



## CHAPTER 97

An Act to amend the charter of the city of Montreal

[Assented to, the 22nd of March, 1928]

**W**HEREAS the city of Montreal has, by its petition, Preamble. represented that it is in the interest of the 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;

Whereas the Seminary of St. Sulpice has executed permanent works on the parts of Atwater Avenue, Place Barat, Breslay Road, St. Sulpice Road, Summit Crescent and Piquet Road, and the proprietors of lots fronting on said streets have agreed to pay the cost of these works;

Whereas the Seminary of St. Sulpice is desirous of executing other works on other streets with the consent of the city, and the contracts of sale of lots fronting on said streets on which works will be executed shall contain a clause binding the purchasers to pay the costs of these works;

Whereas the proprietors of Notre-Dame-de-Grâces Avenue, Girouard Avenue, Iberville, Chapleau and Gilford Streets, Mount Royal Avenue, Boulevard St. Joseph between Papineau Avenue and Fullum Street, have complained of the mode of assessment and the cost of these expropriations, and have asked to have the said rolls annulled and to have new ones made or the existing ones amended;

Whereas the proprietors of the abbatoirs subject to the abbatoir tax for 1927 do not object to the abbatoir tax for 1927 being imposed at the same time as the abbatoir tax for 1928;

Whereas doubts have arisen as to the rights of the city to dispose of or exchange parts of streets or lanes not used, and it is necessary to ratify the deeds mentioned in section 50 of this act as paragraphs *a*, *b*, *d*, *e*, *f* and *g*;

Whereas doubts have arisen as to the rights of the estate Campbell to grant to the city certain land for the purposes

of games and it is necessary to ratify the deed of donation mentioned in section 50 of this act under paragraph *c*;

Whereas doubts have arisen as to the right of exchanging a certain part of Mount Royal for lands forming part of Mount Royal Cemetery, and it is necessary to ratify the deed of exchange mentioned in section 50 of this act as paragraph *h*;

Whereas doubts have arisen as to the rights of the town of Pointe-aux-Trembles to grant to the city of Montreal its waterworks in payment of the water rates due by it and it is necessary to ratify the deed of gift in payment mentioned in section 50 of this act as paragraph *i*:

Whereas it is expedient to grant its prayer for the passing of an act for the aforesaid purposes;

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

62 Viet. c.  
58, s. 21e,  
am.

**1.** The last paragraph of paragraph 1 of section 21e of the act 62 Victoria, chapter 58, as enacted by the act 11 George V, chapter 112, Schedule B, section 5, and replaced by the act 15 George V, chapter 92, section 5, is again replaced by the following:

Report of  
the execu-  
tive com-  
mittee to  
council.

"Every matter within the jurisdiction of the council, except cases in which it is otherwise provided, must be submitted to the executive committee for report to the council, and, if the resolution submitting such matter has been adopted by the majority of all the members of the council, such report must be made within thirty days from the date of the meeting of the council on which such matter was referred to the committee."

62 Viet. c.  
58, s. 39, re-  
placed.

**2.** Article 39 of the act 62 Victoria, chapter 58, as replaced by the acts 9 Edward VII, chapter 81, section 4; 1 George V (1910), chapter 48, section 21; 6 George V, chapter 44, section 7, and 11 George V, chapter 112, Schedule B, section 20, and as amended by the acts 12 George V, chapter 105, section 3, and 13 George V, chapter 91, section 4, is again replaced by the following:

Indemnity  
of alderman.

**"39.** Every alderman shall receive, out of the funds of the city, as an indemnity or compensation for his services, from the date of the voting to the date of the expiry of his term of office, an annual sum of two thousand dollars, provided that there shall be deducted from the indemnity of each alderman a sum of ten dollars for every failure on his part, even with the authorization of the council, to attend a meeting of the council, duly called, whether there

be a quorum or not, unless such alderman has been absent on an official mission for the city or through illness.

In addition to the above-mentioned indemnity, the chairman of the executive committee shall have the right to receive a yearly indemnity of eight thousand dollars, and each of the other members of the committee, a yearly indemnity of five thousand dollars, from the date of their appointment to the date of the swearing in of their successors.

One of the members of the council shall be chosen out- side of the members of the committee as leader and shall receive a further indemnity of three thousand dollars annually from the date of his appointment."

**3.** Article 40 of the act 62 Victoria, chapter 58, as re- placed by the acts 1 George V (1910), chapter 48, section 22; 8 George V, chapter 84, section 17, and 11 George V, chapter 112, Schedule B, section 21, is again replaced by the following:

**"40.** The council may, at any time, appoint committees and entrust them, on its own initiative or upon the request of the executive committee, with the study of or inquiry into any facts, matters or questions which it may deem advisable to submit to them, and such committees shall study or inquire into such facts, matters or questions, and report thereon, within thirty days from the date of the meeting of the council at which such facts, matters or questions have been submitted to them, provided the attributes of such committees do not come in conflict with the powers conferred on the executive committee, the director of municipal services, and the other committees created by this charter."

**4.** Article 124 of the act 62 Victoria, chapter 58, as replaced by the acts 15 George V, chapter 92, section 10, and 16 George V, chapter 71, section 6, is again replaced by the following:

**"124.** The voting shall take place in a room or building of convenient access, with a door for the admission of the voters, and having, if possible, another for exit.

The returning-officer shall, in his discretion, group the polls in public halls, schools or other spacious premises.

He shall also see that a municipal constable or other person sworn as special constable is stationed, during voting hours, at each of the places where several polls are so grouped, with instructions to prevent any overcrowding and to call the electors by their names, and direct them to the poll where they have the right to vote."

62 Viet., c.  
58, s. 300,  
am.

5. 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, and 16 George V, chapter 71, section 11, is further amended:

Exhibitions,  
etc. a. By replacing paragraph 25 thereof by the following:  
"25. To license, regulate or prohibit the exhibitions of showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concert-halls, dance-halls, theatrical performances, skating-rinks and all places of amusement and museums.

Playhouses. To enact by-laws concerning the erection, fitting up and operation of public buildings, more particularly of playhouses (theatres, moving picture halls and *café-concerts*);"

b. By replacing paragraph 63 thereof by the following:  
Dwellings,  
etc. "63. To regulate dwellings and determine the number of families which may inhabit a dwelling, a tenement, a house or an apartment; to prevent the overcrowding thereof and to require the same to be put and kept in proper sanitary condition;"

c. By replacing paragraph 84 thereof by the following:  
Subdivision  
into lots and  
streets. "84. To regulate the subdivision into lots and streets of any land situated within the limits of the city, to prohibit any such subdivision whenever the city considers that the width or the depth of such lots is unsuitable or whenever such streets do not coincide with the general plan of the city, and to compel the owners of private streets and lanes to indicate that the same do not belong to the city;"

d. By adding after paragraph 162 thereof the following paragraphs:

Establishment of a  
municipal  
garage. "163. To establish a municipal garage, which shall be under the supervision and control of the executive committee; to authorize the seizure and sale of unclaimed automobiles in accordance with section 45 of the act 4 George V, chapter 73, and to fix the tariff of garage fees to be charged;

"164. To allow, subject to a permit, regulate or prohibit slot machines and to impose on such machines a license not exceeding ten dollars."

**6.** Article 310a of the act 62 Victoria, chapter 58, as enacted by the act 9 Edward VII, chapter 81, section 11, is replaced by the following:

"**310a.** The city is authorized to make, from time to time, a revision or consolidation of the whole or any part of all its municipal by-laws so as to unite them in one or more volumes, and, to that end, to repeal, amend or modify the same, but such repeal, amendments or modifications shall not be construed as affecting any matter or thing done or required to be done, or any resolutions, decisions, orders or other proceedings of the council, or any debentures, shares, bonds or notes issued, or any rolls of assessment or apportionment, or the rights or duties of municipal officials, which shall continue to be regulated by the previous by-laws until the expiry of the term fixed."

For the above purposes, the executive committee may name, under the title of judicial counsel of the city, a person versed in legal science who shall have amongst his duties that of the revision, consolidation and codification of the municipal by-laws.

The office of judicial counsel may be filled by a resigned or retired recorder.

His salary shall be fixed by the executive committee."

**7.** Article 351b of the act 62 Victoria, chapter 58, as replaced by the act 13 George V, chapter 91, section 8, is amended by adding thereto, after sub-paragraph *d* of sub-section 1 thereof, the following sub-paragraph:

"*e.* For paying the share of the city and of the proprietors in the cost of the paving done since 1919 and of the paving to be done in future and of all other works or improvements which the law authorizes to be imputed to such working capital."

**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, and 15 George V, chapter 92, section 24, is further amended by replacing paragraph *b* thereof by the following:

"*b.* The lands and buildings recognised as educational establishments by the Council of Education, and occupied gratuitously as such or subsidized by the Catholic or

Protestant school commissioners of the city, and occupied gratuitously as such."

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

**9.** 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, and 16 George V, chapter 71, section 14, is further amended by adding thereto the following paragraph:

Selling cer-  
tain wood  
on the  
wharves.

"*vv.* A special tax not exceeding fifty dollars on every person, firm, company or corporation selling on the wharves wood which such person, firm, company or corporation has sawn or caused to be sawn thereon."

62 Vict., c.  
58, s. 401,  
am.

**10.** Article 401 of the act 62 Victoria, chapter 58, is amended by replacing the third paragraph thereof, by the following:

Procedure,  
etc. appli-  
cable to  
sales by  
sheriff.

"All the remedies and procedure applicable to sales by the sheriff under writs of execution, as well as the legal effects thereof, shall also be applicable to sales under this charter, except as to the rights of trustees for the amount of any assessment imposed on the immoveable sold to defray the expenses of the construction or repair of a church, which can only be claimed for the instalments due at the time of the sale and shall continue to affect the immoveable, even after the sale, for the instalments to become due, unless the purchaser pays them in full at the time of the sale."

62 Vict. c.  
58, s. 419 *b*,  
replaced.

**11.** Article 419*b* of the act 62 Victoria, chapter 58, as enacted by the act 9 Edward VII, chapter 81, section 20, is replaced by the following:

Petition to  
have sewer,  
etc.

"**419*b*.** Whenever the owners of property bordering upon any private lane or part of private lane desire to have a sewer, sidewalk, pavement or curb, or whenever the property owners in any locality desire that any private lane or part of private lane be opened, widened, extended or diverted, application shall be made by them to the city surveyor for a form of petition to the council to that effect.

If such petition is signed by one-half in number of the said property owners and if the said property owners represent at least one-half of the frontage of the lots of land bordering on the lane or part of lane where it is sought to have the works performed, the council may have the said works carried out and assess the cost thereof upon the owners of property bordering on such private lane. Assessment of costs.

Every resolution enacting the carrying out of any works such as above mentioned shall specify that the cost thereof shall be borne by the bordering proprietors. When such works are completed, the city shall impose, by resolution, a special assessment on the lots of land belonging to the bordering proprietors and the apportionment roll shall be made in accordance with the provisions of article 450 of the city charter, provided always that, in case two of the sides of one or more lots of land should border on a private lane or on any part thereof, the council may enact, by resolution, on a report from the executive committee, in what manner the cost of the works shall be apportioned. Tax on bordering proprietors.

In the case where the signatures of the half of the proprietors representing at least one-half of the frontage of the lands bounded by the lane or part of the lane, where a request for such works has been made, have not been obtained, the petition may nevertheless be presented to the council, and if the latter, on the recommendation of the city surveyor, considers the work necessary and in the interest of the public, it may, by a vote of three-quarters of the members, order the execution. Petition may be presented even without all signatures required.

The city is authorized to do the above works at the expense of the bordering proprietors of any private lane or part of private lane even though the proprietors have not asked for it, when these lanes or parts of lanes are situated in the rear of streets or parts of streets one-half of which bordering the said lane or part of lane are built upon. Work may be done without being asked for.

The city may apportion separately the cost of the construction of a curb, whether such curb be constructed at the same time as a sidewalk or at the same time as a paving. Apportionment of cost of construction of curb.

The city may enact that such tax shall be payable by annual instalments during a period not exceeding forty years, and all the provisions of the charter concerning special taxes shall apply. Tax payable by instalments.

Notwithstanding any resolutions to the contrary, the city is authorized to prepare but one roll for the apportionment of the cost of the paving of two or more lanes running into one another and forming a whole, in cases where the rolls for the apportionment of the cost of such pavings have not yet been prepared or are not yet in force, and to Apportionment roll for certain pavings.

replace by one roll the various rolls now in force for the apportionment of the cost of the paving of two or more lanes running into one another and forming a whole."

62 Vict., c.  
58, s. 427,  
replaced.

**12.** Article 427 of the act 62 Victoria, chapter 58, as replaced by the acts 7 Edward VII, chapter 63, section 34; 3 George V, chapter 54, section 22, and 15 George V, chapter 92, section 36, is again replaced by the following:

Where only  
a part of im-  
moveable is  
expropriated.

**"427.** In all cases where only a part of an immovable is expropriated which would be reduced by such expropriation to less than 40 feet in depth or less than 24 feet in width, the president or vice-president of the Quebec Public Service Commission shall decide whether or not the city shall acquire the lot or lots in its or their entirety. In the case of the total or partial expropriation of a building or structure whatsoever, he shall likewise decide, with a view to reducing as far as possible the cost of the expropriation, whether the city shall acquire the said building or structure in whole or in part or whether the expropriated party shall move the said building or structure to the remaining part of his land, within the delay fixed by the former and on prior payment of a fair indemnity.

Cost of ac-  
quisition,  
etc.

The cost of the acquisition of such residue of land or building or the cost of moving any building or structure shall form part of the cost of the expropriation."

62 Vict. c.  
58, s. 430,  
replaced.

**13.** Article 430 of the act 62 Victoria, chapter 58, as replaced by the acts 4 Edward VII, chapter 49, section 19, and 15 George V, chapter 92, section 39, is again replaced by the following:

Notice of  
petition for  
appraising  
properties to  
be exprop-  
riated.

**"430.** Whenever the city decides to effect an expropriation, it shall give notice, within a reasonable delay, in the newspapers that it will present a petition to have a day fixed, when the president or vice-president of the Quebec Public Service Commission shall proceed with the work of appraising the properties to be expropriated.

Contents  
thereof.

The notice of the aforesaid petition and the petition itself shall contain a description of the properties to be expropriated by indicating the cadastral numbers, and, if possible, the civic numbers by referring to the official plan deposited in the office of the city surveyor.

Procedure.

The court or judge to whom such petition is presented shall fix a day on which the president or vice-president of the Quebec Public Service Commission shall proceed with his work, and also the day upon which he shall make his report; but such times respectively may be extended for cause by the court or judge, upon petition made by or on behalf of the city.



All expropriation proceedings taken under the former law are declared valid and legal, notwithstanding the fact that this provision did not exist, but this clause, however, shall not affect pending cases." Validation of proceedings.

**14.** Article 450 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 37, replaced by the acts 3 George V, chapter 54, section 25, and 4 George V, chapter 73, section 24, and further amended by the act 11 George V, chapter 111, section 5, and again replaced by the act 15 George V, chapter 92, section 48, is amended by replacing the fourth paragraph thereof by the following: 62 Vict., c. 58, s. 450, am.

"The city surveyor or the official appointed by the executive committee, as the case may be, shall hear and summarily determine all the objections which may be made and there shall be no appeal from his decision. The roll shall then be signed by the said city surveyor or official and shall *ipso facto* come into force and be payable on the 1st of October following the date of such signature." Decision of city surveyor, etc.

**15.** Article 455 of the act 62 Victoria, chapter 58, as enacted by the act 1 George V (1911), chapter 60, section 25, and replaced by the acts 3 George V, chapter 54, section 29, and 4 George V, chapter 73, section 26, is again replaced by the following: 62 Vict. c. 58, s. 455. replaced.

**455.** 1. Notwithstanding the provisions of article 455 of the act 62 Victoria, chapter 58, as enacted by the act 1 George V (1911), chapter 60, section 25, and replaced by the acts 3 George V, chapter 54, section 29, and 4 George V, chapter 73, section 26, the cost of pavings laid since the 1st of January, 1919, and that of pavings to be laid hereafter on public places, streets or lanes, shall be charged to the bordering proprietors at the uniform price of five dollars per square yard, payable cash or in twenty annual instalments, according to the number of frontage feet of the immoveables belonging to them. In such charge of five dollars per square yard are included all paving accessories, and more particularly the levelling, gullies, curb, removal and re-erection of poles, hydrants, *et cætera*. Costs of certain pavings charged against bordering proprietors.

The amount which each bordering proprietor shall be held to pay for shall be determined by multiplying the number of feet of frontage of the piece of land belonging to him by one-half of the number of feet of the average width of the street or part of street paved, as described in each resolution of the council. Amount determined.

Tax ex-  
emption for  
certain  
pavings.

2. The tax of five dollars per square yard shall not be exigible as regards:

a. the excess of paving over and above forty feet in width;

b. the paving of street intersections and the paving opposite lanes appearing on the municipal valuation rolls as exempt from taxation;

c. the cost of pavings to be laid or relaid in future when the bordering proprietors have already been called upon to pay the cost of a paving previously laid;

d. the immoveables situated at the corner of two streets as to the pavings laid alongside the depth of the lot, up to fifty per cent of such depth, such exemption not to exceed, however, fifty feet. That part of a lot having the greatest extent in length shall be considered as the depth thereof. In the case of lots of the same dimension fronting on two streets, the exemption shall only be granted when both streets are paved;

e. the pavings laid between the 1st of January, 1919, and the 1st of January, 1928, the cost whereof is less than that fixed by this act, and the rolls whereof are in force, but they shall be paid, in each case, according to law and the resolutions in force at the time of the homologation of the apportionment roll.

Total cost of  
paving.

3. The total cost of paving shall include all sums spent by the city for the construction of the said paving, the interest and three per cent for general administration expenses. The rolls shall be prepared accordingly under the provisions of the act and shall indicate the portion payable by bordering proprietors and the portion payable by the city.

Portion  
payable.

The portion payable by bordering proprietors shall include the cost of paving at the rate of five dollars per square yard and their quota of interest, which are included in the cost of paving under section 23 of the act 6 George V, chapter 44. The portion payable by the city shall include whatever cannot be charged to bordering proprietors.

Idem.

The portion payable by bordering proprietors and that payable by the city shall be charged to the working capital authorized by article 351b of the charter until reimbursement, as provided by this act.

Quota pay-  
able by city.

The quota of the cost of paving payable by the city, the construction of which has been ordered from the 1st of January, 1919, to the 1st of January, 1928, shall be paid by an annual special and mobile tax imposed and levied on all

Rate fixed.

immoveables in the city. The rate of such tax shall be fixed every year by the council on a report of the executive committee and such tax shall be entered on the annual

real estate assessment roll and shall be sufficient to repay to the working capital the sums advanced to the city, within a delay not to exceed twenty years from the homologation of the original roll for rolls now in force, and, for pavings ordered before the 1st of January, 1928, the rolls of which were not made at the time of the homologation of the roll.

4. The rolls of apportionment of the cost of pavings which have been homologated since 1919 remain in force, but the treasurer is authorized to amend them so as to conform to the provisions of this act. Instalments already paid into the city shall be applied to the payment of the sums due under the amended rolls, provided, however, that the proprietors whose names appear on the assessment roll in force on the 1st of October, 1928, be credited with any surplus they are entitled to, as well as with the interest on the surplus which has been charged to them under the original rolls. Amendment to certain rolls.

If the tax claimed in virtue of the original rolls has been paid in full, the sums so paid shall be applied to the payment of the charges established by the amended rolls and the surplus, if any, shall be refunded without interest to those who appeared as proprietors on the 1st of October, 1928, on the valuation and assessment roll in force. Any refund which has not been effected within five years from the date of the correction of the roll shall be prescribed. Surplus refunded.

5. The refund of the sums paid shall be effected on production of the receipts delivered to the ratepayers, and, failing the production of such receipts, the executive committee is authorized to determine the procedure to be followed in order to safeguard the city against the risk of any amount being twice refunded. How refunded.

6. For the payment of the cost of pavings ordered after the 1st of January, 1928, the procedure shall be as follows: in the month of January in each year, or as soon as it can be done, the city treasurer shall prepare a statement of expenses incurred for the laying of the said pavings according to the rolls in force. The city shall provide for the payment of all excess in the cost of the pavings and, for that purpose, is authorized to pay such excess out of its revenues, if it deem advisable, or by means of an annual and mobile special real estate tax levied on all immoveables, according to their value as shown on the valuation roll for the preceding year, or again by the concurrent application of both these methods together. The rate of such tax shall be fixed each year by the executive committee, and the said tax shall be entered on the annual real estate assessment roll. Payment of cost of pavings.

7. The provisions of this act shall only apply to public Rate.  
Application of this act.

laces, streets and lanes, and shall not apply to private lanes which may have been declared public lanes after the 1st of January, 1919, or which may hereafter be declared public lanes.

Reduction  
in certain  
cases.

8. The council on a report of the executive committee is authorized to grant to any proprietor of an immoveable who, from the 1st of January, 1919, is called upon to pay the cost of a curb with a sidewalk, a reduction for said curb and to add the amount of such reduction to the special tax authorized by this act.

Addition to  
general spe-  
cial tax.

9. The city may add to the general special tax the cost or part of the cost of pavings which cannot be charged to bordering proprietors.

Settlement  
of certain  
cases.

10. The city is authorized to settle, upon a report from the executive committee, approved by the council, in the manner it may deem most equitable, all cases which are not provided for by the law."

62 Viet., c.  
58, s. 456,  
replaced.

**16.** Article 456 of the act 62 Victoria, chapter 58, as replaced by the acts 7 Edward VII, chapter 63, section 41; 4 George V, chapter 73, section 28, and 15 George V, chapter 92, section 52, is again replaced by the following:

Payment of  
construc-  
tion of side-  
walks, etc.

**"456.** The executive committee may, by resolution, enact that any assessment levied to pay the cost of an expropriation or of the construction of sidewalks, pavings, drains or sewers, may be paid by annual instalments covering a period not exceeding forty years, with interest at the rate fixed by this act and its amendments, on any balance remaining unpaid; and in such case the privileges and hypothecary rights of the city shall continue to exist on the immoveables liable for the payment of such assessment, until the proprietors have paid in full their share thereof.

Provisions  
applicable.

This provision shall also apply to all expropriations specially authorized or ordered by law."

Idem.

**17.** The provisions of articles 459 and 460 of the charter of the city, as amended, shall apply equally to tax rolls and real estate assessments prepared by the city assessors, but this provision shall have no retroactive effect.

62 Viet., c.  
58, s. 477,  
am.

**18.** Article 477 of the act 62 Victoria, chapter 58, as replaced by the acts 7 Edward VII, chapter 63, section 42, and 1 George V (1911), chapter 60, section 27, and amended by the acts 2 George V, chapter 56, section 21; 8 George V, chapter 84, section 41, and 11 George V, chapter 111, section 7, is again amended by adding at the end thereof the following paragraph:

Pension of  
recorder.

"The city of Montreal is authorized to fix from the first

day of January, 1928, the annual pension of any recorder appointed before the year 1907 at an amount equal to that which he received as salary when he resigned."

**19.** Section 54 of the act 3 Edward VII, chapter 62, 3 Ed. VII, c. 62, s. 54, replaced. as replaced by the act 4 Edward VII, chapter 49, section 27, is again replaced by the following.

**"54.** All sums of money derived from the sale of materials, buildings and residue of lands expropriated shall, in every case, be employed in defraying, to the same amount, the cost of the improvement. Such sale may be made by public auction or by private contract. Employment of money derived from certain sales.

In the case where the lands or part of the lands have been put up for auction sale and where there have been no bidders for the purchase of the said lands or part of lands at the price fixed by the board of assessors, the city is authorized to prepare and put in force the assessment roll for the said expropriation. Assessment roll for certain expropriations.

**20.** Section 23 of the act 6 George V, chapter 44, is 6 Geo. V, c. 44, s. 23, replaced. replaced by the following:

**"23.** The cost of an expropriation and of sidewalks, sewers or of other municipal works payable by the proprietors by means of a special real estate tax shall comprise the amounts spent by the city for such purposes together with the interest on such sums at the rate of six per cent per annum, from the date on which they were paid by the city to the date of the coming into force of the apportionment roll, and, in cases of expropriation, the expenditure incurred in connection with the relaying of pavings, the construction of sidewalks and the change of location of sewers, gullies, poles and water mains and all other incidental work shall form part of the sums spent for such purposes. Expropriation costs, etc.

**21.** Section 17 of the act 7 George V, chapter 60, and section 14 of the act 12 George V, chapter 105, are repealed. Provisions repealed.

**22.** Section 31 of the act 10 George V, chapter 86, as replaced by the act 15 George V, chapter 92, section 64, is 10 Geo. V, c. 86, s. 31, replaced. again replaced by the following:

**"31.** The city of Montreal may, at any time, by resolution, increase the salary of the secretary of the Montreal Fire Commission, which salary is fixed by section 26 of chapter 179 of the Revised Statutes, 1925. The city of Montreal may recover, from the fire insurance companies doing business within its limits and entered on its tax or assessment rolls, two-thirds of all the amounts paid by Salary of the secretary of the Montreal Fire Commission, etc.

the said city for the salaries of the commissioners, of the secretary and detectives, and for the stenographic expenses of the said fire commission, and this in such manner and at such times as it may determine by a by-law which it is authorized to enact and enforce in accordance with the provisions of section XII of its charter, the act 62 Victoria, chapter 58, and its amendments.

Municipal-  
ities asking  
for assist-  
ance.

The city is also authorized to recover from the municipalities which, on certain occasions, ask for the assistance of its fire brigade, the expenses incurred in connection with the transportation, etc., of the firemen and fire apparatus."

10 Geo. V, c. 86, s. 32, re-  
pealed. **23.** Section 32 of the act 10 George V, chapter 86, is re-  
pealed.

16 Geo. V, c. 71, s. 16, am.  
**24.** Section 16 of the act 16 George V, chapter 71, is amended by substituting the word "claim" for the word "resolution", in the form of notice of sale.

Id., s. 26, replaced.  
**25.** Section 26 of the act 16 George V, chapter 71, is replaced by the following:

Apportion-  
ment of cost  
of public  
works.

**"26.** Notwithstanding any provision to the contrary, whenever the city apportions the cost of a sidewalk, sewer, expropriation or any other public works, it may establish, as it deems it proper, the share of such cost to be imposed on the lots of land forming the corner of two streets, of two lanes, public or private, or of a street and a lane, public or private, and may, in so doing, determine the share of the cost of such works to be imposed on the other lots of land subject to such apportionment.

Retroactive  
effect.

The city is authorized to give to the present provision a retroactive effect from the date on which the above-mentioned works or expropriations were ordered."

16 Geo. V,  
c. 71, s. 28,  
am.  
Imputation  
of sums to  
certain  
loans.

**26.** Section 28 of the act 16 George V, chapter 71, is amended by adding thereto the following paragraph:

"The city is authorized to impute temporarily to the loans authorized by article 351*b* of its charter, as amended, the sums necessary for this purpose, provided such sums be reimbursed to the working capital as soon as the lands be sold."

16 Geo. V,  
c. 71, s. 34,  
replaced.  
Juvenile  
Delin-  
quents'  
Court.

**27.** Section 34 of the act 16 George V, chapter 71, is replaced by the following:

**"34.** The city is authorized to borrow, under articles 343 and 343*a* of its charter, a sum not to exceed two hundred thousand dollars, to be used exclusively for the purchase,

construction or improvement of an immovable for the Juvenile Delinquents' Court."

**28.** Section 35 of the act 16 George V, chapter 71, is replaced by the following: 16 Geo. V, c. 71, s. 35, replaced.

**"35.** The city is authorized to spend between now and the 1st of January, 1929, the sums necessary for the establishment or extension within its limits of one or more public markets so located and fitted up as to afford the farmers and consumers of the Province, and more particularly of the region of Montreal, all facilities required for the purchase and sale of agricultural produce, the amount to be expended for such purpose not to exceed two million dollars."

**29.** The city may, under articles 343 and 343a of its charter, borrow the sums required to pay its share of the cost of the construction of the Viau and Lachapelle bridges. Viau and Lachapelle bridges.

**30.** Notwithstanding any resolution or provision to the contrary, the city may charge against the loans authorized by articles 343 and 343a of its charter an amount not exceeding seventy-five per cent of the cost of the expropriation of Notre-Dame Street East, within the limits of Mercier ward, as enacted by resolution of the council under date of 12th of October, 1925, and apportion, in such manner as it may deem most equitable, the balance of the cost of such expropriation. Expropriation of Notre-Dame Street East.

**31.** Notwithstanding any law to the contrary, the city is authorized to enact, by simple resolution of the executive committee, one-way traffic on its streets, and to prohibit, upon the recommendation of the chief of police, the parking of automobiles at certain places. Traffic on streets.

**32.** The city is authorized to delegate to the Electrical Commission of the city of Montreal the powers it is vested with under paragraphs 139 and 143 of article 300 of the act 62 Victoria, chapter 58, as amended. Powers delegated to Electrical Commission.

**33.** Notwithstanding any law to the contrary, the city is authorized to refund, out of the proceeds of the loans authorized by article 351b of its charter, to the Seminary of St. Sulpice, the cost of the permanent works executed on parts of Atwater Avenue, Barat Place, Breslay Road, St. Sulpice Road, Summit Crescent and Piquet Road, and to apportion on the owners of immovables bordering upon Refund to Seminary of St. Sulpice.

such streets the amount so refunded, by means of a roll to be prepared by the city surveyor, in accordance with the provisions of the city charter. Such refund shall, however, be subject to the gratuitous cession of the said streets by the Seminary of St. Sulpice.

Expropriation rolls.

**34.** Notwithstanding any provision to the contrary, the city surveyor is authorized to prepare, according to the frontage of the lots, the expropriation rolls now in abeyance which the city council has authorized without specifying whether the cost of the expropriations was to be charged according to the frontage of the lots or according to the value of the immoveables.

Authorization to city to amend, etc.

**35.** Notwithstanding any provision to the contrary, the city is authorized (1) to amend the resolutions of the 18th of July, 1924, and 8th of September, 1924, concerning the expropriation of Notre-Dame de Grâces avenue, and the resolutions of the 10th of November, 1925, and of the 2nd of August, 1926, concerning the expropriation of Girouard avenue, between Terrebonne street and the Côte St. Luc road, as to the apportionment of the cost of such expropriations; (2) to annul the apportionment rolls already made in this connection; (3) to make new apportionment rolls in connection with the said expropriations.

Refund to Seminary of St. Sulpice.

**36.** Notwithstanding any law to the contrary, the city is authorized to refund, out of the loans authorized by article 351b of its charter, to the Seminary of St. Sulpice the cost of the permanent works which the latter may, with the city's consent, execute on streets or private lanes, and to apportion on the owners of immoveables bordering upon such streets or private lanes the amount so refunded, by means of a roll to be prepared in accordance with the provisions of the city charter. Such refund shall, however, be subject to the gratuitous cession by the interested parties of the said streets or private lanes to the city if it so require.

Resubdivision of lots on Sherbrooke street.

**37.** The city is authorized to acquire by mutual agreement or expropriate, by following the procedure indicated in articles 421 and following of its charter, the immoveables or parts of immoveables required for the resubdivision of the lots situated on Sherbrooke street, west of Amherst street.

Limitation.

The city shall be held to acquire by mutual agreement or expropriate only such immoveables or parts of immoveables as it may deem necessary to make such resubdivision and in order that the said lots may have the depth it may



deem sufficient to give the same a frontage on the said street.

The city is further authorized to make with the interested proprietors any exchange of land or any arrangement which it may deem advisable or which may aid it in carrying out the provisions of this section and in attaining the object in view.

The city is also authorized to close the lanes abutting on Sherbrooke street. Such lanes shall, however, only be closed on the depth of the lots which the city is authorized to resubdivide under this section, and the said city shall open, on the said lots, other lanes of the same width in order to afford means of communication with the intersecting streets. The lanes so closed shall be the city's property.

Every building hereafter erected on Sherbrooke street shall front on the said street.

**38.** The city is authorized to amend, upon a report from the executive committee, approved by the council, the resolutions of the 18th of July, 1924, and 12th of July, 1927, concerning the acquisition of lot No. 1163 of the cadastre of St. Antoine ward, by enacting that the cost of such acquisition shall be apportioned according to the frontage of the properties or according to the value of the immovables, and, the said resolutions, as so amended, are declared valid and legal.

**39.** Notwithstanding any resolution or provision to the contrary, the city is authorized to amalgamate, even if they are already in force, the rolls of certain expropriations, when the same interested parties are called upon to pay the cost of such expropriations or part thereof.

**40.** The city is authorized to change the mode of apportionment of the cost of the widening of the following streets and to modify the apportionment rolls prepared in connection therewith, namely:

1. Iberville and Chapleau streets as determined by resolution under date of 3rd of December, 1925;
2. Gilford street, as determined by resolution under date of December 13th, 1926;
3. Mount Royal avenue, between Henri-Julien avenue and Rivard street, as determined by resolution under date of 3rd of July, 1923;
4. St. Joseph boulevard, between Papineau avenue and Fullum street, as determined by resolution under date of 14th of December, 1925.

Sale of strip  
of land by  
mutual  
agreement.

**41.** Notwithstanding any provision to the contrary, the city is authorized to sell by mutual agreement a strip of land bearing No. 389 of part of subdivision 19 of the cadastre of the parish of Longue Pointe, in Mercier ward, the said strip of land measuring 25 feet in width by 226-5 feet in length and forming part of Curateau street.

Abattoir  
tax.

**42.** Notwithstanding any law of the contrary, the city is authorized to impose by resolution of its council the abattoir tax for the year 1927 at the same time as that for the year 1928.

Sale of resi-  
dues of cer-  
tain lots.

**43.** Notwithstanding any law or agreement to the contrary, the city is authorized to sell by mutual agreement or by public auction the residues of lots ceded gratuitously to the city or purchased by the latter for street purposes, when such residues are no longer being used for such purposes.

Exemption  
of taxation.

**44.** The city is authorized to exempt from taxes the properties bought by the Harbour Commission of Montreal or by a third person, for the purpose of building the Montreal and Longueuil Bridge, and this from the date of the purchasing of such properties.

Tax on  
quarries.

**45.** The city may exact and collect from any person, society, corporation or company working a quarry in the city or surroundings, in order to meet the expenses the said city might have to pay for the inspection of said quarries, an annual sum not exceeding three hundred dollars for each quarry. The amounts to be collected shall, each year before the month of July, be determined by the city by resolution, and become due on the 1st of September following.

Acquisition  
authorized.

**46.** The city is authorized to acquire the immoveable now occupied by the *Frères de la Charité de St. Vincent de Paul de Montréal* and located between the streets Demonigny, Savoie, Ontario and Providence, and bearing numbers 839 & P. 838 of the cadastre of St. James ward; to borrow by by-law under the provisions of articles 343 and 343a of its charter the necessary sums for this purpose; to resubdivide said immoveable if it considers it right; to resell the same in whole or in part, and to apply the proceeds from such sale to the reimbursement of such amount as was borrowed by the said city for such acquisition.

Restrictions  
applicable.

**47.** Notwithstanding any provision to the contrary,

when a building be erected on any corner whatsoever of the avenues Sicard, Leclaire, Théodore, Clément and Viau, the restrictions as to the line of construction shall apply to the fronting land only, according to the cadastre.

**48.** The city is authorized to grant to Mr. Justinien Pelletier, controller and auditor of the city, an annual pension of six thousand dollars for his lifetime, which shall be paid to him monthly from the day on which he shall give up and leave his employ.

Pension of  
Mr. Pelle-  
tier.

**49.** The payment of the cost of the expropriation of Park Martel shall be made in conformity with sub-paragraph *j* of subsection 1 of section 37 of the act 2 George V, chapter 56, and imputed on the loans authorized by articles 343 and 343a of the charter of the city.

Payment of  
cost of cer-  
tain expro-  
priation.

**50.** The following deeds are declared valid and legal:

Deeds  
ratified.

*a.* Sale and permission by the city of Montreal to the Harbour Commissioners of Montreal, executed before Mtre. Jean Baudouin, N. P., on the 6th of April, 1927, under number 10839 of his minutes;

*b.* Deed of exchange between the city of Montreal and Land and Construction Company, executed before Mtre. Jean Baudouin, N. P., on the 25th of May, 1927, under number 10853 of his minutes;

*c.* Deed of donation by Frederick E. Meredith and William R. MacInnes of the city of Montreal, executed on the 23rd of June, 1927, before Mtre. Jean Baudouin, N. P., under number 10888 of his minutes.

The city of Montreal and its council shall observe and fulfil all the duties and deeds that devolve upon them as indicated and comprised in the above contract.

The above contract and the execution and fulfilment of the said duties and acts are of a public nature and for the benefit of the city of Montreal and its citizens and their children.

The said Frederick Meredith of Montreal, King's Counsel, and the said William Robinson MacInnes of Montreal, railway vice-president, in their quality of executors and trustees of the estate of the late Charles S. Campbell, King's Counsel, in his lifetime of Montreal, receive also power and authority to make the grant to the city of Montreal, as indicated in the said contract, in consideration of the fulfilment and execution of the said duties and acts by the city of Montreal;

*d.* The sale and agreement by the city of Montreal to the Riordon Pulp Corporation Limited, on the 13th of July,

1927, before Jean Baudouin, N. P., under number 10896 of his minutes;

*e.* Deed of sale by the city of Montreal to Alphonse D. Tessier, on the 10th of December, 1927, before Mtre. Jean Baudouin, N. P., under number 11028 of his minutes;

*f.* Deed of sale by the city of Montreal to Luigi Ianire, before Mtre. Jean Baudouin, N. P., on the 14th of January, 1928, under number 11057 of his minutes;

*g.* Deed of exchange between the city of Montreal and *l'Oeuvre et Fabrique de la Paroisse St. Roch*, on the 16th of January, 1928, executed before Mtre. Jean Baudouin, N. P., on the 16th of January, 1928, under the number 11059 of his minutes;

*h.* Deed of exchange executed by the city of Montreal to the Mount Royal Cemetery Company, before Mtre. Jean Baudouin, N. P., on the 24th of January, 1928, under number 11069 of his minutes;

*i.* The giving in payment and agreement between the city of Montreal and the town of Pointe-aux-Trembles, executed before Mtre. Jean Baudouin, N. P., on the 2nd of March, 1928, under number 11096 of his minutes.

Value fixed  
by execu-  
tive com-  
mittee.

If the value of the annual rent of an immoveable does not appear on the valuation roll or if, in the opinion of the chief engineer of the city of Montreal, the value which appears on the roll is not just or reasonable, the city may, by resolution of its executive committee, fix the value at the figure it may consider just, and such decision shall bind all interested parties mentioned in the said contract.

Deeds.

The parties to the said contract are authorized to execute any other deeds which may be considered necessary to give full effect thereto and to give a clear title to the city to all moveables or immoveable property forming part of the said waterworks, and such deeds may be authorized by simple resolution.

Coming into  
force.

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