting Statute Labour.

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 Statute Labour Act. Short title.

Exemptions.

2. 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. 4 Edw. VII. c. 25, s. 2.

[Firemen exempted in certain cases. See Rev. Stat. c. 201, s. 5 (2).]

3. The owner or tenant of an island in the lakes not exceeding ten acres in extent and used with the houses erected thereon exclusively as a summer resort, and upon which the owner or his tenants do not reside more than three months in the year, and whereon no statute labour is done, shall not be rated for statute labour, nor shall the owner or tenant thereof be liable for the performance of statute labour or for the payment of commutation thereof for or in respect of such property. 4 Edw. VII. c. 25, s. 3.

Cities, Towns and Villages.

4. Subject to the provisions of section 7, every other male inhabitant of a city, town or village of the age of twenty-one years and upwards, and under sixty years of age, and not otherwise exempted by law from performing statute labour, who has not been assessed upon the assessment roll of the city, town or village, shall, instead of such labour, be taxed at $1 yearly therefor, to be levied and collected as the council
of the municipality may by by-law direct. 4 Edw. VII. c. 25, s. 4.

Townships.

5. Subject to the provisions of section 7, every male inhabitant of a township, between the ages aforesaid, who is not otherwise assessed in any municipality in Ontario, and who is not exempt by law from performing statute labour, shall be liable to one day of statute labour on the roads and highways in the township. 4 Edw. VII. c. 25, s. 5.

Farmers’ Sons.

6. Every farmer’s son entered as such on the assessment roll of any municipality shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor as if he were not so entered. 4 Edw. VII. c. 25, s. 5.

Reduction or Abolition of Tax.

7. The council of every city, town, village and township may pass by-laws to reduce or abolish the amount of statute labour to be performed or the amount to be paid in lieu thereof or to entirely abolish such statute labour and the performance thereof by all persons within the municipality. 4 Edw. VII. c. 25, s. 7.

8. Subject to the provisions of section 7, no person shall be exempted from the tax in sections 4 or 5 mentioned unless he produces a certificate that he is assessed elsewhere or that he has performed statute labour or paid the tax elsewhere in Ontario. 4 Edw. VII. c. 25, s. 8.

Performance of Statute Labour.

9.—(1) Except as hereinafter provided, every person assessed upon the assessment roll of a township 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 of any township 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 one municipality, 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 200 acres as if the excess were one lot. 4 Edw. VII. c. 25, s. 9 (1-2); 10 Edw. VII. c. 89, s. 1.

(3) In townships where farm lots or portions thereof are owned by non-residents who have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the roll required under section 101 of The Assessment Act, where such lots are under the value of $200, to a rate not exceeding one-half per centum on the valuation; but the council may direct a less rate to be imposed by a general by-law affecting such lots.

(4) 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 Edw. VII. c. 25, s. 9 (3-4).

[As to the allowance of work in extinguishing bush fires as statute labour, see The Fires Extinguishment Act, Rev. Stat. c. 243, s. 3.]

**Commutation of Statute Labour.**

10. The council of any township may by by-law direct that a sum not exceeding $1.50 a day shall be paid as commutation of statute labour for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll and shall be collected and accounted for like other taxes. 4 Edw. VII. c. 25, s. 10; 3-4 Geo. V. c. 47, s. 1.

11. Any local municipal council may, by by-law passed for that purpose, fix the rate at which persons may commute their statute labour at any sum not exceeding $1.50 for each day's labour; and the sum so fixed shall apply equally to residents who are subject to statute labour and to non-residents in respect to their property. 4 Edw. VII. c. 25, s. 11; 3-4 Geo. V. c. 47, s. 2.

12. Where no such by-law has been passed the statute labour in townships, in respect of lands of residents and non-residents, shall be commuted at the rate of $1 for each day's labour. 4 Edw. VII. c. 25, s. 12.

13.—(1) Every person liable to pay the sum named in section 4 or any sum for statute labour commuted under section 10, shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector in lieu of statute labour may be enforced by distraint or imprisonment.
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(1) 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 $5.

(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. 4 Edw. VII. c. 25, s. 13.

14. A non-resident whose name does not appear on the resident assessment roll shall not be permitted to perform statute labour in respect of any land owned by him; but a commutation tax shall be charged against every separate lot or parcel according to its assessed value and be entered in the non-residents collector's roll. In all cases in which taxes on such non-resident lands are paid the municipal council shall order the amount to be expended in the statute labour division in which the property is situate. 4 Edw. VII. c. 25, s. 14.

15.—(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. 4 Edw. VII. c. 25, s. 15.

Statute Labour in Unincorporated Townships—Road Commissioners.

16. Twenty resident landholders in any township which has not been incorporated, either alone or in union with
some other township, shall have the right to have a public meeting called for the purpose of electing road commissioners. 4 Edw. VII. c. 25, s. 16.

17. The persons desiring the meeting to be called shall sign a requisition authorizing some person who shall be named in the requisition, and may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. 4 Edw. VII. c. 25, s. 17.

18. 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. 4 Edw. VII. c. 25, s. 18.

19. The notice calling the meeting shall name a place, day and hour for holding the meeting and shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. 4 Edw. VII. c. 25, s. 19.

20. 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. 4 Edw. VII. c. 25, s. 20.

21. 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; 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, or may not be a landholder of the township; the landholders present shall also appoint a secretary who shall record the proceedings. 4 Edw. VII. c. 25, 21.

22. 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. 4 Edw. VII. c. 25, s. 22.

23. 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. 4 Edw. VII. c. 25, s. 23.
24. 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 or locatee of lot in the concession of this township, and that you are entitled to vote at this election.

So help you God. 4 Edw. VII. c. 25, s. 24.

25. 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 in a municipal corporation. 4 Edw. VII. c. 25, s. 25.

26. 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. 4 Edw. VII. c. 25, s. 26.

27.—(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 where no road allowances are laid down in the original surveys, but five per cent. of the area is reserved for roads, the commissioners may lay out roads where necessary and direct the performance of statute labour accordingly. 61 V. c. 26, s. 1.

(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, Forests and Mines. 61 V. c. 26, s. 3.

28. The times to be appointed for the performance of statute labour shall, unless the meeting of the landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July in any year. 4 Edw. VII. c. 25, s. 27.

29.—(1) Each owner or locatee of land may be required each year to perform two days’ labour for every one hundred...
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acres he holds, and for the first ten acres which he 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 may be required each year to perform one day's labour.

(2) Any land owner, owning less than one hundred acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in subsection 1 of this section where the land is in part cleared and not exceeding two days where no part of the land is cleared. 4 Edw. VII. c. 25, s. 28.

30.—(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 $1.25 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. 4 Edw. VII. c. 25, s. 29.

31. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of $1.50 per day, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed. 4 Edw. VII. c. 25, s. 30; 3-4 Geo. V. c. 47, s. 3.

32. 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. 4 Edw. VII. c. 25, s. 31.

33. Any person liable to perform statute labour under the provisions of sections 16 to 35 who, after six days' notice requiring him to do the same, willfully 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 $1.50 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving
34.—(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.

(5) On the first day of June in the year following that in which default was made the Commissioners shall make a return 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 arrears 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 cent. per annum.

(10) Whenever 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 re-
demption 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 Provisional Judicial Districts
of Muskoka and Parry Sound. 9 Edw. VII. c. 77, s. 1.

35. 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. 4 Edw. VII. c. 25, s. 33.

RECOVERY OF PENALTIES.

36. The penalties imposed by this Act shall be recoverable under The Ontario Summary Convictions Act.