

SECURITIES BILL WOULD PERMIT COURT APPEALS

Ask House to Change
Clause Forbidding Any
Review of Board Order

BASED ON REPORT

Right of appeal from decisions of the Securities Commission, a right that has been denied in law and practice under the Securities Act since the commission was first formed in 1930, is granted by an amendment to the act introduced yesterday in the Legislature by Attorney-General Conant.

The Attorney-General in explanation asserted that the bill was one of the most important pieces of legislation of the entire session and clears away that section of the present act which rules "no order of the commission shall be subject to review in any way in any court."

The amendment proposes to set up a Board of Review to which any "direction, decision, order or ruling regarding a license or affecting the right of any person to trade in securities" may be appealed. Further, in event an appellant is not satisfied with the ruling of the Board of Review, he may take his claim to the Court of Appeal for Ontario.

The bill proposes that the Board of Review shall consist of the Master of the Supreme Court, who will be chairman, the judge of the Mining Court and the Deputy Minister of Mines.

Conservative Leader Drew, first to occupy the post of Securities Commissioner, queried the Attorney-General as to why provision is being made for a Board of Review rather than permit direct appeals to the court. Mr. Conant expressed confidence that nine out of ten disputed decisions could be settled by the board, without recourse to the courts.

But in event that the appeal is taken further, the record of the decision and complaint, compiled during the board hearing, would facilitate, he said, the final hearing before the Court of Appeal.

Colonel Drew stressed that he was wholly in accord with the principle of the bill. "I approve any move to give the privilege of appeal from any board," he said.

The appeal provisions arise directly from recommendations of the Legislative Committee inquiry into the administration of justice last summer. The committee recommended a Board of Review to be composed of a judge of a county or district court, a licensed broker not being a member of a stock exchange and the president of the Toronto Stock Exchange "or some member of the exchange nominated by the president and approved by the Attorney-General." The recommendation did not call for a final appeal to the Court of Appeal.

Approve Hamilton Botanical Garden

On the 100th anniversary of the date that the Royal Botanical Gardens, Kew, London, became a national institution and was opened as such, the City of Hamilton yesterday secured third reading to a bill validating the formation of the Royal Botanical Gardens of that city.

Hon. T. B. McQuesten, Highways and Municipal Affairs Minister and member for Hamilton-Wentworth, brought the coincidence to the attention of the Legislature. The bill, which sets up a board of ten to administer the gardens, was sponsored by John Newlands, Hamilton Centre.

HONOR NIXON ON BIRTHDAY

Tells Legislature His
Son Also Born April 1

IN CABINET IN 1919

Provincial Secretary H. C. Nixon, the "Cabinet Kid" of 1919, when he first filled the post in the Drury regime, was congratulated yesterday in the Legislature by the entire House in honor of his fiftieth birthday.

Premier Hepburn first expressed his congratulations, and also congratulated Mines Minister Robert Laurier who was 49 yesterday.

"I cannot let the opportunity pass to thank the members for remembering one April Fool in the House," Mr. Nixon said. He said his twenty-two years in the House was split 11-11 in time served with the Government and Opposition sides, and he was certain that Hon. George S. Henry would agree with him that sitting in the Opposition, with full freedom to criticize, had certain compensations over Government service with the responsibility of forming policies "which might or might not work out."

"In appreciation of my birthday, twenty-three years ago my eldest son selected the same day to be born," continued Mr. Nixon. "He is now in an east coast pool with the air force as a sergeant-instructor, and ready to play his part in the Battle of England and if Providence brings him back safely, that would be a great gift indeed."

Prior to the appointment of the committee at the last session, Ian Strachan, K.C., Liberal Whip and member for Toronto St. George, pressed the Government to provide for appeal rights on decisions of the Securities Commission and other boards with similar absolute powers.

"The amendments are in line with my own principles and policies that a citizen should have a right to have his rights determined by the courts whenever it is at all possible and whenever it does not too drastically delay or impair administration," said Mr. Conant.