

# Synopsis Highway Traffic Act by Ontario Motor League

Concise Review of Law and Regulations in Readable Form as issued by Motor League for the Information and Advantage of Motorists and in the Hope that the Provisions of the Law may be Complied with to the General Benefit of All.

The Ontario Government issues each year a synopsis of the Highway Traffic Act, but to some motorists this is not always a clear guide, technical expressions and legal phrases being more or less incorporated in the review of the law in the matter. The Ontario Motor League has had its chief solicitor, T. N. Phelan, K. C., prepare a clear digest of the law. The synopsis given by Mr. Phelan should be of especial use and value to motorists. It is as follows:—

It is important that motorists should at all times observe the duties imposed upon them, for the law is enforced strictly. It is equally important that they should know their rights, and insist on the observance of them by others.

**1. OPERATION OF CARS**  
Permits  
The owner of every motor vehicle driven on the highway must secure a numbered permit for such motor vehicle. Application for such permits is made to the Department on a form supplied by it. Any person who knowingly makes any false statement in an application or in any other written information required by the Department, is guilty of an offence. Where an owner changes his address he must, "within 6 days" send by registered letter, or cause to be filed in the Department, "his change of address." In case of a sale or transfer of a motor vehicle for which a permit has been issued, both vendor and purchaser must, within 6 days, "forward a notice, on the prescribed form, to the Department of the sale or purchase by or to him." No permit will be issued if the serial number of the motor vehicle is obliterated or defaced, except after proof of ownership.

**Reciprocity of Licenses**  
Reciprocity of licenses has been established between Ontario and certain Provinces and States. Cars registered in these Provinces and States may be operated in Ontario for a period of thirty days without registration in this Province. In such cases it is not necessary to secure Ontario markers, but the foreign markers must comply with the Ontario regulation as to position, conditions, etc. Of course, the operation of these cars must comply in all other respects with the laws of this Province.

**Driver's License**  
A license or permit is required in Ontario for the driver who operates a car. No person under 16 may drive a car and those between 16 and 18 only after they have shown their ability by passing the same examination as chauffeurs. Motor tourists who have complied with the regulations of their own Province or State are not required to hold an Ontario Driver's License.

**Speed**  
Cars must not be driven at a greater rate of speed than 20 miles per hour in cities, towns and villages, and, outside these, not at a greater rate than 35 miles per hour. Circumstances may make even these rates unlawful, for the act provides: "Any person who drives a motor vehicle on a highway recklessly or negligently or at a speed or in a manner dangerous to the public, having regard to all the circumstances," is guilty of an offence. At railway crossings, curves and street intersections, where the driver "has not a clear view of any approaching traffic" the speed must be reduced to 15 miles per hour. Driving a car in a race or by an intoxicated person is specifically forbidden.

**Passing Street Cars and Vehicles**  
There are special provisions about passing street cars and horse-drawn vehicles. While a street car or radial car is standing to take on or discharge passengers, a motor vehicle shall not pass it or approach within 6 feet "until the passengers have got on or got safely to the side of the road, as the case may be." A motor vehicle must not pass on the left-hand side of any street car which is operated in the centre of the highway, whether such street car is stationary or in motion. When approaching horses, all reasonable precautions to prevent frightening them must be taken. If signalled by the driver to do so, the operator must stop both his car and engine.

**Rules of the Road**  
The rules of the road to be observed are, briefly, these: In meeting vehicles, turn to the right of the centre of the road. In overtaking them, give audible warning, and pass on the left of the vehicle overtaken, which is required to turn to the right, and leave one-half of the travelled road free for you to pass. When you are coming to an intersection, vehicles on your right hand have the right of way; vehicles on your left hand give way to you.

**ATTENTION HOUSEHOLDERS**  
Wrap all Garbage in paper. Keep your Garbage can covered. Use plenty of Chloride of Lime which can be procured at the Town Hall, free. Householders using well water must boil it for at least 20 minutes. All outside toilets must be made safe. By Order of THE BOARD OF HEALTH

**Municipal By-Laws**  
There are local traffic rules in most cities and towns. These must be observed where they are not inconsistent with the provisions of the act above set out. Some cities have, by by-law, designated certain streets as through streets. Vehicles travelling upon side streets must stop before crossing through streets. Such by-laws are valid if approved by the Department of Highways.

**2-EQUIPMENT**  
Horn, Muffler, Mirror.  
Every motor vehicle shall be equipped with a bell or horn, "and the horn shall be kept in good working order and sounded whenever it shall be reasonably necessary to warn pedestrians or others."  
Every motor vehicle shall be equipped with a "noise-muffler," and any contrivance operated from the seat of the car for releasing such muffler is prohibited. Motor trucks must be equipped with a mirror to afford the driver a view of "vehicles approaching from the rear."

**Lamps**  
The act requires every motor to carry after dusk and before dawn, three lighted lamps in a conspicuous position; two of these on the front of the car, one being on either side, and a third on the back of the car. The lamp on the rear of the car shall be at least four candle-power, cast a red light, and be placed "so as to illuminate the number placed on the back of the car." Every lamp on a motor vehicle "shall be clearly visible at a distance of at least 200 feet," and "no motor vehicle shall carry on the front thereof more than three lighted lamps of over four candle-power." A motor vehicle standing on the highway may show a parking light in lieu of those above provided. Horse-drawn vehicles are also required to carry lights at night.

**Headlights**  
Provisions to regulate glaring headlights are in force. The use of bulbs of more than 21 candle-power is prohibited. Headlights must be so designed or arranged that no parallel beam of light, "when measured 75 feet or more ahead of the lamps, shall rise above 42 inches from the level surface." No headlight non-glare device will be recognized as legal which has not been approved by the Department of Highways. By a 1928 amendment to the Highway Traffic Act, no spotlight or searchlight or other auxiliary lamp may be attached to any part of a motor vehicle higher than the headlamps of such vehicle. And the ray of light from any such spotlight, searchlight or auxiliary lamp must be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light will strike the highway within 75 feet of the vehicle, provided that this shall not prevent the use of what are commonly known as cow or side lamps or clearance lamps.

**Markers**  
Every car must carry "on the front and back thereof, in a conspicuous position," the markers furnished by the Department. These markers may not be used on any other car than the one in respect of which they are issued. They must be kept "free of dirt and obstruction," and so placed as to be at all times plainly visible. The marker on the back must not be lower than the body of the car. No other number may be exposed "in such a position or manner as to confuse the identity of the number plate."  
Every motor vehicle other than a motor cycle "shall be equipped with brakes adequate to stop and to hold such vehicle, including two separate

**Brakes**  
means of application each of which means shall apply a brake or brakes effective on at least two wheels and each of which shall suffice to stop the vehicle within proper distance." Any police officer may, at any time, cause an inspection to be made of the brakes and require the driver to have the brakes put in good working order.

**3-ACCIDENTS**  
If an accident occurs on the highways, every person in charge of a vehicle, "who is directly or indirectly a party to the accident, shall remain at or return to the scene of the accident and render all possible assistance and give in writing, upon request, to any one sustaining loss or injury, or to any police constable or to any witness, his name and address and also the name and address of the owner of the vehicle and the number of the permit."

**Liability of Owner**  
Whenever there is a violation of the Highway Traffic Act, or any act of negligence on the part of the driver, and as a result any person sustains loss, both the owner and the driver are liable in damages, as well as to the penalties referred to. The only exception to this liability on the part of the owner is where at the time of the violation the car was "in the possession of some person other than the owner or his chauffeur without the owner's consent."

**Limitation of Actions**  
No action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of six months from the time when the damages were sustained, except in case of infants and fatal accidents.

**Witnesses, Etc.**  
In almost every case, where an action is brought against an owner or driver for damages, his liability will depend upon a question of fact—was he or was he not guilty of negligence? That question is determined by a court or jury solely upon the evidence and credibility of witnesses. As the act further imposes upon the owner or driver the burden of proving that he was not guilty of negligence, it is of the utmost importance that the names of witnesses be secured, and all data preserved that will assist in the defence of any action that may be brought.

**Passenger and Owner**  
There are special provisions applying to a person who sustains injuries while a passenger in a motor car. In an action brought by such passenger against the owner the six months' limitation does not apply. The onus of disproving negligence is not upon the owner, and the owner is not liable where the car is being driven by some person with the knowledge and consent of the owner, unless such person is a servant in the employment of the owner.  
**Time Limit for Serving Summons**  
A summons issued for violation of the act shall be served "within ten days of the alleged offence," unless the time is extended by a Magistrate upon evi-



MR. H. T. JAFFRAY  
Assistant General Manager, Imperial Bank of Canada, Toronto, Ontario

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dence showing "that the person summoned could not be served within the time specified," or that "by reason of the default or unlawful act of the person summoned a summons could not be issued and served within the time specified."

**Criminal Negligence**  
In addition to the penalties imposed by the Highway Traffic Act, 1923, the criminal code makes every one guilty of an indictable offence, and liable to two years' imprisonment, "who causes grievous bodily harm" to any person by furious driving, wilful misconduct, or by the neglect of any duty imposed upon him. The provisions of the code may be invoked where bodily injury is done, or death is caused, and not in cases of property damages only.

**Defence of Alibi**  
Where it is alleged an offence has been committed against the act, and the owner is summoned to appear in a county "other than the one in which he resides," the owner may wish to show that neither he nor his motor vehicle was at the place of the alleged offence at the time. In that case, the owner may appear, with two witnesses, before a Justice of the Peace, in his own county, and there give proof of his defence.

**Trial Before Justice**  
When you are charged with a violation of the Highway Traffic Act you should be summoned within 10 days. You are entitled to information as to the time and place the offence was committed and to an adjournment if necessary to procure witnesses or counsel. The evidence of the complainant must show beyond reasonable doubt that an offence was committed, and you should be particular to see that both the wording of the summons and the evidence given show an offence within the wording of the Highway Act or some valid municipal by-law. Sometimes it does not. You have the right to cross-examine these witnesses, and to call such witness in defence as you deem necessary. If you are convicted wrongfully, there is the right of appeal, in which case notice must be served on the Magistrate or Justice and the informant within ten days.

The Ontario Motor League will welcome any specific complaints of illegal or unreasonable conduct on the part of any officer, justice or magistrate, and will, where possible, take steps to enforce the motorist's legal rights.

### NORTH'S FIRST REAL SNOWFALL AT KOWKASH SOME DAYS AGO

The first real snowfall of the season was reported early last week from Kowkash on the Canadian National Transcontinental. The tale of the real snowfall was brought in by prospectors, whose story made the few flakes that fell in other parts of the North look like nothing divided by two. At Kowkash they say from a half-inch to an inch of snow fell, and the snow was more or less general from Kowkash to Hearst. The snow covered the ground long enough for all to see that it was a real snowfall and not just a forecast. However, as might be expected, it did not last long, though longer than the proverbial snowball.

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SOUTHERN CANADA POWER COMPANY, LIMITED	MANITOBA POWER COMPANY, LIMITED
	WINNIPEG ELECTRIC COMPANY

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	1928	1927	1926
GROSS EARNINGS	\$2,128,641.42	\$796,634.93	\$324,476.92
EXPENSES including taxes	326,083.98	135,182.86	78,090.69
NET EARNINGS	\$1,802,557.44	\$661,452.07	\$246,386.23

**Balance Sheet as at June 30th, 1928**

ASSETS	1928	1927	LIABILITIES	1928	1927
Cash on hand and in Bank	\$ 4,071,344.90	\$ 57,610.74	Bar and other loans	\$ 1,299,940.74	\$ 1,086,966.10
Investments in Common Stocks and advances to affiliated companies	10,471,234.21	7,012,599.08	Accounts and Accrued Liabilities	1,381,948.75	299,915.43
Other investments	13,927,529.01	3,496,835.92	Dividend payable July 15, 1928 on 6% Cum. Preferred Stock	75,000.00	75,000.00
Accounts Receivable Including Accrued Revenue	307,182.35	806,082.12	6% Non-Cumulative Participating Pref. Stock	75,000.00	
Miscellaneous Assets	8,680.35	10,595.39	5% 30-year Convertible debentures, Series A, due 1957	4,979,500.00	\$ 7,811,389.49
	\$28,785,970.84	\$11,383,723.25	To Shareholders— Capital Stock First Cum. 6% Pref. Auth. 50,000 shs. \$100. each issued 50,000 shs.	5,000,000.00	5,000,000.00
			Non-Cumulative 6% Participating Pref. Authorized 100,000 shs. \$50. each issued 100,000 shs. / 50,000 shs.	5,000,000.00	2,500,000.00
			Common Stock no par value auth. 1,000,000 shs., issued 200,205 / 160,000 shs.	3,495,500.00	1,875,000.00
			Paid in by subscribers to capital stock	5,541,174.03	255,975.19
			Miscellaneous reserve	1,681,932.13	545,245.91
			Profit and Loss	\$28,785,970.84	\$11,383,723.25

Signed on behalf of the Board (A. J. NESBITT, Director)  
(J. B. WOODYATT, Director)

**AUDITORS' CERTIFICATE**  
The President and Shareholders Power Corporation of Canada, Limited, certify that the foregoing Balance Sheet and relative Statement of Surplus exhibits a true and correct view of the state of the Corporation's affairs at that date and the results from the operations thereof according to the information and explanations required by us.

(Sgd.) P. S. ROSS & SONS,  
Chartered Accountants

Montreal, 27th August 1928.

**Profit and Loss Account**

Balance at Credit 1st, July 1927	\$ 545,245.91
Earnings for year ended 30th, June 1928	1,802,557.44
Premium on Preferred Stock Issued	500,000.00
Interest	
Dividend on 6% Cumulative Preferred Stock	\$178,371.22
Dividend on 6% Non-Cumulative Participating Preferred Stock	360,000.00
Discount on Debentures issued	187,500.00
Transferred to General Reserve	350,000.00
Balance at Credit 30th, June 1928	1,581,932.13

\$ 2,847,803.35

**Magnitude of Operations**

The following condensed statement of the operations of the public utility companies which Power Corporation of Canada, Limited, controls, or is substantially interested in, is indicative of the magnitude of its operations. It comprises the operations of the above named Companies.

	1926	1927	1928
(1) Combined gross earnings for the fiscal period	\$12,974,984.90	\$14,661,610.14	\$27,432,829.00
(2) Net earnings for the same period available for Reserves and Common Dividends	1,891,703.65	2,072,651.83	4,312,128.00
(3) Total k. w. hours generated	850,000,000	1,153,262,000	1,574,170,411
(4) Total plant capacity (horse-power)	400,000	436,600	689,172
(5) Projects under development		48,000	92,700
(6) Undeveloped power sites		283,000	569,928
(7) Total ultimate capacity of plants		747,600	1,351,800

The story of Power Corporation "What it is—What it does" sent on request Write to 350 Cornaline Building, Montreal.