



CHAPTER 104

An Act to amend the charter of the city of Montreal

[Assented to, the 28th of April, 1939]

WHEREAS the city of Montreal has, by its petition, Preamble.
represented that it is in the interest of the said city
and necessary for the proper administration of its affairs
that its charter, the act 62 Victoria, chapter 58, and the
acts amending the same, be further amended, and whereas
it is expedient to grant its prayer;

Therefore, His Majesty, with the advice and consent
of the Legislative Council and of the Legislative Assem-
bly of Quebec, enacts as follows:

1. Article 44a of the act 62 Victoria, chapter 58, as 62 Vict., c. 58,
enacted by the act 1 George V (1911), chapter 60, section 58, art. 44a,
5, and replaced by the acts 5 George V, chapter 89, section am.
1; 19 George V, chapter 97, section 5; 23 George V, chapter
123, section 5; 1 George VI, chapter 103, section 4, and 2
George VI, chapter 105, section 1, is amended by replacing
the fourth paragraph thereof by the following:

“Such representative shall, however, when authorized Electoral
and when called upon to cast his vote, be a director or em- qualification
ployee of the said society or of the said company or cor- of certain re-
poration, as the case may be, and be himself a municipal presentative.
elector of the city, except in the case of a religious corpora-
tion which may be represented by one of the members
of such corporation, without such member being an elector,
but provided he be a British subject.”

2. Article 105a of the act 62 Victoria, chapter 58, as 62 Vict., c. 58,
enacted by the act 1 George VI, chapter 103, section 21, art. 105a, am.
and as replaced by the act 2 George VI, chapter 105, sec-
tion 3, is amended by replacing the last paragraph thereof
by the following:

Identification card not obligatory.

"Such identification card shall not be obligatory in any by-election during one year counting from the 28th of April, 1939.

Decision by council as to future application.

The municipal council may, within the three months following the 28th of April, 1939, decide that in the future the said identification card shall not be obligatory."

62 Vict., c. 58, art. 129, replaced.

3. Article 129 of the act 62 Victoria, chapter 58, is replaced by the following:

Calling upon electors to vote.

"**129.** Immediately after the box shall have been locked, the deputy returning-officer shall, at eight o'clock in the morning precisely, call upon the electors to vote."

62 Vict., c. 58, arts. 162a-162g, repealed.

4. Articles 162a to 162g of the act 62 Victoria, chapter 58, as enacted by the act 22 George V, chapter 105, section 9, are repealed.

Id., art. 183a, added.

5. The act 62 Victoria, chapter 58, is amended by adding thereto, after article 183 thereof, as replaced by the acts 19 George V, chapter 97, section 12, and 1 George VI, chapter 103, section 30, the following article:

Delay for recount in certain case.

"**183a.** The delay of four days granted for the recount in virtue of this act shall be only three days, when the fourth day is a non-juridical day, and the notice to be served upon the candidates and the returning-officer in connection with the recount shall then be so served before seven o'clock in the evening of the third day, failing which the returning-officer shall be held to proclaim without delay, in the newspapers, the candidates elected."

62 Vict., c. 58, art. 300, am.

6. Article 300 of the act 62 Victoria, chapter 58, as amended by the acts 63 Victoria, chapter 49, sections 7 and 8; 3 Edward VII, chapter 62, sections 22 and 23; 4 Edward VII, chapter 49, sections 6 and 7; 7 Edward VII, chapter 63, sections 10 and 11; 8 Edward VII, chapter 85, section 15; 9 Edward VII, chapter 81, sections 7, 8 and 9; 1 George V (1910), chapter 48, section 29; 1 George V (1911), chapter 60, sections 10 and 11; 2 George V, chapter 56, sections 11 and 12; 3 George V, chapter 54, section 8; 4 George V, chapter 73, section 8; 6 George V, chapter 44, section 12; 7 George V, chapter 60, section 2; 8 George V, chapter 84, section 29; 10 George V, chapter 86, section 2; 11 George V, chapter 111, section 1; 12 George V, chapter 105, section 4; 13 George V, chapter

91, section 5; 15 George V, chapter 92, section 17; 16 George V, chapter 71, section 11; 18 George V, chapter 97, section 5; 19 George V, chapter 97, section 14; 22 George V, chapter 105, section 14; 23 George V, chapter 123, section 14; 24 George V, chapter 88, section 6; 25-26 George V, chapter 113, section 4; 1 George VI, chapter 103, section 34, and 2 George VI, chapter 105, section 4, is further amended by adding thereto, after paragraph 104*a*, as enacted by the act 24 George V, chapter 88, section 6, and replaced by the act 1 George VI, chapter 103, section 34, the following paragraph:

"104*b*. To prohibit, between six o'clock in the evening and five o'clock in the morning on Monday, Tuesday, Wednesday, Thursday and Friday, and between nine o'clock in the evening on Saturday and five o'clock in the morning on Monday, the sale or delivery of ice at houses or in the streets, lanes or public places of the city, excepting deliveries to railway companies, navigation companies, hospitals and dairies."

7. The act 62 Victoria, chapter 58, is amended by adding thereto, after article 345*b* thereof, as enacted by the act 23 George V, chapter 123, section 21, the following article:

"**345*c***. Notwithstanding the terms of the by-laws authorizing the same, the city may effect loans and issue bonds, debentures or registered stock, payable in Canada or outside of Canada."

It may agree to refund the capital and to pay the interest on such loans or such bonds, debentures or registered stock in one or more countries and in the currency of the country or countries where, according to the agreement, the refund or refunds and the payments may be made, and for such purpose it may establish on what basis the rate of exchange shall be determined.

The loans which the city has effected and the bonds, debentures or registered stock which it has issued, refundable in Canada and outside of Canada, and payable in the currency of one or more countries, are legal.

The exercising of the rights granted by this section shall be subject to the prior approval of the Quebec Municipal Commission."

8. Article 362 of the act 62 Victoria, chapter 58, as replaced by the act 3 Edward VII, chapter 62, section 36, and amended by the acts 8 Edward VII, chapter 85, sections 18 and 19; 15 George V, chapter 92, section 24; 18

George V, chapter 97, section 8; 24 George V, chapter 88, section 8; 25-26 George V, chapter 113, section 9; 1 George VI, chapter 103, section 40, and 2 George VI, chapter 105, section 6, is again amended by replacing the third paragraph of paragraph *a* thereof, as added by the act 2 George VI, chapter 105, section 6, by the following:

Notification of amount of reduction in certain valuation.

"Upon application by the proprietors of such immovables to the chief assessor, it shall devolve upon him to give to the said proprietors a notification of the amount of the reduction in valuation to be used as a basis for the exemption which will be granted to them, with right of complaint to be lodged with the chief assessor within a delay of eight days from the date of the notification of his decision, provided that it be established to his satisfaction that the said immovables are actually occupied as residence by the priest or by the minister in charge of a church within the limits of the city. All such complaints shall be transmitted by the chief assessor to the board of revision of valuations which shall hear the parties and render its decision in the same manner as is provided for complaints regarding real estate valuations. The application above mentioned shall be considered only if it is made in the course of the year for which the tax is imposed. The chief assessor shall accordingly notify the director of finance and the latter shall determine the credit to be allowed to the proprietor, based on such reduction in valuation."

62 Vict., c. 58, art. 369, replaced.

9. Article 369 of the act 62 Victoria, chapter 58, as replaced by the acts 19 George V, chapter 97, section 21, and 1 George VI, chapter 103, section 48, is again replaced by the following:

Assessing of certain property as a whole in certain cases.

"369. A property which has been subdivided, but the subdivision whereof has not been duly registered at the registry office within the limits of which such property is situated, may be assessed as a whole; it shall be lawful for the city to levy such assessment on the whole or on any part of such property; if the subdivision or resubdivision has been duly registered at the registry office, each newly subdivided or resubdivided lot shall (except as otherwise provided for in paragraph 1 of article 375) be revalued for the current fiscal year by the assessors, on receipt by the chief assessor of a demand for same from any of the interested parties, and the procedure relating to subdivided properties in paragraph *a* of article 375, as amended by section 11 of the act 2 George VI, chapter 105, and further amended by act 3 George VI, chapter 104, shall apply, *mutatis mutandis*."

10. Article 372a of the act 62 Victoria, chapter 58, as ^{62 Vict., c. 58, art. 372a, am.} enacted by the act 4 George V, chapter 73, section 16, and replaced by the act 22 George V, chapter 105, section 21, and amended by the act 23 George V, chapter 123, section 26, is again amended by replacing the second paragraph thereof by the following:

"The person other than a hypothecary or privileged ^{Subrogation.} creditor who pays to the city a municipal or school, real estate or personal tax, general or special, or the water tax, not being the debtor thereof, cannot be subrogated in the rights and privileges of the said city nor recover the sums so paid unless he has previously obtained, from the actual debtor of such taxes, a consent in writing to such payment with subrogation."

11. Article 375 of the act 62 Victoria, chapter 58, as ^{62 Vict., c. 58, art. 375, am.} replaced by the act 3 Edward VII, chapter 62, section 41, and amended by the acts 7 Edward VII, chapter 63, section 23; 19 George V, chapter 97, section 22; 25-26 George V, chapter 112, section 6; 1 George VI, chapter 103, section 50, and 2 George VI, chapter 105, section 11, is again amended:

a. By replacing the second, third, fourth, fifth and sixth paragraphs thereof, as added by the act 2 George VI, chapter 105, section 11, by the following:

"If an immoveable is transferred by sale or otherwise, ^{Striking of certain name from roll.} by deed duly registered at the registry office, between the first day of December and the first day of March following, the chief assessor shall strike from the roll just deposited the name of the proprietor entered thereon, to insert thereon the name of the new proprietor and to make thereon such corrections as may be necessary for school tax purposes.

In the case of the sale of a part of an immoveable entered on the roll or where a property already entered thereon has been subdivided before the first day of March and such subdivision duly registered at the registry office, such property shall be revalued by the assessors and they shall immediately transmit the particulars of such revaluation to the chief assessor and the latter shall notify the board of revision thereof. ^{Revaluating of certain immoveable in certain case.}

The latter after the notice to the proprietors required by ^{Issuing of valuation certificate.} paragraph 16 of article 382, as enacted by section 57 of the act 1 George VI, chapter 103, shall issue a valuation certificate authorizing the necessary changes.

Amending of
certain valua-
tion roll, etc.

The valuation roll used for the imposition of taxes for the year beginning on the first day of May next following as well as the real estate assessment roll for the same fiscal year shall be amended accordingly, and the changes so made in the said rolls shall form part thereof for all legal purposes.

Changes
validated.

Any similar changes made in the past are declared valid and legal.”;

b. By replacing paragraph 2 thereof by the following:

Full names
etc., of prop-
rietors.

“2. The surnames, Christian names and occupations of the last proprietors entered at the registry office and their then present residence, as far as can be ascertained; the surnames, Christian names and then present residence of the usufructuaries in the case of usufruct created by will, donation or by the law; the surnames, Christian names and then present residence of the institutes named in the document registered and creating the substitution; in cases where there is no substitution, nor usufruct, the surnames, Christian names and then present residence of the legatees or heirs appearing on the document duly registered, or the name of the deceased with the word “estate” (*a*) when the deceased has appointed trustees or executors, having, without the concurrent action of the heirs, the seizin and the absolute control of the immovables of his estate (*b*) when the names of the heirs or legatees are unknown.”

c. By replacing paragraph 7 thereof, as enacted by the act 2 George VI, chapter 105, section 11, by the following:

Changes to be
entered in
valuation
rolls.

“7. Notwithstanding the foregoing provisions, the valuations entered on the valuation roll completed and deposited on the 1st December, 1937, with the changes which may have been made thereto, shall be entered by the assessors on the valuation rolls which must be completed and deposited on the 1st December of the years 1938, 1939 and 1940, provided that:

Proviso.

a. Whenever buildings or constructions erected upon an immoveable entered in the previous roll have been changed or altered, or whenever a lot has been subdivided or resubdivided, a new valuation of such property be made according to law and entered on the valuation roll by the assessors;

b. Notwithstanding the first paragraph of article 379*a*, as enacted by the act 1 George VI, chapter 103, section 54, and notwithstanding article 380, as replaced by the act 1 George VI, chapter 103, section 55, no complaint shall be

received respecting any entry in the valuation rolls deposited on the 1st of December of the years 1938, 1939 and 1940, except as to the valuations made in virtue of paragraph *a* above, and the chief assessor shall, in such case, give notice to all the interested owners, by registered letter to their address as entered on the roll, of such new valuation and of the delay to bring complaint;

c. No public notice that the rolls mentioned in this paragraph 7 are completed and deposited shall be required;

d. Subject to the restrictions or modifications enacted by this act, the powers conferred upon the board of revision of valuations are not otherwise altered."

12. Article 375*a* of the act 62 Victoria, chapter 58, as ^{62 Vict., c. 58, art. 375*a*, am.} enacted by the act 1 George VI, chapter 103, section 51, and amended by the act 2 George VI, chapter 105, section 12, is again amended by adding thereto, at the end of paragraph 3 thereof, the following paragraph:

"When a new building is erected on the site where an old building has been demolished and a certificate is issued by the board of revision authorizing the inscription of the value of such new building on the valuation roll of the then current fiscal year and the valuation of the demolished building appears on the roll, the additional taxes to be imposed on such new building, from the date of its completion as it appears on the certificate of the board of revision, shall be calculated on the difference in the valuations, if that of the new building is higher than that of the old, and, in all other cases, no additional tax shall be imposed for that year." ^{Calculating of certain additional taxes.}

13. Section 382 of the act 62 Victoria, chapter 58, ^{62 Vict. c. 58, s. 382, am.} as replaced by the acts 25-26 George V, chapter 113, section 15, and 1 George VI, chapter 103, section 57, and amended by the act 2 George VI, chapter 105, section 14, is again amended by adding thereto, after paragraph 30 thereof, the following paragraph:

"31. Notwithstanding any law to the contrary and in order to permit the board of revision to proceed with the ^{Delay to render decisions.} general and complete revaluation of the immoveable property, no decision upon the complaints relative to the real estate valuation made before this board or on the revaluation of the immoveables shall be rendered by this board before the 1st May, 1941.

Power of hearing complaints not affected.

This provision shall not affect the power of the board of revision to hear complaints brought before it nor to proceed with its inquiries relative to the revaluation of the immoveable property, except as regards the decision which is adjourned as hereinabove explained. However, the board of revision retains all its powers as regards the hearing and the deciding of complaints relative to the valuation and the fixing of the rental value of the immoveables."

62 Vict., c. 58, art. 393, am.

14. Article 393 of the act 62 Victoria, chapter 58, is amended by replacing the second paragraph thereof by the following:

Transmission and procedure respecting certain complaints.

"All complaints received by the director of finance with respect to any school tax shall be transmitted by him to the chief assessor who shall, notwithstanding any general or special law to the contrary, determine any changes as to denominations. The interested parties shall be notified by the chief assessor of the changes decided upon and there shall be right of appeal to the Circuit Court of Montreal within ten days from the date of such decision, as provided by law; the chief assessor shall also notify, in writing, the director of finance of the changes to be effected and the latter shall revise the panels of such school roll in the same manner and with the same effect as if they were in a separate book or roll."

62 Vict., c. 58, art. 402b, added.

15. The act 62 Victoria, chapter 58, is amended by adding thereto, after article 402a thereof, as enacted by the act 10 George V, chapter 86, section 10, the following article:

Due date.

"**402b.** In the case of a sale having the effect of a sheriff's sale, the municipal and school taxes shall be due and exigible on the 1st of May of every fiscal year."

62 Vict., c. 58, art. 420a, replaced.

16. Article 420a of the act 62 Victoria, chapter 58, as enacted by the act 4 George V, chapter 73, section 19, is replaced by the following:

Opening of certain streets.

"**420a.** Notwithstanding any law to the contrary, the city may, with the approval of the Lieutenant-Governor in Council, open streets less than sixty-six feet in width, in special and exceptional cases."

62 Vict., c. 58, art. 421, am.

17. Article 421 of the act 62 Victoria, chapter 58, as replaced by the act 3 George V, chapter 54, sections 20 and 21, and amended by the acts 4 George V, chapter 73, section 60; 11 George V, chapter 111, section 4, and 24 George V, chapter 88, section 15, is again amended by replacing the sixth paragraph thereof by the following:

"Whenever it shall decide to purchase an immovable, ^{By whom cost of purchasing immovables, etc., to be borne.} part of an immovable or servitude, either by mutual agreement or by expropriation, the city shall at the same time indicate by whom the cost of such purchase shall be borne, and, for such purpose, the city is authorized to pay itself such cost and to indicate the fund against which it shall be charged, or to charge the same, in whole or in part, to the owners of immovables who, in its opinion, will benefit by the proposed improvement, either according to the frontage of said immovables or according to the value thereof without the buildings, as shown on the valuation roll, by means of a roll made and prepared in accordance with the provisions of article 450 of the city charter, or to charge such cost, in whole or in part, against the special tax provided for by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105, but only in the case of the opening or widening of a street or boulevard, when such improvements shall be deemed to be in the general interest by the City Planning Board and by the executive committee."

18. Article 455 of the act 62 Victoria, chapter 58, as ^{62 Vict., c. 58, art. 455, am.} enacted by the act 1 George V (1911), chapter 60, section 25, and replaced by the acts 3 George V, chapter 54, section 29; 4 George V, chapter 73, section 26, and 18 George V, chapter 97, section 15, and amended by the acts 19 George V, chapter 97, section 26; 22 George V, chapter 105, section 32, and 23 George V, chapter 123, section 31, is again amended by adding thereto the following paragraphs:

"13. If a lot is located at the corner of a street and a lane ^{Lot to benefit from certain exemption.} and such lot has a greater extent on the street than on the lane, the said lot, as regards the paving of the street, shall benefit from the exemption provided by sub-paragraph *d* of paragraph 2 of this article.

"14. Notwithstanding the provisions of this article, the ^{Apportioning of cost of certain macadamizing.} city council, on a report from the executive committee, is authorized to apportion among the bordering proprietors, according to the number of square yards of macadam, the actual cost of the construction in macadam of any street where the said council, on a report from the executive committee, may deem that macadamizing will suffice for traffic requirements."

19. The act 62 Victoria, chapter 58, is amended by adding thereto, after article 536b thereof, as enacted by the ^{62 Vict., c. 58, arts. 536c, 536d, added.} act 7 Edward VII, chapter 63, section 45, the following articles:

Restriction as to certain action in damages.

"536c. No action in damages shall lie against the city when the damages resulting from flooding shall be due to the failure to install, in any immovable erected after the 28th of April, 1939, safety valves of a model approved by the Quebec Public Service Commission, to prevent the backing up of the waters from the sewers of the city into the cellar of such immovable.

Examination of claimant, etc.

"536d. When the city receives a notice of claim or suit, its attorneys may obtain from a judge of the Superior Court, by summary petition, after three clear days' notice, with the additional delay prescribed by article 149 of the Code of Civil Procedure, the right to examine the claimant or any other person mentioned in article 286 of the said Code, upon all facts relating to the claim. Moreover, in the case of damage to property, the city may, in the same manner, obtain an order permitting its investigators and experts to examine the property concerned.

Deprivation of right of action.
Costs.

In the event of refusal to comply with the aforesaid orders, the claimant shall be deprived of his right of action.

The costs incurred by the city in this respect on its part shall be borne by the city.

Attorney.

In such cases the claimant may demand the presence of his attorney."

8 Ed. VII, c. 85, s. 24, am.

20. Section 24 of the act 8 Edward VII, chapter 85, is amended by replacing the first paragraph thereof by the following:

Assisting of dependants of city firemen and constables.

"The city is authorized, by by-law, to assist the widow and children of the firemen or constables in the city's employ who shall, in the performance of their respective duties, be killed or grievously wounded or who shall die following an accident occasioned in the course of their work, provided the death take place within (12) twelve months following such accident."

Paying of certain pension authorized.

21. The city is authorized to pay a pension to the widow and children of sub-director Elzéar Robert, of the Fire Department, who died on the 27th of September, 1938, from injuries received on the 7th of June, 1937, whilst carrying out his duties.

9 Ed. VII, c. 81, s. 39, am.

22. Section 39 of the act 9 Edward VII, chapter 81, as amended by the acts 2 George V, chapter 56, section 30; 3 George V, chapter 54, section 37; 22 George V, chapter 107, section 1; 23 George V, chapter 123, section 35, and

2 George VI, chapter 105, section 18, is again amended by adding to subsection 8 thereof the following paragraphs:

"The annual rentals exigible from the lessees of the underground electric conduit system shall also include a sum not to exceed five thousand dollars per annum, which may be applied to the superannuation fund established by the city.

Application to superannuation fund.

The employees of the Electrical Commission shall benefit by such fund and must contribute thereto in the proportion of two-thirds for the employers or lessees and of one-third for the employees."

Contributions etc., thereto.

23. Section 98 of the act 1 George VI, chapter 103, is replaced by the following:

1 Geo. VI, c. 103, s. 98, replaced.

"**98.** The council is authorized, on a report from the executive committee, to acquire by mutual agreement or by expropriation, the pieces of land required for the establishing of a main road between the viaduct under the Canadian National Railway tracks and the Gouin boulevard and to impute the cost of such improvement against the special tax contemplated by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105."

Acquiring of certain land.

24. Section 99 of the act 1 George VI, chapter 103, is amended by adding thereto the following paragraphs:

1 Geo. VI, c. 103, s. 99, am.

1. The persons named in the resolution of the city council of Montreal on the 21st of October, 1938, shall constitute a corporation bearing the name of "The Commission of the Third Centenary of Montreal" and shall have power to acquire, administer and alienate any moveable or immovable property, as well as to carry out any works in so far as the present act does not prevent it. It shall have alone, particularly, the right to carry out the programme which it shall elaborate in connection with the celebration of the third centenary of Montreal; nevertheless it may not, at any time, acquire, mortgage or alienate immovables without the consent of the city council.

Constitution of "The Commission of the Third Centenary of Montreal".

2. The corporate seat of the commission shall be within the limits of the city of Montreal.

Corporate seat.

3. The mayor of the city of Montreal shall be chairman of the commission and, in case of vacancy, or other inability to act on his part, it shall be filled by any other person designated by the council. It shall elect from among its

Chairman.

members one or more vice-presidents and a treasurer whose duties it shall determine. The duties of the secretary shall be performed by its general director.

Fixing of
quorum, etc.

4. The commission shall fix the quorum of its meetings and adopt the by-laws required for the good administration of its affairs, for the conservation and protection of the works, buildings and other properties belonging to it and of which it has the possession, the administration or the custody, as well as for the maintenance of good order within the limits of the territory under its jurisdiction.

Replacing of
member.

5. In case of neglect or inability to act of one of the members of the commission, the latter may declare the seat vacant and recommend that such member be replaced. The city council shall then appoint a successor to the commissioner in default. The duration of the impediment provided in this article shall be determined by the by-laws of the commission.

Appointing of
executive
committee.

6. The commission may appoint from among its members an executive committee for the rapid transacting of its affairs; this committee shall not however take any initiative contrary to the directions of the commission and shall report to the latter on its activities at the following regular meeting.

Appointing of
committees
of study, etc.

7. It shall also appoint all committees of study or sub-commissions, even outside of its membership, and shall delegate to them any duties it deems advisable to assure the success of its work. These committees or sub-commissions shall report to it from time to time, through the general director, and shall not carry out their suggestions nor engage the responsibility of the commission without its previous authorization.

Validation of
certain con-
tract of en-
gagement.

8. The contract of engagement of the general director as regards his engagement and the conditions thereof is validated for all legal purposes and the conditions and obligations stated therein shall have full and entire legal effect.

Appointing,
etc., of tech-
nical, etc.,
advisers.

9. It also appoints, after having obtained the advice of its general director, the technical and legal advisers and the employees it may need, determines their respective duties and fixes the remuneration it deems advisable.

Casting-vote.

10. In case of equality in the number of votes, on any question submitted to the vote of the commission, the chairman of the meeting shall have a casting-vote in addition to his right to vote as a commissioner.

11. The properties of the commission shall not be liable to seizure, unless it shall have previously and specifically renounced such privilege; they shall remain its property as long as it remains in existence. In case of voluntary liquidation or at the expiration of its term, its property shall become the property of the city of Montreal. Properties not liable to seizure.

12. The actions or claims with the object of exercising rights and recourses against the commission or one of its members in his capacity as commissioner shall be taken against the commission, and the members of the latter shall in no wise be personally responsible as such. Taking of claims, etc., against commission.

13. The commission may receive from any government, federal, provincial or municipal, from any public bodies, from any individuals, or in any other manner, donations or contributions, in any form whatever; the donations and contributions thus made to the commission shall belong to it, shall remain under its exclusive control and shall be utilized for the purposes it shall see fit to determine. They cannot be revoked without the consent of the commission. The commission may, in the same manner, acquire or own as proprietor, tenant or occupant, all the moveable property useful for its purposes, make any engagements it may deem necessary to that effect and generally exercise all rights of a civil person. Receiving of donations, etc., authorized.

14. In order to assure the carrying out of this act, the commission is authorized, as often as it may deem it advisable, to effect loans on notes, provided the total amount of the loans thus effected do not at any time exceed \$5,000.00. The commission may, with the approval of the city council, borrow on mortgages or by the issue of bonds and give all guarantees it may deem advisable to assure the payment of such loans. Loans and amount thereof.

15. The commission shall have the power to occupy, with the consent of the city of Montreal, any property belonging to the latter or, after agreement with the interested party, any other property belonging to any individual, gratuitously, or on lease, for the purpose of organizing celebrations, manifestations or an exhibition designed to commemorate in a fitting manner, in 1942, the third centenary of the founding of Montreal. Occupying of property.

It shall have the power to designate, with the consent of the city council, a territory comprising one or more wards of the city, in whole or in part, which shall be designated as "territory under the jurisdiction of the commission". Jurisdiction over certain territory.

Operating,
etc., of under-
takings, etc. For the above-mentioned purposes, it may operate any undertaking pertaining to the purpose in view, erect buildings or constructions, execute leases, grant contracts and concessions, approve and regulate the sale of souvenirs and other articles relating to the third centenary of Montreal, and accomplish in a general manner all it may deem necessary and useful to attain its objects.

Entrance fee. It may charge an entrance fee with respect to the properties it shall occupy.

Granting,
etc., of con-
cessions, etc. It shall have the right to permit, organize, maintain and operate, within the limits of the territory it shall have designated, games, restaurants, exhibitions, undertakings or manifestations of all kinds, other than those existing at the time when the territory under the jurisdiction of the commission shall be determined, as above provided, and grant, in the same manner, concessions to private undertakings in any manner it may see fit.

Leasing, etc.,
powers. It may also lease and concede and annul or renew on the conditions it may determine, the concessions, rights, franchises and permits which may be operated in the said territory.

Regulating of
businesses,
etc. It may regulate the operation of all businesses, games, exhibitions, privileges and industries within a radius which it shall determine around the said territory, for any purposes whatever, provided such businesses, privileges and industries shall not be in operation at the time of effecting such regulation.

Gratuitous
supply of
electricity,
etc. 16. The city of Montreal shall supply the commission gratuitously with electricity, water and the use of sewers it may need for the immovables occupied by the said commission, but it shall not be held to make capital expenditures for such purposes. It shall furnish the commission with police supervision and supply all other municipal services which it may require.

Tax
exemptions. The commission and the properties which it owns as proprietor or which it occupies gratuitously, wherever may be their location, are exempt from all municipal and school taxes. The holders of concessions granted by the commission are not exempt from personal taxes. These persons, or the proprietors of the immoveables which they occupy, as the case may be, are moreover subject to the real estate taxes and to the other taxes generally levied, when they operate concessions in properties which do not belong to the commission or whereof it does not have the gratuitous use.

Collective
labour agree-
ments. 17. As regards collective labour agreements, the commission shall be in the same position as the city of Montreal.

18. The city of Montreal, in addition to the contribution Loans by city. hereinabove provided, shall have the power to borrow in order to assist financially the commission. Such loan is special, it may be made by mere resolution of the city council, without the approval of the electors owning real estate, and it shall not affect the general borrowing power of the city of Montreal. The interest and sinking-fund payments of such loan shall be effected out of the revenues of the city of Montreal. The loans mentioned in this paragraph shall be subject to the prior approval of the Quebec Municipal Commission.

19. The commission shall publish each year a report Publishing of report. of its operations including a statement of its receipts and expenditures, as well as of its assets and liabilities, which statement shall be audited by qualified auditors.

20. The commission shall exist until the 1st of January, Term. 1943.

25. Section 24 of the act 2 George VI, chapter 105, is 2 Geo. VI, c. 105, s. 24, am. amended by adding thereto the following paragraphs:

"The city may add to its budget of capital expenditures, Adding to budget of capital expenditures. authorized by this section, which capital expenditures to be used only for the three year period mentioned in this section, the amounts which have not been utilized nor committed of the expenditures authorized by the budget of capital expenditures of the preceding fiscal year.

The budget of capital expenditures for the fiscal year Submitting, etc., of certain budget. 1939-1940 may be submitted to the council on or before the 15th of May, and the council may adopt, amend or reject the same on or before the 15th of June."

26. Section 26 of the act 2 George VI, chapter 105, is 2 Geo. VI, c. 105, s. 26, replaced. replaced by the following:

"**26.** Except the authorizations to borrow in virtue of Annulling of certain unused authorizations. article 351b of the charter and for the expenditures for unemployment, as well as for the system of underground conduits, all unused authorizations for loans not contracted are annulled.

This section shall not have the effect of hindering the Application. city of Montreal from contracting the necessary loans to pay loans contracted to date which are subject to renewal.

All loans so renewed shall be subject to the approval of Approval required. the Quebec Municipal Commission".

27. The city of Montreal is authorized to enter into Entering into certain contracts, etc. authorized. with the Federal Government any contract, arrangement

and agreement and to contract for such purposes all such loans as it may deem useful, if it decides to avail itself of the act of the Parliament of Canada 2 George VI, chapter 33, known as "An Act to assist municipalities in making self-liquidating improvements".

Direct
dealings.

The municipal authorities of Montreal, without being obliged to obtain any authorization from the Legislature or from any Department of the Provincial Government, may deal in this respect directly with the Federal authorities.

2 Geo. VI, c.
105, s. 38, am.

28. Section 38 of the act 2 George VI, chapter 105, is amended by adding thereto, after paragraph *b* thereof, the following paragraphs:

Bonsecours
market;

"*c.* A sum not to exceed two hundred and fifty thousand dollars to rebuild, improve or repair the Bonsecours market buildings;

Establishing
of certain
market;

d. A sum not to exceed seven hundred and fifty thousand dollars for the acquisition of immovables and the construction of buildings for the establishment of a market in the quadrilateral bounded by Frontenac, Bercy, Ontario and St. Catherine streets;

Laying of
water mains,
etc.;

e. A sum not to exceed two hundred and fifty thousand dollars for the laying of water mains and services;

Acquiring of
certain lots;

f. A sum not to exceed one hundred thousand dollars for the acquisition of the lots bearing numbers 2 to 10 inclusively of the subdivision of the original lot No. 905 and of part of the original lot No. 906, on the official plan and book of reference of St. Louis ward, situated on Roy street, between City Hall and Laval avenues, and of the buildings thereon erected, belonging to the *Oeuvre et Fabrique* of the parish of St. Louis de France and to the Ecclesiastics of the Seminary of St. Sulpice;

Purchasing of
certain equip-
ment;

g. An amount not to exceed seven hundred and fifty thousand dollars for the purchase of material, equipment or machinery to be used for the purposes of the upkeep of the streets and sidewalks of the city. Such loan shall be spread over ten years and the service thereof shall be imputed to the budget of the city under the item: removal of snow.

Approval
required.

Such loans shall be subject to the prior approval of the Quebec Municipal Commission."

3 Geo. VI, c.
103, s. 4, re-
placed.

29. Section 4 of the act 3 George VI, chapter 103, is replaced by the following:

"4. The city is authorized to effect a loan not exceeding one million dollars to consolidate the expenses and the cost of several loans one of which to the amount of eight million dollars largely representing the bonds of the city which matured on the 1st of March, 1939. Loan authorized.

This loan is special, it does not affect the general borrowing power and is not subject to the approval of the electors owning real estate, but it shall be subject to the prior approval of the Quebec Municipal Commission. Approval required, etc.

The city is authorized to add, by mere resolution of the council, upon report of the executive committee, to the amount of any loan to be effected or renewed, an estimate of the discount on bonds and the expenses incidental to their issue. The amount so estimated shall first be submitted for the approval of the Quebec Municipal Commission at the same time as the loan of which it forms a part." Adding for certain amount authorized.

30. The share payable by the proprietors of the city of Verdun, in accordance with the apportionment roll of the cost of the immovables acquired by the city of Montreal, in connection with the establishment of the aqueduct boulevards, shall be assumed by the city of Montreal, which shall each year charge the instalment due to the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105. The instalments in arrears of 1935, 1936, 1937 and 1938 shall be added to the instalment of 1939. Assuming of certain payment.

The city shall reimburse to the proprietors, on the date of the homologation of the roll, any capital or any instalments paid by them, in virtue of the said roll, but without interest. Reimbursement.

If a proprietor has paid, before the sanction of this act, the taxes appearing on the above-mentioned roll, in whole or in part, the sums so paid shall be applied without interest on any other taxes due to the city by such proprietor. And if such proprietor does not owe any other tax to the city, he shall be entitled to the refund, without interest, of the amount so paid. Any refund not effected within five years from the date when it has become payable shall be *ipso facto* prescribed. The refunds shall be effected upon production of the receipts which shall have been given to the ratepayers and failing production of such receipts the executive committee is authorized to determine the procedure necessary to protect the city against duplicate refunds. Applications of sums paid in excess, etc.

Amending of
certain roll
authorized.

31. The city is authorized to amend the roll which was put into force on the 18th of August, 1933, in connection with the sewer constructed on Willowdale avenue, from the limits of Outremont to Pear avenue, and via Pear avenue to Côte St. Catherine road, so that the share of the cost of such sewer charged to "Les Sœurs Missionnaires de l'Immaculée-Conception", proprietors of part of lot No. 40 of the cadastre of the Incorporated Village of Côte des Neiges, be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

Striking of
certain taxes
from books
authorized.

32. The city is authorized to strike from its books the taxes due by the Montreal Convalescent Hospital on the immovable situated at No. 1501 St. Mark street and known as St. Martha's Home and to charge the amount of such taxes against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

Amending of
certain rolls
authorized.

33. The city is authorized to amend the rolls which were put into force on the 12th of August, 1930, and the 10th of August, 1931, in connection with the sewer and paving constructed on Faillon street, from St. Laurent boulevard to the right-of-way of the Canadian Pacific Railway Company, so that the share of the cost of such sewer and paving charged to "L'Institution Catholique des Sourds-Muets de la Province de Québec", proprietor of lots Nos. 642-150, 149, 148 and 147 of the cadastre of the Parish of St. Laurent, be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

Certain pay-
ment by cer-
tain purcha-
ser.

In the case of sale of that part of such lots fronting on Faillon street, the purchaser shall be held to pay the annual instalments which, according to the above mentioned rolls, shall remain due at the date of such sale.

Amending of
certain ex-
propriation
rolls.

34. Notwithstanding any provision to the contrary, the city shall amend the expropriation rolls of Jean-Talon street, between McEachran and St. André streets, Villeray and St. John wards, put in force on the 1st of October, 1935, and reduce by 60% the share of the proprietors of such street who have been assessed as bordering proprietors and whose immovables were not expropriated, such

60%, as well as the interest on such percentage since the homologation of the said rolls, to be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

If an interested proprietor has paid, before the sanction of this act, more than 40% of his share of such expropriations, the surplus so paid shall be applied without interest on any other taxes due to the city by the proprietor whose name appeared, on the 1st of October, 1935, on the expropriation rolls. Applying of certain surplus.

If such proprietor does not owe any other tax to the city, he shall be entitled to the refund, without interest, of the sum so paid. Refund.

Any refund not effected within five years from the date when it shall become payable shall be *ipso facto* prescribed. Prescription of refund.

Refunds shall be effected on production of the receipts which shall have been given to the ratepayer. If such receipts cannot be produced, the executive committee is authorized to determine the procedure required to safeguard the city against the possibility of duplicate refunds. How refunds effected.

35. The apportionment rolls which came into force on the 28th of September, 1925, and the 12th of August, 1929, concerning the expropriations made on Drolet street, between St. Joseph boulevard and Laurier avenue, are amended so that the share of the cost of such two expropriations, charged to the bordering proprietors, be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105. Amending of certain apportionment rolls.

If a proprietor has paid, before the sanction of this act, the taxes appearing on the above-mentioned rolls, in whole or in part, the sums so paid shall be applied without interest on any other taxes due to the city by such proprietor. And if such proprietor does not owe any other tax to the city, he shall be entitled to the refund, without interest, of the amount so paid. Any refund not effected within five years from the date when it has become payable shall be *ipso facto* prescribed. The refunds shall be effected upon production of the receipts which shall have been given to the ratepayers and failing production of such receipts, the executive committee is authorized to determine the procedure necessary to protect the city against duplicate refunds. Applying of certain sums paid, etc.

Settlement of
certain taxes
authorized.

36. The city is authorized: a) to accept from the trustees of the St. James United Church the sum of \$20,000.00 in settlement of the real estate and school taxes due by the said trustees on that portion of immovables owned by them and forming the quadrilateral of St. Catherine, City Councillors, Mayor and St. Alexander streets, retroceded to the said trustees by the St. Catherine Realty Corporation; the amount of the reduction so granted to be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105; and b) to fix for a period not exceeding five years from the 1st of May, 1939, the amount of real estate and school taxes on the said immovables, such amount not to exceed \$14,000.00 per annum, the same to be apportioned between the city of Montreal for the municipal taxes and the Protestant School Commission for the school taxes, in proportion of the rates of the taxes as imposed by the municipal by-laws and by the act 32 Victoria, chapter 16, and its amendments.

Certain
school taxes.

However, the city shall not have the right to demand the refund of the school taxes paid to the Montreal Catholic School Commission or to the Montreal Protestant Central School Board on the said immovables and the city shall pay them the instalment of the said taxes which shall have become due on the 1st of May, 1939, and which may be added to the special tax mentioned in this section.

Maintaining
of certain
municipal
valuation.

37. The council may, to aid any proprietor who wishes to reconstruct a building, maintain over a period not to exceed three years the municipal valuation of such building at the value entered on the valuation roll at the time of the demolition or of the destruction of such building. This section shall not apply to industrial or commercial buildings nor to what is commonly known as apartment houses.

Making of
certain con-
tracts, etc.,
authorized.

38. The council, on a report from the executive committee, is authorized to make the contracts required and to take the necessary engagements to allow the application in the city of Montreal of the act of the Parliament of Canada, 2 George VI, chapter 49, entitled "National Housing Act, 1938".

City declared
owner of cer-
tain streets,
etc.

39. Notwithstanding any general law or special act to the contrary, and in view of the deed of acquittance in favour of the city, passed before Jean Beaudoin, notary, on the 5th October, 1938, under No. 14247 of his minutes, by

His Majesty the King, in the rights of the Dominion of Canada, and represented by the Minister of Finance, of the sums due by the city of Montreal, in connection with the turn-pike roads, aggregating \$117,553.67, and assumed by the city of Montreal, the city of St. Cunégonde, the Town of St. Henri and other municipalities which have since been annexed to the city of Montreal, the whole to the discharge of the Trustees of the Montreal Turnpike Roads, replaced by the Minister of Public Works and of Labour in virtue of the act 13 George V, chapter 12 (1922), the city of Montreal is declared the owner of the streets, avenues and roads described in the various commutation agreements referred to in the above-mentioned deed of acquittance, and the said roads, avenues and streets are moreover declared free from any privileges whatsoever.

40. That part of lot No. 187, subdivision 1, of the cadastre of the Parish of Montreal, situated on the south-west side of the ramp of the tunnel under the Canadian National Railway tracks at St. Rémi street, and acquired by the city from the said company, shall form part of the said St. Rémi street and the special taxes affecting such part of the lot shall be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

Special taxes, etc., affecting certain lot.

41. The city is authorized to amend the roll, which came into force on the 2nd of February, 1918, concerning the sewer constructed on St. Pascal street, now Namur, between Côte des Neiges road and St. Jean-Baptiste road, in order that the share of the cost of such sewer, charged to the proprietors whose immovables are situated in the town of Mount Royal, be charged against the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

Amending of certain roll authorized.

If a proprietor has paid, before the sanction of this act, the taxes appearing on the above-mentioned roll, in whole or in part, the sums so paid shall be applied without interest on any other taxes due to the city. And, if said proprietor does not owe any other tax to the city, he shall be entitled to the refund, without interest, of the amount so paid. Any refund which shall not have been effected within five years from the date when it shall become payable shall be *ipso facto* prescribed. The refunds shall be effected upon production of the receipts which have been

Applying of certain sums paid.

given the ratepayers and, failing production of the receipts or failing the existence of the receipts, by any other legal evidence. The executive committee is authorized to determine the necessary procedure to protect the city against duplicate refunds.

Payments by
certain com-
panies to city.

42. To aid the reestablishment of its finances, during the fiscal year 1939-1940, the companies hereunder mentioned shall pay to the city;

The Bell Telephone Company, a sum of one hundred thousand dollars;

The Canadian National Telegraph Company, a sum of three thousand dollars;

The Canadian Pacific Telegraph Company, a sum of three thousand dollars;

Dominion Electric Protection Company, a sum of two thousand dollars;

The Montreal Tramways Company, a sum of fifty thousand dollars;

When sums
payable, etc.

These sums shall form part of the ordinary revenue of the city for the fiscal year beginning on the 1st of May, 1939, and shall be payable on or before the 1st of July next, in addition to all other sums and taxes to which these companies are subject.

Retaining of
certain
amount from
sums due by
city to certain
company.

The city, from the 1st of May, 1939, to the 30th of April, 1940, shall retain, out of the sums it is called upon to pay to the Montreal Light, Heat & Power Consolidated for electric power supplied for municipal purposes, a sum of three hundred and fifty thousand dollars, at the rate of one-twelfth from each monthly account; the balance, if need there be, to complete the said sum of three hundred and fifty thousand dollars, to be retained from the account for the month of April, 1940.

Restriction.

The contributions or reductions mentioned in this section shall never be invoked or serve as a basis to increase rates charged to the customers or users of the said public utility companies.

Tax on
peddlers, etc.

43. Notwithstanding any law to the contrary, every peddler or employee-peddler, every solicitor and every employee-solicitor in drygoods or haberdashery or boots and shoes shall obtain a permit from the city and, for such permit, the city may require an amount not to exceed one hundred dollars. This permit shall be annual and not transferable and shall constitute a special tax to be imposed by by-law, which, for the year 1939-1940, shall be adopted before the 1st of July, 1939.

This section shall not apply to persons doing business with merchants, dealers or manufacturers only, in the ordinary course of their commerce. Restriction.

44. In addition to the sum of ninety-seven thousand dollars which the city has used, this winter, out of the loan of one million dollars authorized by section 4 of the act 3 George VI, chapter 103, for snow removal, the city is authorized to spend for the same purpose, during the fiscal year 1938-1939, an additional sum of one hundred and fifty thousand dollars out of the surplus of the capital account appearing in its financial statement. Expending of additional sum for snow removal.

45. The city is authorized to strike from its books any taxes owing at the date of the assent to this act, by *l'Hospice Saint Henri Incorporé* for the immovable situated at number 751 College Avenue, and by the *Soeurs Dominicaines du Rosaire* for the immovable situated at number 5334 Notre-Dame de Grâces Avenue, and to impute the amount of such taxes to the special tax contemplated by section 23 of the act 6 George V, chapter 44, as replaced by the act 22 George V, chapter 105, section 40. Striking of certain taxes from city's books.

46. Notwithstanding any provision to the contrary, the city is authorized to sell for a nominal price (payable in cash) any vacant land which it may have acquired from the Canadian Pacific Railway Company, on the northwest side of Rouen street, from the western side of Darling street to Letourneux Avenue, in Prefontaine and Maisonneuve wards of the city, provided that the purchaser undertake to build within one year from the date of acquiring, in accordance with the building regulations which the city will adopt for such land. The executive committee may extend such delay for a period of six months, for reasons deemed sufficient. Such nominal price shall be fixed by the chief assessor and the director of finance and approved by the executive committee and the council, but in fixing such price the chief assessor and the director of finance shall not be obliged to consider the valuation of the said land as entered in the roll. If the purchaser fail to build upon the said land within the delay stipulated in the deed of sale, the sale shall be cancelled and the city shall be entitled to keep the amount received by it. Selling of certain vacant land.

The price paid by the purchasers of such land shall not serve as a basis for the future valuation thereof nor for that of other land in the said wards which must be valued at their real value. Price paid and future valuation.

Value of
construction
erected.

The construction to be erected must be worth five times the value of the land and the purchaser shall not be entitled to hypothecate the property until the said construction be erected.

Loan author-
ized.

47. The city is authorized to borrow the sum of \$295,-175.89, to consolidate the expenses incurred for unemployment relief during the period from the 22nd of September, 1932, to the 30th of April, 1938, and by-law No. 1541 adopted on the 1st of April, 1939, for this purpose, is declared legal.

Loan to be
special.

This loan is special, it does not affect the general borrowing power and shall not be submitted to the approval of the electors owning real estate, but it shall be subject to that of the Quebec Municipal Commission.

Non-exigibil-
ity of certain
costs.

48. Notwithstanding any law to the contrary and any assessment roll, the quota, in capital, interest and accessories, charged against the owners of lands under cultivation, of the cost of expropriation for the opening and enlargement of the St. Catherine road in Montreal, between the Côte des Neiges road and Décary boulevard, and of the cost of the improvement works subsequent to such expropriation, shall not be exigible from the said proprietors before the 1st of October, 1942.

Charge of
interest.

The interest on the taxes imposed by the said roll or rolls shall, so long as this or these rolls shall remain thus suspended, be charged to the special tax provided by section 23 of the act 6 George V, chapter 44, as replaced by section 40 of the act 22 George V, chapter 105.

Deeds
validated.

49. The following deeds are declared valid and legal:

1. Deed of exchange between the city and the Canadian National Railway Company, passed before Mtre. Jean Baudouin, notary, on the 21st of May, 1938, under number 14,115 of the minutes of his repertory;

2. Deed of sale by the city to William Michael Phelan, passed before Mtre. Jean Baudouin, notary, on the 13th of July, 1938, under number 14,170 of the minutes of his repertory;

3. Lease with option of purchase by the city of Montreal to Phillips Electrical Works, Limited, passed before Mtre. Jean Baudouin, notary, on the 23rd of September, 1938, under number 14,227 of the minutes of his repertory;

4. Contract between the city and the Canadian National Railway Company concerning the establishment of a cattle market, passed before Mtre. Jean Baudouin, notary, on the 27th of December, 1935, under number 13,657 of the minutes of his repertory;

5. Contract between the city and the Canadian Pacific Railway Company concerning the establishment of a cattle market, passed before Mtre. Jean Baudouin, notary, on the 20th of February, 1935, under number 13,685 of the minutes of his repertory.

50. This act shall come into force on the day of its Coming into
force. sanction.

