



## CHAPTER 124

An Act respecting the construction of tunnels under the Lachine Canal at Wellington Street and in the neighbourhood of the Côte St. Paul Bridge, in the City of Montreal

[Assented to, the 15th of January, 1931]

**WHEREAS** the construction of a tunnel under the Preamble.

Lachine canal at Wellington street and of another tunnel under the same canal in the neighbourhood of the Côte St. Paul bridge, in the city of Montreal, for the passage under the canal of foot passengers, tramways, vehicles and animals, would be very beneficial for the public insofar as traffic is concerned and also with respect to the assistance which the execution of these works would bring to the unemployed;

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

**I.** It shall be lawful for the city of Montreal to construct, or to cause to be constructed, at the same time, or successively, a tunnel under the Lachine canal at Wellington Street and another tunnel under the same canal in the neighbourhood of the Côte St. Paul bridge, or, at its discretion, to construct one of the said tunnels only, in order to create better and more rapid traffic communications between the territory situated on the north side of the Lachine canal and the territory situated on the south side of the said canal, and to execute or to cause to be executed all works necessary for approaches, for the building of roads and for other accessory and necessary works in connection therewith, and for these purposes to acquire by amicable agreement or by expropriation the immoveable property necessary and all the rights affecting same. Construction of tunnels under the Lachine canal. Works for approaches, etc.

Provisions applicable. The acquisition of such immoveable property and rights shall be made in accordance with the provisions of the charter of the city of Montreal.

Contracts with Federal Government and Montreal Tramways Company. **2.** The said city is authorized to enter into such contracts as it may deem advisable with the Federal Government and with the Montreal Tramways Company for the purpose of obtaining from one or the other or from both a contribution in money to assist it to pay the cost of such undertaking.

Approval of plans. **3.** The construction of the said tunnels shall be in accordance with plans and specifications, approved by the parties who shall contribute with the city of Montreal to the cost of such undertaking, and by the Minister of Roads of the Province of Quebec.

Loan authorized. **4.** To pay the cost of such undertaking, the city of Montreal is authorized to borrow the necessary moneys by by-law, but not to exceed five million, five hundred thousand dollars.

Maximum.

Issue of loan and rate of interest. The loan or loans contracted by the city of Montreal for its contributory share shall be made in whole or in part, from time to time, by means of bonds, debentures or registered stock, with sinking-fund, issued for a period not exceeding forty years at a rate of interest not exceeding six per centum per annum.

Temporary loans. The city is authorized to borrow temporarily by means of treasury notes, promissory notes or other negotiable effects, from any bank, at a rate not exceeding six per centum per annum, the amount of the contributory share of the Federal Government and that of the Montreal Tramways Company to the cost of the said undertaking. Every temporary loan thus made shall be repaid with the moneys furnished by the Federal Government and the Montreal Tramways Company or any other party contributing thereto.

Repayment.

Periodical contributions and repayments. In the event of the contribution of the Federal Government or of the Montreal Tramways Company being stipulated payable periodically during a period exceeding two years, the city is authorized to borrow by by-law an amount equal to these contributions by means of bonds, debentures or registered stock, at a rate of interest not exceeding six per centum per annum for the period fixed for the payment of the said contributions, and repayable periodically with the moneys coming from such contributions.

The Minister of Municipal Affairs may authorize a higher rate of interest than that fixed in the second, third and fourth paragraphs of this section. Higher rate of interest.

Any borrowing by-law adopted by the city in virtue of the present act shall be valid with the sole approval of the majority of the members present forming a quorum of the council and with the approval of the Lieutenant-Governor in Council, without any other preliminary or subsequent formality, and this notwithstanding any dispositions to the contrary in any general or special law applicable to the city. Borrowing by-laws.

**5.** The loan or loans authorized by the present act shall not affect the general borrowing power of the city. Borrowing powers not affected.

**6.** The provisions of section 13 of the act 21 George V, chapter 2, shall apply to the same extent as if they formed part of the present act. Provisions applicable.

**7.** The Montreal Tramways Company shall be the undivided owner, for all legal purposes, of the said tunnels or of any tunnel or viaduct, to the construction of which it has contributed or may hereafter contribute, in the proportion of its contribution to the total cost of the undertaking, and may add the amount of such contribution to the amount of its capital value, as provided for in its contract with the city of Montreal, dated the 28th of January, 1918. Undivided ownership.

**8.** In the event of forced liquidation of the Montreal Tramways Company or in the event of its expropriation by the city of Montreal, the indemnity to be paid for such undivided rights of ownership of the company in the undertaking provided for by this act shall be the exact amount of its contribution to the undertaking. In case of forced liquidation, etc.

**9.** The said Montreal Tramways Company shall contribute in the proportion of its interest as owner to the cost of maintenance and repair of the said tunnels or viaducts, but the city of Montreal alone shall be liable for any damages resulting from defects of construction or maintenance, the Montreal Tramways Company nevertheless remaining liable for the obligations resulting from article 46 of the contract mentioned in the above section 7. Proportion of cost of maintenance. Responsibility for damages.

Free use of  
tunnels.

**10.** The said Montreal Tramways Company shall have the free use of the said tunnels or viaducts for the operation of its system without being called upon to pay any taxes of any nature whatsoever in respect of its rights of ownership therein.

Exemption  
from taxes.

Coming into  
force.

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