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THE ACT TO PROVIDE FOR BETTER HOUSING

Full Text of Important Bill Passed by the Legislature at Its Recent Session—How Cities and Towns May Avail Themselves of the Provisions of the Act—Money May be Borrowed at Five per cent Interest.

(Passed April 17th, 1919.)

Be it enacted by the Lieutenant-Governor and Legislative Assembly, as follows:

1. This Act may be cited as the "Housing Act, 1919."
2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings assigned to them:

"Local Authority" shall mean any City or Town Council of any regularly incorporated Town or City or the Municipal Council of any County of the Province of New Brunswick.

"Housing Fund" shall mean the fund lent or to be lent by the Government of Canada to the Province of New Brunswick for the purpose of carrying out the terms and provisions of this Act and any increase and additions to such fund.

"Local Housing Board" shall mean any Board or Committee appointed by a Local Authority for the purpose of carrying out any Town Planning or Housing Scheme or both.

"Housing Company" shall mean any association of persons or any Company incorporated under any law of the Province of New Brunswick undertaking and agreeing to carry out a Housing Scheme.

"Town Planning Scheme" shall mean any scheme within the provisions of Section 1 of Acts of Assembly 2, Geo. V., Chapter 19.

"Housing Scheme" shall mean any scheme for the planning, constructing, purchasing, managing and selling or leasing of houses and the acquirement of land for any such purpose.

"Municipality" shall mean and include any Municipality and any Incorporated City or Town.

3. The Lieutenant-Governor-in-Council may and is hereby authorized to borrow from the Dominion of Canada a sum or sums of money not exceeding in all \$1,250,000. and to enter into an agreement with the Government of Canada as to the terms, conditions and purposes upon and for which such money is to be lent to and accepted by the Province of New Brunswick and to give security for the repayment of such money.

4. In order to promote the erection of dwelling houses of modern character both in urban and rural districts, to prevent overcrowding in houses, to contribute to the general health and well-being of the community by suitable town planning and housing schemes and to put within the reach of all persons, particularly returned soldiers, the opportunity of acquiring their own homes at actual cost of the building and land required at a fair value, the Lieutenant-Governor-in-Council is hereby authorized to lend all or any part of the Housing Fund to the Farm Settlement Board, Municipalities or Companies in the Province of New Brunswick upon such terms not inconsistent with the provisions of this Act as may be agreed upon between the Lieutenant-Governor-in-Council and such Farm Settlement Board, Municipalities or Companies.

5. The Lieutenant-Governor-in-Council is hereby authorized and empowered to make and to put into force regulations:

(a) For the compulsory taking of freehold or leasehold property for the development of any Town Planning or Housing scheme or both.

(b) For fixing compensation to be paid to the owners of the lands so taken or used.

(c) For any other matter or thing necessary for carrying out the provisions and objects of this Act.

6. Any Local Authority desiring to adopt this Act may do so upon passing a resolution at any regular meeting of such Local Authority or at a special meeting duly called for the purpose of considering same setting forth that the Local Authority wishes to borrow a sum of money, not exceeding a specified amount repayable in not more than thirty years with interest payable annually at a rate not exceeding 5 per cent per annum for the purpose of carrying out a Town Planning or Housing Scheme or both.

7. Upon such resolution being passed by a Local Authority such Local Authority shall have power and is hereby authorized:

(a) To borrow from the Province of New Brunswick a sum or sums of money, not exceeding in all such amount as may be specified by the Local Authority and the power to borrow hereby vested in any Local Authority shall not affect or limit the borrowing powers of any such Local Authority as authorized by any special or general Act;

(b) To make a Town Planning Scheme or a Housing Scheme or both.

(c) To carry out such scheme or schemes after the same have been approved of by the Lieutenant-Governor-in-Council and for such purpose to use or expend the amount of the loan that may be made to such Local Authority under the provisions of this Act.

(d) To purchase by agreement or compulsory any land or other property required to carry out any Town Planning or Housing Scheme that has been approved of by the Lieutenant-Governor-in-Council.

(e) To enter into an agreement with the Province as to the carrying out and completing a Town Planning or Housing Scheme or both under the terms and provisions of this Act or under any other regulations or conditions that may be made by the Lieutenant-Governor-in-Council.

(f) To give and execute bonds, debentures, certificates of indebtedness or other security for moneys borrowed by the Municipality under this Act.

(g) To lend to any individual or Housing Company for the purpose of erecting a house or houses within the limits of the Municipality a sum or sums of money not exceeding 85 per cent of the cost of such house or houses and the land required for the same, upon such terms as may be agreed upon by the Local Authority and such individuals or Housing Companies, not inconsistent with this Act or any regulations made thereunder, and to take such securities or securities for any such loan as may be satisfactory to the Local Authority.

(h) To lease any house or houses and messuages to any individual with or without options to the Lessee to purchase the

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same.

(i) To sell any lots included in any Town Planning Scheme, with such building or other restrictions as by the Local Authority may be deemed advisable.

(j) To do all other acts or things that may be necessary or incidental to the carrying out of any approved Town Planning or Housing Scheme or both.

(k) To appoint a Board of not less than three persons who may or may not be members of such Local Authority and from time to time to remove from office any or all the members of such Board and to appoint others in their stead. Such Board shall be known as the Local Housing Board of the Municipality appointing it.

(l) To delegate to such Board all or any of the powers or duties conferred on a Local Authority by sub-sections (b), (c), (d), (e), (g), (h), and (i) of this section, and such other powers or duties as to the Local Authority may seem advisable.

8. Any Companies incorporated under any Law of the Province of New Brunswick for trading or manufacturing purposes may and are hereby (notwithstanding any Law, Act of Incorporation, Charter or any rule of Law or Equity to the contrary) authorized at any time to erect either on their own land or on any other land (which they are hereby authorized to purchase and hold for the purpose, and to pay for out of any funds at their disposal) houses for the accommodation of all or any of the persons employed by them.

9. Any Company may make a Housing Scheme and may borrow from the Lieutenant-Governor-in-Council or a Local Authority a sum of money not exceeding 85 per cent of the amount required to carry out any such Housing Scheme when made and approved of as in the case of Municipalities and may sell or lease all or any of the houses comprised in such Housing Scheme.

10. No Company that has borrowed any money from the Lieutenant-Governor-in-Council or a Local Authority shall be entitled to make any profit in respect of such moneys so borrowed or to be entitled to receive or make a profit of more than 6 per cent per annum on any moneys of its own invested in any such Housing Scheme.

11. For the purpose of providing for the construction of houses in rural districts the Farm Settlement Board, in addition to the powers conferred on it by Chapter 28 of Acts of Assembly 2, George V., may borrow moneys from the Housing Fund and lend the same to individuals to enable such individuals to erect suitable houses upon farm properties owned by them upon such terms, conditions and agreements as may be deemed advisable by the Farm Settlement Board consistent with the objects and provisions of this Act or any regulations made thereunder.

12. In all cases where land is compulsorily purchased by any Local Authority under the provisions of this Act or any regulations made thereunder, and where the parties cannot agree upon the amount to be paid for such land, such amount shall be settled by arbitration, and the following provisions shall have effect in settling the amount of compensation, namely:

(a) Nothing shall be allowed for the compulsory taking of such land.

(b) The arbitrator or arbitrators shall have regard to and make an allowance in respect of any increased value which in his or their opinion will be given to any other land or dwelling-houses of the same owner by the carrying out of any Town Planning Scheme or Housing Scheme or both.

13. The provisions of the New Brunswick Railway Act in respect to the taking or acquiring of lands, and the awarding of compensation therefor shall apply mutatis mutandis, subject, however, to the provisions of Section 12 of this Act.

14. The Provisions of Section 13 of this Act shall not limit the authority conferred upon the Lieutenant-Governor-in-Council by Section 5 of this Act.



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