

# NOTICE TO AMEND SUCCESSION ACT GIVEN BY HENRY

## Surrogate Courts Bill Is Allowed to Stand After Objection

### L.C.A. CHANGE EXPLAINED

No time was lost by the Government in introducing a bill to give effect to the only new taxation clause in the Budget, Premier Henry giving notice in the Legislature yesterday of an amendment to the Succession Duty Act to provide for the 10 per cent. surtax on successions.

"An additional duty by way of surtax of 10 per cent. on all duties imposed under this act shall be levied, and added to, and collected with such duties," reads the clause. The amendment will apply to the estates of all persons dying on or after the bill is given Royal assent.

Yesterday's sitting was devoted to furthering private and public legislation, five private bills and three Government bills being approved by the House in committee, while five private bills, one Government and one public bill were given second reading.

#### Objection Is Sustained.

Only one bill taken up was allowed to stand. This was the amendment to the Surrogate Courts Act, which would have given Surrogate Court Judges complete power in respect of wills and estates. W. E. N. Sinclair, Liberal House Leader, objected, stating that some provision should be made for the hearing of the more involved cases before a higher court.

Attorney-General W. H. Price agreed that this might be wise, and was content to allow the bill to stand until some amendment is worked out. Mr. Sinclair had pointed out that Surrogate Courts were often of an informal nature, and because of this difficulty might be occasioned in an appeal.

Colonel Price stated that the bill was brought in so that a multiplicity of actions in such cases might be avoided. Without commenting on the merits of the case, he referred to that of *Campbell v. Hogg*.

#### Corrects Impression.

Colonel Price took the opportunity to correct the impression that the amendment to the Liquor Control Act, which was approved by the Committee of the Whole, increased the penalties for infringement of the act. "It is just a readjustment of some sections to clarify them. There is nothing in it which would increase fines," he said. "One clause really provides for an amendment to two sections of the act which appear to be contradictory. One said that in the cancellation of a liquor permit, one could just apply after the expiration of the year. Another said that one could apply for renewal any time, and that it was at the discretion of the board. You can imagine that this would cause confusion.

"The clause now stands that one can apply any time. This clarifies the two sections. Another section of the amendment virtually re-enacts a section which was left out last year in the consolidation of the act. It does not change the act."

Hon. Harry C. Nixon, Progressive Leader, asked Colonel Price if it was true that an act respecting the Town of Niagara, which was up for approval, set aside an order of the court. "I understand that it sets aside a certain judgment, or, at least, very seriously interferes with it."

Colonel Price explained that the bill was to validate a certain local improvement work. There was some

misunderstanding about this work, a relief project, in that it was understood that it was proceeded with under the authority of the Minister of Health. One of those chiefly concerned with the work had since died.

"It was later learned that there was no authority or no order given by the Health Department. Consequently, there was a very embarrassing situation. The work had been proceeded with, the men employed, and contracts let. The court held that it had been proceeded with without authorization, and without a vote of the ratepayers," he said. "The whole work had been completed, and the costs of the action have been paid. The committee felt that the town should receive approval for the work."

"If you have gone into it, and are satisfied, it is all right," agreed Mr. Nixon.

Private bills to be approved by the Committee of the Whole included the one confirming the amalgamation of the Toronto East General and the Toronto Orthopedic Hospitals, and one validating certain debentures of East York. The latter also provides that a surplus from the waterworks account can be used for general purposes, and that a surplus in a school capital account can be used for current expenditure. Another clause in the bill allows the township to pay its members of Council salaries instead of a per-diem allowance. The salaries to be set will be lower than the amount taken up by the allowances.

# TAX-EVASION BILL IS NOT APPROVED; WILL BE REVISED

## Flat Income Impost in Municipalities Also Sought

### ONE MIGHT COVER BOTH

An amendment to the Assessment Act which would make it possible for municipalities to assess firms on income at their chief place of business, was disapproved by the Municipal Committee at Queen's Park yesterday and will be revised before being presented again this session. The bill is an attempt on the part of the City of Toronto to catch income-tax evaders, who, having their business in the city, claim that their head office is somewhere outside of the city where no income tax is charged. The bill is sponsored by George Oakley (Conservative, Toronto-Riverdale).

There is also a bill on income tax to come before the committee and sponsored by T. W. Jutten (Conservative, Hamilton Centre), which would fix a flat rate of 3½ per cent. on incomes in all municipalities of the Province. In its present form, the bill is not compulsory, but there is a possibility that such a clause will be inserted, so that every locality must charge income tax. If this is done, the defeated purpose of Mr. Oakley's bill would be met, it is said.

City officials and representatives of large concerns argued for and against Mr. Oakley's measure yesterday.

Another City of Toronto bill went down to defeat when legislation was sought by the municipality to prohibit restaurants within certain areas.

## SELECT COMMITTEE SUBPOENAS WALDRON

Gordon Waldron, K.C., will be subpoenaed to appear before the Select Committee of the Ontario Legislature on Tuesday next to answer charges laid by E. J. Murphy, K.C. (Conservative, Toronto St. Patrick), it was decided yesterday at Queen's Park. The committee held its first meeting and no evidence was taken, but the case was outlined by Hon. Charles McCrea, the committee's Chairman. The basis of the charge by Mr. Murphy is that Mr. Waldron made statements reflecting upon his honor as a member of the House, and that Mr. Murphy was receiving remuneration for introducing the Optometry Bill.

Hamilton Cassels, who engaged Mr. Murphy as counsel for the optometry company; officials of the company; the official stenographer for the Optometry Board; and a local newspaperman will also be required to attend next Tuesday. In his summary of the case, Mr. McCrea stated that the onus was upon Mr. Waldron to prove his claims.

## PREMIER AGREES TO CALL COMMITTEE

### Request Made in House by W. E. N. Sinclair Is Granted

On the request of W. E. N. Sinclair, Liberal House Leader, the Public Accounts Committee of the Legislature will be called next week. Yesterday in the Legislature, Mr. Sinclair made this request, stating that N. O. Hipel (Liberal, Waterloo South) wished to take up certain matters in connection with the Breslau Bridge contracts. "I would like to ask the Prime Minister if he would call it," he said. "All right," replied Premier Henry briefly.

When the committee meets other matters may come up. For instance,

Hon. Harry Nixon, Progressive Leader, some time ago stated that he would have the committee called in an effort to find out who were the bond-holders of the Ontario Power Service Corporation. But in view of the fact that Mr. Nixon has at present a query on the order paper of the House inquiring whether any member of the Government, or of the Hydro Commission, held any of the bonds, the Accounts Committee may not be called upon to deal with it pending the answer to Mr. Nixon's questions.

# NO CLOSED SEASON ON BEARS IS MOVED

## House Committee Differs From Recommendation of Special

A recommendation to take the jurisdiction of Provincial parks out of the hands of the Lands and Forests inspectors, in so far as game and fish regulations are concerned, and to place them under the Department of Game and Fisheries, was approved by the House Committee on Game and Fisheries yesterday at Queen's Park. The Special Game Committee has already recommended co-operation between the two departments, but yesterday's move goes much further.

That the House Committee is at odds in certain matters with findings of the Special Committee, is also seen in a recommendation on bears. The latter group had recommended that there be a closed season on bears, but in spite of this the House Committee, with five members of the Special Committee sitting in yesterday's session, moved that there be no closed season.

To protect illegal purchases and dealings in furs, the committee recommended the placing of a \$500 bond on resident fur buyers and \$1,000 bond on non-resident buyers.