



CHAPTER 105

An Act to amend the charter of the city of Montreal

[Assented to, the 12th of April, 1938]

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 Assembly 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 art. 44a, re-
5, and replaced by the acts 5 George V, chapter 89, sec- placed.
tion 1; 19 George V, chapter 97, section 5; 23 George V,
chapter 123, section 5, and 1 George VI, chapter 103, sec-
tion 4, is again replaced by the following:

“44a. Incorporated societies, owning one or more im- Voting by
moveables, as well as joint-stock companies or corpora- companies,
tions, paying taxes affording electoral qualification, etc.
may be entered on the voters' list and vote through a
representative duly authorized to that effect by a resolu-
tion bearing the seal of the interested society or com-
pany or corporation.

A copy of such resolution shall be filed with the city clerk Filing of
on or before the 1st of September. copy.

Said societies, companies or corporations may so vote Where com-
in all the wards where, in the case of societies, they own panies, etc.
taxable real estate and, in the case of companies or cor- may vote.
porations, where they pay taxes.

Proviso.

Such representative shall, however, be a director or employee of the said society or of the said company or corporation, as the case may be, and be himself a municipal elector of the city, when authorized and when called upon to cast his vote.

Mention in application.

The said societies, companies or corporations shall mention, in their applications to be entered on the voters' list, the wards where they own taxable real estate or where they pay taxes, as the case may be, and where they desire to exercise the right to vote.

Resolution.

The said resolution shall serve for the above purposes until it has been replaced by another resolution to the same effect, which shall be produced on the date above specified."

62 Vict., c.
58, art. 55,
am.

2. Article 55 of the act 62 Victoria, chapter 58, as replaced by the acts 3 George V, chapter 54, section 4; 23 George V, chapter 123, section 9, and 1 George VI, chapter 103, section 11, is amended by replacing the words: "ten cents for every hundred electors' names in such copy", in the fourth and fifth lines thereof, by the words: "one cent for every elector's name entered on such copy".

Id., art. 105a,
replaced.

3. Article 105a of the act 62 Victoria, chapter 58, as enacted by the act 1 George VI, chapter 103, section 21, is replaced by the following:

Opening of
offices for
obtaining,
etc., of iden-
tification
card.

"105a. The city shall open one or more offices where every elector, including the representatives of the societies, companies or corporations mentioned in article 44a of this act, who desires to exercise his right to vote at municipal elections or referendums, shall, at any time except during the fifteen days preceding the date of voting, go to have his photograph taken and obtain, gratuitously, an identification card.

Contents of
such card.

Such card shall contain his photograph, his signature, mark or cross, his surname and Christian names and his residential address, and show his age, his nationality, his allegiance and, if need be, the date of his naturalization and the number of the certificate issued in connection therewith, and bear the city's coat of arms and such further information or details as the city may prescribe by by-law.

Id., in case
of widow,
etc.

In the case of a widow or of a married woman separated as to property or as to bed and board, such card shall also contain the surname and Christian names of her husband, living or dead.

Oath.

The entire contents of the card shall be duly attested on oath.

The original of every such identification card shall be left with the city and kept on file. Original.

The city clerk shall, each year, between the 10th of October and the 1st of December, transmit, gratuitously, in duplicate, by registered letter, to every elector not residing or not having a place of business within the limits of the island of Montreal, to his last known address, a form of card to be filled in by said elector according to the provisions of this article. Transmitting of card to elector residing outside city.

The latter, after having filled in the said card in duplicate, shall return one of the duplicates by registered mail to the city clerk within eight days following its receipt. Returning of duplicate.

The signature and photograph of such identification card must be certified by the mayor or the clerk or the secretary-treasurer of the municipality in which such elector is domiciled. Certifying of signature, etc.

The city clerk is, however, dispensed from sending, except from five years to five years, an identification card to any elector who has already obtained one whereof the duplicate or the original is in the archives of the city. Period for certain sending.

Every elector whose identification card has been destroyed or lost may, at any time, except during the fifteen days preceding the date of voting, present or transmit to the city clerk's office, according as he resides or not within the limits of the island of Montreal, his affidavit attesting that the card in question has been destroyed or lost. The city clerk shall, upon the strength of such affidavit, deliver to the said elector or transmit to him, gratuitously, as the case may be, a duplicate of said card. Duplicate in case of loss, etc.

The officials of the city clerk's office, as well as the persons authorized by said city clerk to deliver identification cards to the interested parties, are authorized to receive the said affidavits for the purposes of this article. Receiving of affidavits.

Such cards shall be replaced every five years. The city clerk shall publish annually, in due time, and as provided by the charter, a notice indicating the address of the office or offices where the electors may secure the said cards and obtain any other information required as to the manner in which such cards are delivered or transmitted to the electors, as the case may be, or are replaced, if need be. Replacing of cards.

No municipal elector may vote on election day unless he be in possession of his identification card. Card and voting.

The obligation to have such identification card in order to vote shall only apply after the general municipal elections of 1938, if the municipal council of the city of Montreal so decides." When card to become compulsory.

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

4. 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, and 1 George VI, chapter 103, section 34, is further amended:

a. By adding thereto, after paragraph 44a thereof, as replaced by the act 22 George V, chapter 105, section 14, the following paragraph:

Regulating,
etc., sta-
diums, etc.

“44b. To regulate or prohibit the construction of stadiums, stands, gradines, amphitheatres or buildings of the same nature;”;

b. By replacing therein, in sub-paragraph b of paragraph 132, as replaced by the act 3 George V, chapter 54, section 8, amended by the act 13 George V, chapter 91, section 5, and replaced by the act 23 George V, chapter 123, section 14, the words: “a sum of five dollars”, at the end thereof, by the words: “a sum not to exceed five dollars”;

c. By replacing paragraph 145 thereof, as enacted by the act 6 George V, chapter 44, section 12, and replaced by the acts 7 George V, chapter 60, section 2, and 25-26 George V, chapter 113, section 4, by the following:

Closing hours
of barber,
etc., shops.

“145. To order that, throughout the whole or part of the year, barber shops and women's beauty parlors shall remain closed, on each day or any day of the week, during the hours determined by by-law;”;

d. By adding thereto, after paragraph 145b thereof, as enacted by the act 1 George VI, chapter 103, section 34, the following paragraph:

Id., of shoe
repair shops.

“145c. To order that, throughout the whole or part of the year, shoe repair shops shall remain closed, on each

day or any day of the week, during the hours determined by by-law;"

e. By replacing paragraph 152 thereof, as enacted by the act 7 George V, chapter 60, section 2, by the following:

"152. To forbid anyone from buying workmen's tools or bicycles or bicycle parts or accessories from any person who is not a trader, unless the seller gives the buyer a certificate from the director of the police department or his representative to the effect that such articles belong to the said seller. Such certificate shall be kept by the buyer for at least one year;"

f. By adding to paragraph 176 thereof, as enacted by the act 1 George VI, chapter 103, section 34, the following paragraph:

"The power given to the council by this paragraph shall extend to the construction and maintenance of any sign and any billboard exceeding one hundred square feet already existing on private property."

5. Article 351b of the act 62 Victoria, chapter 58, as replaced by the act 13 George V, chapter 91, section 8, and amended by the acts 18 George V, chapter 97, section 7; 22 George V, chapter 105, section 18, and 23 George V, chapter 123, section 22, and replaced by the act 24 George V, chapter 88, section 7, and amended by the acts 25-26 George V, chapter 113, section 7, and 1 George VI, chapter 103, section 81, is further amended by adding thereto the following paragraph:

"7. The expenditures made in virtue of this article must be previously approved by the Quebec Municipal Commission."

6. 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, and 25-26 George V, chapter 113, section 9, is further amended by replacing the second paragraph of paragraph a thereof, as added by the act 25-26 George V, chapter 113, section 9, by the following:

"The immoveables, other than parsonages, occupied as residence by the priest or by the minister in charge of any

church whatever in the city, shall be entered on the valuation roll and on the real estate assessment roll, the same as if such immoveables were not exempt from taxation.

Crediting of
amount of
exemption.

It shall devolve upon the director of finance to give to the proprietors of such immoveables, with right of appeal to the board of revision of valuations within a delay of eight days from the notification of the decision of the director of finance, credit for the amount of the above exemption, provided that it be established to the latter's satisfaction that the said immoveables have actually been occupied as residence by the priest or by the minister in charge during the year for which the tax is imposed."

62 Vict., c. 58,
art. 362a, am.

7. Article 362a of the act 62 Victoria, chapter 58, as enacted by the act 7 Edward VII, chapter 63, section 19, is amended by adding thereto the following paragraphs:

Not held to
certain pay-
ment.

"If the occupant, whose name appears on the valuation roll, quits before the 1st of May the premises leased, he shall not be held to pay the taxes imposed for the year beginning on the 1st of May.

Entering of
name
on roll.

If the immoveable becomes occupied for the purposes mentioned in this article by another person, either on the 1st of May or on another date during the fiscal year, the name of such person shall be entered on the roll.

Certain
Government
property.

In the case of any other property belonging to the Federal or Provincial Governments or to the National Harbour Board, and becoming occupied on or after the 1st of May by any other persons for commercial or industrial purposes, the director of finance, on receipt of a certificate to that effect from the board of revision, shall enter on the real estate assessment roll the name of such new occupant, who shall pay the taxes imposed for the current fiscal year, according to the valuation shown on the said certificate.

Provisions
applicable.

In all such cases, the provisions of article 375a shall apply to this article, *mutatis mutandis*."

62 Vict., c. 58,
art. 364, am.

8. Article 364 of the act 62 Victoria, chapter 58, as amended by the acts 3 Edward VII, chapter 62, sections 37 and 38; 4 Edward VII, chapter 49, sections 13 and 14; 7 Edward VII, chapter 63, sections 21 and 22; 9 Edward VII, chapter 81, section 16; 1 George V (1911), chapter 60, section 19; 2 George V, chapter 56, section 20; 3 George V, chapter 54, section 17; 4 George V, chapter 73, section 15; 5 George V, chapter 89, sections 9 and 10; 7 George V, chapter 60, section 4; 8 George V, chapter 84, section 34; 10 George V, chapter 86, section 8; 11 George V, chapter 111, section 2; 12 George V, chapter 105, section 5; 13

George V, chapter 91, section 9; 15 George V, chapter 92, section 25; 16 George V, chapter 71, section 14; 18 George V, chapter 97, section 9; 19 George V, chapter 97, section 20; 22 George V, chapter 105, section 20; 23 George V, chapter 123, section 25; 24 George V, chapter 88, section 11; 25-26 George V, chapter 112, section 5; 25-26 George V, chapter 113, section 10, and 1 George VI, chapter 103, section 43, is further amended:

a. By replacing sub-paragraph 2 of paragraph *h* thereof, as replaced by the act 3 Edward VII, chapter 62, section 37; 23 George V, chapter 123, section 25, and 25-26 George V, chapter 112, section 5, by the following:

"2. An annual special tax on every person, firm, company or corporation operating one or more butcher's stalls in the city, outside of the land used for public markets, such tax not to exceed:

Special tax on certain butchers' stalls.

1. Fifty dollars for the first stall;
2. One hundred dollars for each stall over and above the first up to the fifth inclusive;
3. Five hundred dollars for each stall over and above the fifth up to the tenth inclusive;
4. One thousand dollars for each stall over and above the tenth;"

b. By replacing paragraph *hh* thereof, as enacted by the act 4 Edward VII, chapter 49, section 14, and replaced by the acts 19 George V, chapter 97, section 20; 22 George V, chapter 105, section 20; 23 George V, chapter 123, section 25, and 1 George VI, chapter 103, section 43, by the following:

"*hh*. An annual special tax not to exceed one hundred dollars on every broker and an annual special tax of one thousand dollars on every person, firm, company or corporation, or agent or representative of any firm, company or corporation, doing a brokerage business in the city, without having a permanent place of business therein; and provided that, in the case of a firm of brokers, the aforesaid annual tax of one hundred dollars be exacted only from the firm.

Special tax on brokers, etc.

This paragraph *hh* shall be in effect as from the first of May, 1937;"

Retro-activity.

c. By replacing paragraph *aaa* thereof, as enacted by the act 23 George V, chapter 123, section 25, and as replaced by the act 25-26 George V, chapter 112, section 5, by the following:

Special tax on
grocery, etc.,
stores.

“aaa. An annual special tax on every person, firm, company or corporation operating a number of grocery or hardware stores, such tax not to exceed:

1. One hundred dollars for each establishment over and above the first up to the fifth inclusive;
2. Five hundred dollars for each establishment over and above the fifth up to the tenth inclusive;
3. One thousand dollars for each establishment over and above the tenth.

Restriction.

This tax shall not apply to grocery shops, when such person, firm, company or corporation has paid the tax provided for in sub-paragraph 2 of paragraph *h* of this article;”;

d. By replacing paragraph *jjj* thereof, as enacted by the act 25-26 George V, chapter 112, section 5, and replaced by the act 1 George VI, chapter 103, section 43, by the following:

Annual tax
on bazars.

“jjj. An annual tax on every person, firm, company or corporation operating a number of 5 cent, 10 cent and 15 cent stores (“bazars”), such tax not to exceed:

1. One hundred dollars for each of the first five establishments;
2. Five hundred dollars for each establishment over and above the fifth up to the tenth inclusive;
3. One thousand dollars for each establishment over and above the tenth.”

62 Viet., c. 58,
art. 365, re-
placed.

9. Article 365 of the act 62 Victoria, chapter 58, as replaced by the acts 3 Edward VII, chapter 62, section 39; 25-26 George V, chapter 113, section 11, and 1 George VI, chapter 103, section 44, is again replaced by the following:

Special tax
may be in
form of licen-
se.

“365. Every special tax imposed under articles 364 and 364*a* may, in the discretion of the council, be imposed and levied in the form of a license, and thereupon such tax shall be payable annually on the 1st of May, and under such conditions and restrictions as the council may determine. The director of finance may, however, be authorized by the council to issue licenses from the 1st of November, for the remainder of the year, on payment of half of the annual license fee.

Application
restricted.

This provision shall not apply to permits for circuses, exhibitions or parades, to permits already granted, to permits for temporary stores, nor to the annual special tax imposed on brokers.

For any special tax mentioned in this article, the city may require, when the license is asked for, a deposit to guarantee the payment thereof. Should the license be later refused, the city is authorized to retain, from such deposit, the proportion of the tax corresponding to the period elapsed.” Requiring of deposit.

10. Article 373 of the act 62 Victoria, chapter 58, as replaced by the acts 1 George V (1911), chapter 60, section 20, and 1 George VI, chapter 103, section 49, is amended by adding to paragraph 2 thereof the following paragraph: 62 Vict., c. 58, art. 373, am.

“When, owing to the holding of a general election, or for any other reason, such appointments are not made in the course of the month of December, the chief assessor, as well as the assessors, shall remain in office until they shall have been reappointed or replaced.” When assessors to remain in office.

11. Article 375 of the act 62 Victoria, chapter 58, as 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, and 1 George VI, chapter 103, section 50, is further amended: 62 Vict., c. 58, art. 375, am.

a. By adding thereto, after the first paragraph thereof, as replaced by the act 1 George VI, chapter 103, section 50, the following paragraphs:

“If an immoveable is transferred by sale or otherwise between the first day of December and the first day of March following, the chief assessor is empowered to 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.” Procedure if immoveable transferred within certain period.

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, 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. Revaluation in certain case.

The latter, after the notice to the proprietors required by 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. Issuing of valuation certificate.

The valuation roll used for the imposition of taxes for the year beginning on the first day of May next following Amending of valuation roll.

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 adding thereto, after paragraph 6 thereof, the following:

Entering of
certain va-
luations on
certain roll.

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

Proviso.

Making, etc.,
of new va-
luation.

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 re-subdivided, a new valuation of such property be made according to law and entered on the valuation roll by the assessors;

Restriction
as to receiv-
ing of com-
plaints.

b. Notwithstanding the first paragraph of article 379a, as enacted by the act 1 George VI, chapter 103, section 54, and notwithstanding article 380, as replaced by section 55 of the said act, no complaint shall be received respecting any entry in the valuation roll deposited on the 1st of December, 1938, 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;

No public
notice.

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

Powers not
affected.

d. This paragraph 7 shall not affect the powers conferred upon the board of revision of valuations;"

62 Vict., c. 58,
art. 375a, am.

12. Article 375a of the act 62 Victoria, chapter 58, as enacted by the act 1 George VI, chapter 103, section 51, is amended:

a. By replacing paragraph 4 thereof by the following:

Completing
of entry, etc.,
of immove-
able.

"4. If, after the valuation roll has been deposited, it is found that the entry or valuation of an immoveable has been omitted or is incomplete, the assessors shall make or complete the entry or valuation of the said immoveable. The board of revision shall issue accordingly a valuation certificate according to the provisions of this act.

On receipt of the aforesaid certificate, the chief assessor shall make the necessary entries on his duplicate of the valuation roll. On receipt of a certificate to that effect from the chief assessor, the director of finance shall modify accordingly his duplicate of such roll, as well as the real estate assessment roll, by imposing on the said immoveable the taxes for which it would have been imposed if it had been regularly entered on such rolls at the time of the preparation thereof.”;

Making of
necessary
entries.

b. By striking out paragraph 5 thereof.

13. Article 378 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 25, is replaced by the following:

as 62 Vict., c. 58,
art. 378, re-
placed.

“**378.** It shall be the duty of every ratepayer and citizen to give, when requested, all information that may be sought by any of the assessors or any member or representative of the board of revision of valuations in the discharge of their duties; and any such person refusing to give such information or who knowingly misleads or deceives any of the assessors or any member or representative of the board of revision, or insults or assaults him, or refuses to allow him, in the discharge of his duties, to enter in or upon the property or premises owned or occupied by such person, shall, for each offence, be liable to a penalty not exceeding twenty dollars, recoverable before the Recorder’s Court.

Duty of
ratepayers to
give informa-
tion.

Offence and
penalty.

Owners of houses containing several lodgings or offices shall be bound to furnish the assessors or any member or representative of the board of revision of valuations, when required to do so, with a complete list of their tenants or occupants, as well as of the amounts paid by each of them for the rental or occupation of such lodgings or offices and every owner who refuses to furnish such list or who knowingly furnishes a false or incorrect list or insults or assaults the assessors or any member or representative of the board of revision in the performance of their duties, shall be liable to the penalty above mentioned, recoverable in the same manner.”

House owners
to give lists
of tenants,
etc.

Offence and
penalty.

14. Article 382 of the act 62 Victoria, chapter 58, as replaced by the acts 25-26 George V, chapter 113, section 15, and 1 George VI, chapter 103, section 57, is amended:

as 62 Vict., c. 58,
art. 382, am.

a. By replacing paragraph 8 thereof by the following:

“8. The salaries of the president and of each of the other members of this board shall be determined by the

Determining
of salaries
of board.

council, on a report from the executive committee. The provisions of the seventh paragraph of article 477 of the act 62 Victoria, chapter 58, shall apply, *mutatis mutandis*, to the president of this board.”;

b. By inserting therein, at the end of paragraph 18 thereof, the following paragraph:

Ordering of
increase.

“The board of revision, if it be of the opinion that the estimate of the immoveable value or of the rental value complained of should be increased rather than reduced or maintained, may order such increase. In such case, the provisions of paragraphs 15, 16 and 17 of this section shall not apply.”;

c. By striking out the second sentence of paragraph 23 thereof, beginning with the words: “The evidence of experts”;

d. By replacing the second paragraph of paragraph 28 thereof by the following:

Taking of
witnesses’
depositions.

The depositions of the witnesses may be taken in shorthand by an official stenographer chosen by the board, when either party exacts same. Such stenographer must be sworn in every case in which he acts. The losing party must pay all the costs of the shorthand and transcription, according to the tariff established for the Superior Court in the district of Montreal. The Recorder’s Court of the city of Montreal shall have jurisdiction to hear any cause claiming the amount fixed by the board of revision for costs of shorthand and transcription.”

62 Vict., c. 58,
art. 513, am.

15. Article 513 of the act 62 Victoria, chapter 58, as replaced by the act 1 George VI, chapter 103, section 64, is amended by adding thereto the following paragraph:

Mention in
suit.

“In the suit to be instituted, it is sufficient to mention the name of one of the joint-owners, joint-occupants or joint-usufructuaries or of such agent, with the addition of the words “and others”, and the oral testimony of such ownership, occupancy or usufruct, whether sole or joint, or of such agency, is sufficient.”

62 Vict., c. 58,
art. 537a,
added.

16. The act 62 Victoria, chapter 58, is amended by inserting therein, after article 537 thereof, the following article:

Restriction
as to certain
action for
damages.

“**537a.** No action shall lie against the city for damages, caused by the backing up of a sewer, to goods, merchandise, objects or effects, kept for any purpose whatever, in a cellar, basement or sub-basement, if the claimant has already received compensation from the city for a similar occur-

ce and at the same place and has not subsequent thereto installed in the cellar, basement or sub-basement a support, raised at least six inches from the floor and placed at least six inches from the outer walls, for keeping thereon all such goods, merchandise, objects or effects.

The burden of proof that such protection has been provided shall be upon the claimant. Burden of proof.

In the event of water from the back-flow rising to over six inches in depth this section shall not apply". Restriction.

17. Form No. 2 of the act 62 Victoria, chapter 58, as replaced by the acts 4 George V, chapter 73, section 34, and 19 George V, chapter 97, section 33, and amended by the act 1 George VI, chapter 103, section 65, is replaced by the following: 62 Vict., c. 57, Form No. 2, replaced.

"No. 2

FORM MENTIONED IN ARTICLE 62

Notice to electors of completion of electors' lists

Public notice is hereby given that the electors' lists for the several wards of the city of Montreal have been delivered to the undersigned and that, within fifteen days from the date hereof, any elector in any ward may give notice in writing to the undersigned, as well as to the interested electors, that he will apply to the recorder of the city to have the list of electors for any ward amended, either by the addition thereto of names of persons omitted or by striking therefrom the names of persons improperly inserted. Such notice must specify the qualifications of the persons whose names are sought to be added, and the causes of disqualification of those sought to be struck off. Public notice of delivery of electors' lists.

And public notice is further given that the recorder of the city of Montreal will sit (mention the day, date, hour and place), for the purpose of considering such applications or complaints, in respect of said electors' lists, as may be made according to law. Sitting by recorder.

By order.

City Clerk.

City Clerk's Office,
City Hall,
Montreal,

19 ."

18. 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, and 23 George V, chapter 123, section 35, is further amended: 9 Ed. VII, c. 81, s. 39, am.

a. By replacing the first paragraph of subsection 8 thereof by the following:

Fixing, etc.,
of rentals of
certain under-
ground con-
structions.

“8. The city is authorized to fix, determine, charge and receive rentals on all underground constructions reserved by the persons, firms, syndicates, companies or corporations, and all overhead constructions owned by the city. Such rentals shall be fixed from year to year, to cover the cost of maintenance and administration of the same, the interest and sinking-fund, calculated in such a manner as to extinguish the debt in not less than forty years, on the capital invested by the city for the compensation contemplated by subsection 4, for the construction or purchase of such underground conduits, as well as the salaries and expenses of the Electrical Commission. When the said debt has been extinguished, the rental shall no longer include the said interest and sinking-fund on the extinguished debt; but the amount of such rentals for each person or company shall be in proportion to the portion of the conduits occupied or reserved by him or it.”;

b. By replacing the third paragraph of subsection 11 thereof by the following:

Appointing
of commission
of engineers.

“The commission of engineers charged with the preparation of such plans, drawings and specifications shall be appointed as follows: one member shall be appointed by the city of Montreal, another by the companies having the right, under a charter, to put up poles and wires in the city of Montreal and which, within a delay of one month from the public notice published in a French and in an English newspaper, register a notice of such right in the office of the clerk of the city of Montreal, each company to have a vote in the appointment of such engineer; and the third member, who shall be president of the said commission, shall be appointed by the Lieutenant-Governor in Council.”

9 Ed. VII,
c. 81, s. 39d,
added.

19. The act 9 Edward VII, chapter 81, is amended by adding thereto, after section 39c thereof, as enacted by the act 16 George V, chapter 71, section 20, the following section:

Executing of
certain work
by Electrical
Commission.

“**39d.** The Electrical Commission is authorized, in the case of work for the unemployed, previously approved by the Minister of Labour, and carried out with the funds intended for unemployment relief, to itself execute such work without calling for tenders.”

25-26 Geo. V,
c. 112, s. 12,
am.

20. Section 12 of the act 25-26 George V, chapter 112, as amended by the act 1 George VI, chapter 103, section

73, is further amended by replacing the twenty-fifth paragraph thereof, as added by the act 1 George VI, chapter 103, section 73, by the following:

"The delay for the prescription of any tax recoverable in virtue of this section is that fixed by the charter for the other taxes. Delay for prescription.

For the fines and penalties imposed for infringement of this section or of the by-laws adopted by the city in virtue of this section, it shall be three years from the day on which such infringement has been committed." Prescription of fines, etc.

21. The city council of Montreal is authorized to abolish at any time the sales' tax, imposed for several years. Abolishing of sales' tax.

22. The city is authorized to include in the budgetary provisions for the fiscal year 1938-1939 the surplus of revenue for the fiscal year 1937-1938, as estimated by the director of finance. Inclusion in certain budget.

23. Notwithstanding the provisions of sections 17 and 50 of the act 23 George V, chapter 123, the budget for the fiscal year 1938-1939 may, if need be, be amended and validly adopted by the Council at any time before the 15th of May, 1938. Amending of certain budget.

At any time before the adoption of its budget, the council shall impose the taxes which must be levied for the said fiscal year. Imposing of taxes.

If this budget is amended by the executive committee, such amendment shall be submitted to the council not later than the 20th of April, 1938, and shall be deemed a part of the budget produced at the city clerk's office on the 15th of February, 1938, for the said fiscal year 1938-1939; and the executive committee shall also deposit before the council, not later than the 20th of April, 1938, the by-laws for new taxes or amended former taxes which shall be adopted, without it being necessary to give previous notice thereof, at the same time as such amendment, and such by-laws, once adopted, shall become compulsory for the fiscal year 1938-1939. Submitting of budget amendments.

The licenses and taxes imposed by the by-laws adopted at the same time as the budget, as submitted or as amended, shall be imposed and become due from the 1st of May, 1938. Imposing, etc., of licenses, etc.

If such budget is not adopted before the 1st of May, 1938, the executive committee may authorize the director of finance to utilize temporarily the cash on hand from any Utilizing of cash on hand.

source to pay the necessary expenditures chargeable to revenue, incurred and exigible from the 1st of May, 1938. If there is no cash on hand or if the amount of the cash is insufficient, the executive committee may authorize a temporary loan from the banks, which loan shall be repaid immediately after the adoption of the budget, either by means of the revenue collected or by means of a regular loan in anticipation of the collection of the revenue for the current fiscal year.

When budget automatically adopted.

In the event of failure by the council to adopt the budget and the by-laws and resolutions imposing the taxes within the said delay, the budget and the said by-laws and resolutions shall become automatically adopted by the sole fact of the expiration of said delay.

Prior approval required.

All loans in anticipation authorized by this section must be submitted for the prior approval of the Quebec Municipal Commission.

Submitting of certain budget.

24. At the same time as the annual budget or before the 1st of April of the years 1938, 1939 and 1940, the executive committee shall submit to the council a budget of the capital expenditures for the following fiscal year to be effected out of the loan fund.

Amount restricted.

Such budget shall not at any time exceed three million dollars, and may be adopted, rejected or amended by the council before the 1st of May each year.

To be accompanied by certain certificate.

Such budget must be accompanied by a certificate from the director of the public works department giving his estimates and recommendations on such capital expenditures and stating the order of priority or urgency thereof. For the fiscal year beginning on the 1st of May, 1938, the city is authorized to include in such budget of capital expenditures the necessary work for the restoring or repairing of its properties and streets.

Annual loan authorized.

For the carrying out of the above provisions, the city is authorized to borrow every year a sum not exceeding three million dollars.

Deemed special loans.

The loans effected in virtue of this section shall not be subject to the approval of the electors who are proprietors of taxable immovables and shall be considered as special loans and shall not affect the general borrowing power of the city, but shall be subject to the approval of the Quebec Municipal Commission.

Mention to be made in budget.

The budget of capital expenditures must moreover state the period of such loans, not to exceed thirty years, and mention the maximum rate at which such loans may be effected.

The said budget must also be accompanied by a certificate from the director of finance, stating that sufficient sums have been provided in the budget of expenditures for the next fiscal year to meet the interest and amortization of the said loans. Additional certificate.

The said sum of three million dollars shall comprise the total of the capital expenditures which the city is authorized to make in a single year, except the duly authorized expenditures relating to unemployment and the expenses connected with work whereof the cost is charged, wholly or in part, according to the provisions of article 351b of the charter or imputed on 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. Total capital expenditures.

For the fiscal year 1938-1939, the above-mentioned budget may be submitted to the council on or before the 1st of June, and the said council may adopt, amend or reject the same on or before the 15th of July. Submitting for certain fiscal year.

All expenditures authorized in virtue of this section shall be subject to the prior approval of the Director of Finance and of the Quebec Municipal Commission. Approval for expenditures.

25. The unused part of the loans contracted, except those so contracted in virtue of section 351b of the charter, shall be used partly to consolidate the expenditures for unemployment incurred to date. Use of certain sums.

26. Except the authorizations to borrow in virtue of section 351b of the charter and for the expenditures for unemployment, all unused authorizations for loans not contracted are annulled. Authorizations annulled.

27. To aid the reestablishment of the finances of the city during the fiscal year 1938-1939, the companies the names whereof follow shall pay to the city: Payments to city by Montreal Light, Heat & Power; Montreal Tramways; Bell Telephone Co.

The Montreal Light, Heat & Power Consolidated, a sum of three hundred and fifty thousand dollars; the Bell Telephone Company of Canada, a sum of one hundred thousand dollars; the Montreal Tramways Company, a sum of two hundred and fifty thousand dollars.

The said sums shall form part of the city's ordinary revenue for the fiscal year beginning on the 1st of May, 1938, and shall be payable on or before the 1st of July next, in addition to any other sums and taxes to which the said companies are subject. When sums payable, etc.

These contributions shall never be invoked to increase rates charged to consumers or users by the said companies. Restriction.

Application
of sum pay-
able by Mon-
treil Tram-
ways Co.

The sum of two hundred and fifty thousand dollars payable by the Montreal Tramways Company shall be applied, if occasion arise, on the annual rentals stipulated in paragraph 4 of article 92 of the contract of the 28th of January, 1918. In any event, notwithstanding any general law or special act to the contrary, the return of such sum of two hundred and fifty thousand dollars and the sum of one million dollars provided in the act 1 George VI, chapter 103, can never be claimed from the city of Montreal.

Rentals.

The annual rentals mentioned are those prior to this act.

Single pay-
ment.

The Montreal Tramways Company shall pay in a single payment on the first of September, 1938, after which date the city of Montreal may exercise any legal recourse for the recovery of such sum of a quarter of a million dollars with interest at the rate of six per cent from the 2nd of September, 1938.

Restriction as
to certain
suit.

The Montreal Tramways Company, its administrators or officers may not be sued otherwise, by the bondholders, by the shareholders or by any person whomsoever in relation to such payments.

Investing of
certain sums
in city bonds.

28. Notwithstanding any law to the contrary, the city is authorized to invest in its own bonds the sums derived from annual payments or from payments made in anticipation, contemplated in section 5 of the act 1 George VI, chapter 57, including the interest or revenue they may bring.

Payment to
School Com-
missions
authorized.

29. The city is authorized to pay the sum of five hundred thousand dollars, whereof three hundred and ninety thousand dollars to the Montreal Catholic School Commission and one hundred and ten thousand dollars to the Montreal Protestant Central School Board, which sums it has acknowledged to owe and agrees to pay before the 30th of June, 1938, in full and final settlement, in capital and interest, of all claims of the said two school corporations against the said city of Montreal prior to the 1st of May, 1937, arising out of the imposition, collection, remitting or apportionment of school taxes owing to the said school corporations.

Loan
authorized.

To obtain the said sum of five hundred thousand dollars, the city is authorized to effect a loan for a term not to exceed ten years.

Deemed
special loan.

This loan, which may be authorized by mere resolution of the council, on a report of the executive committee, without any other preliminary or subsequent formality,

shall be considered as a special loan, shall not affect the general borrowing power of the city and shall not be subject to the approval of the elector-proprietors.

The annual payment of the amortization and of the interest on said loan shall be made out of the reserve fund provided for by article 334 of the charter. Payment out of reserve fund.

30. The council is authorized, on a report from the executive committee, to acquire according to law, by mutual agreement or by expropriation, the pieces of land required: Acquiring of certain land authorized.

a. For the extension and widening of St. Joseph boulevard, between Iberville street and Pie IX boulevard; Purposes of such acquisitions.

b. For the widening of Lajeunesse street, between Villerey and Jean-Talon streets;

c. For the widening of Jean-Talon street, between St-André and des Erables streets;

to charge half of the cost of such improvements to the proprietors of immovables who, in its opinion, will benefit therefrom, and to charge the other half of such cost, in twenty annual instalments, 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.

31. Notwithstanding any provision to the contrary, the city is authorized to put off, for a period equal to the number of years in arrears, the payment of taxes for local improvements on any vacant lot which the proprietor binds himself to build, within a delay of one year, from the date of the agreement which he shall have thus entered into with the said city. Temporary tax exemptions.

This privilege shall, however, be granted only to the interested proprietors who shall pay all arrears of real estate and school taxes due on the lots in question at the date of the agreement. To whom granted.

The accumulated interest on past due instalments at the date of the above mentioned agreement shall be capitalized. They shall be payable in ten annual instalments and shall bear interest at the rate established by the charter for all other taxes. Capitalizing of accumulated interest.

32. Plan No. 2836 prepared by the public works department, under date of the 15th of March, 1937, establishing the limits between the cities of Montreal and Westmount, from Côte St. Luc road to Villa Maria convent, is declared valid and legal and compulsory for each of the said cities. Validating of Plan No. 2836.

Pension arrangements with Montreal Police Benevolent and Pension Society.

33. The city of Montreal is authorized to make good, wholly or in part, as the municipal council may decide, the decrease made in pensions by the act of 1935 which amended the act incorporating the Montreal Police Benevolent and Pension Society, and by subsequent by-laws of the Society, but with respect only to policemen having become pensioners prior to the said amending act.

Payments authorized.

For such purpose, the city of Montreal is authorized to pay the monies to those entitled thereto either out of its revenues, or by creating a corresponding capital by means of a loan for not more than thirty years and at not over four per cent of yearly interest.

Contribution to Montreal Metropolitan Commission.

34. Notwithstanding any general law or special act to the contrary, the contribution from the city of Montreal to the Montreal Metropolitan Commission shall become due and exigible only on the first of May of every year. This provision shall apply to any apportionment whereof the account shall come to the city after the 1st of January, 1939.

Exemption from certain expropriation costs.

35. Notwithstanding any provision to the contrary, the city may exempt the owners of lands under cultivation who have been, in virtue of an act previously passed, charged with a part of the cost of the expropriation for the opening and widening of the St. Catherine Road, at Montreal, between Côte des Neiges Road and Décary Boulevard, from the payment of their part, in the cost of such expropriation.

By whom paid.

In such case, such part of the cost of such expropriation shall be paid by the city of Montreal.

Provisions not applicable to city.

36. Notwithstanding any law to the contrary, section 14 of the Municipal Debt and Loan Act (Revised Statutes, 1925, chapter 111), as amended by the acts 18 George V, chapter 39, section 3, and 1 George VI, chapter 51, section 11, shall not apply to the city of Montreal, and the loan authorized by the resolutions of the council of the 14th and 21st of March, 1938, shall not be subject to section 14 of the said Municipal Debt and Loan Act.

Payment to Ste. Justine Hospital.

37. Notwithstanding any provision to the contrary, the city is authorized to pay to the Ste. Justine Hospital of Montreal an annual sum not exceeding eighteen thousand five hundred dollars for a period of twenty years from the 1st of May, 1938, to guarantee the interest and sinking-fund of a loan of two hundred and fifty thousand dollars, the

object whereof is to enable the said hospital to pay its floating debt and to continue its hospitalization work for sick children.

The city may, however, itself contract such loan for the benefit of the hospital and utilize for such purpose the said yearly sum in the manner above mentioned. Loan authorized.

Such loan shall in noway affect the general borrowing power of the city and shall not be subject to the approval of the elector-proprietors. Borrowing power not affected.

38. In addition to the powers conferred by section 24 of this act, the city is authorized to borrow: Loan authorized.

a. A sum not exceeding one hundred thousand dollars for the purchase of a quarry situated in the vicinity of the municipal incinerator on Fleurimont street; Purpose thereof.

b. A sum not exceeding six hundred and fifty thousand dollars for the enlarging of Bonsecours Market.

Such sums shall be deemed to be special loans outside of any other general or special borrowing power possessed by the city under any other provision of law governing it and shall not be subject to the approval of the elector-proprietors. Deemed special loans.

All expenditures authorized in virtue of this section shall be subject to the prior approval of the director of finance and of the Quebec Municipal Commission. Approval required.

39. Notwithstanding any general law or special act to the contrary, the director of finance of the city of Montreal is authorized to take before the court of primary jurisdiction, upon his sole authority, all proceedings which he may deem expedient to collect the taxes, assessments, imposts, dues, permits and licenses due to the city of Montreal. Proceedings authorized.

40. The Lieutenant-Governor in Council may, on the recommendation of the municipal council of the city of Montreal, order, on or before the 1st of September, 1938, that a referendum be submitted to the electors of the city of Montreal on the changes in the form of administration of the said city, at the same time as the election of the month of December, 1938, upon the conditions and on the questions that he shall deem expedient. Referendum.

41. The following deeds, resolution and roll are declared valid and legal: Deeds, etc., validated.

1. Lease with option of purchase by the Stanley Bagg Corporation to the city of Montreal, of certain lots, passed

before Mtre. Jean Baudouin, N. P., on the 17th of July, 1935, under number 13544 of the minutes of his repertory.

2. Contract between the city of Montreal and *Les Sœurs Missionnaires de l'Immaculée-Conception*, and constitution of a servitude by the latter in favour of the city, passed before Mtre. Jean Baudouin, N. P., on the 22nd of October, 1935, under number 13610 of the minutes of his repertory.

3. Resolution of the city council, dated the 9th of May, 1932, amending the resolution of the 14th of December, 1925, concerning the expropriation of the immoveables required for the opening of St. Joseph boulevard, between Papineau avenue and Fullum street, as well as the roll in this connection homologated on the 24th of September, 1935.

4. Deed of donation by the estate of the late Charles S. Campbell to the city of Montreal, relating to the widening of the Chatham playground, passed before Mtre. Jean Baudouin, N. P., on the 21st of September, 1936, under number 13810 of the minutes of his repertory, and ratified in so far only as the capacity of the trustees to contract is concerned.

5. Deed of sale by the city of Montreal to Dame Margaret Donnelly, wife of Robert Harrington, passed before Mtre. Jean Baudouin, N. P., on the 26th of October, 1936, under number 13827 of the minutes of his repertory.

6. Deed of exchange between the city of Montreal and the Canadian National Railway Company, passed before Mtre. Jean Baudouin, N. P., on the 5th of April, 1937, under number 13906 of the minutes of his repertory.

7. Deed of cession by the estate of the late Charles S. Campbell to the city of Montreal relating to the playground in Rosemont Ward, passed before Mtre. Jean Baudouin, N. P., on the 10th of December, 1937, under number 14059 of the minutes of his repertory, and ratified in so far only as the capacity of the trustees to contract is concerned.

8. Contract between the city of Montreal and the Archaeological and Numismatic Society of Montreal to allow the latter to charge an entrance fee to visitors to Château de Ramezay, passed before Mtre. Jean Baudouin, N. P., on the 5th of February, 1938, under number 14093 of the minutes of his repertory.

Coming into
force.

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