

thirty (30) years, with such changes and amendments as have been arranged between the Company and the City, and

Upon motion of Senator J. P. B. Casgrain,  
Seconded by Mr. W. S. Hart,

It was resolved that Mr. J. E. Tanguay, General Manager of the Company, be and he is hereby authorized to execute this contract between the Company and the City embodying the franchise for the operation of street cars, and on behalf of the Company to do all things necessary in connection therewith.

Certified a true extract.

(Signed) "ARTHUR LEMOINE"

Assistant Secretary, Montreal, March 24th, 1925.

— — — — —  
This is a resolution of the Company mentioned in a contract executed by The Quebec Railway, Light, and Power Company and the City of Quebec, before C. Delagrave, Notary, at Quebec, on March 24th, 1925.

(Signed) "JOSEPH SAMSON"

" " "J. E. TANGUAY"

" " "CHARLES DELAGRAVE, N. P."

True Copy.

CHARLES DELAGRAVE, N. P.

— — — — —  
C H A P. 92

An Act to amend the charter of the City of Montreal

[Assented to, the 3rd of April, 1925]

Preamble.

**W**HEREAS the City of Montreal has, by its petition, 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 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:

62 Vict., c.  
58, s. 1, am.

**1.** Article 1 of the act 62 Victoria, chapter 58, as amend-

ed by the acts 63 Victoria, chapter 49, section 1; 3 Edward VII, chapter 62, section 1; 1 George V (2nd session), chapter 60, section 1, and 4 George V, chapter 73, section 1, is further amended by inserting, after paragraph (q) thereof, the following paragraph:

“(r) The words “city surveyor” shall mean the “dir-<sup>City</sup>ector of public works”<sup>surveyer”</sup>.”

**2.** Article 5 of the act 62 Victoria, chapter 58, as amend-<sup>62 Viet., c.</sup>ed by the acts 7 Edward VII, chapter 63, section 1; 8<sup>58, s. 5, am.</sup> Edward VII, chapter 85, section 1; 9 Edward VII, chapter 81, section 1; 1 George V (1st session), chapter 48, sections 1, 2 and 3; 1 George V (2nd session), chapter 60, section 2; 2 George V, chapter 56, sections 1 and 31; 3 George V, chapter 54, section 14; 4 George V, chapter 73, section 2; 7 George V, chapter 60, section 1; 8 George V, chapter 84, section 1; 9 George V, chapter 90, section 1; and 10 George V, chapter 86, section 1, is further amended:

a. By replacing the second paragraph by the second, third and fourth paragraphs of article 5 of the schedule A of the act 11 George V, chapter 112;

b. By replacing the seventh paragraph of paragraph p by the following:

“Notwithstanding any law to the contrary, the city of Montreal shall, up to the first of May, 1925, exclusively, <sup>General tax for annexed territory.</sup> levy on all taxable property situated in the annexed territory a general tax of two per cent on the value of the said taxable property.

From this date, the provisions of the charter of the city of Montreal respecting the rate of the real estate tax shall <sup>Provisions applicable to rate.</sup> apply to the said territory.”

**3.** Article 7 of the act 62 Victoria, chapter 58, as amend-<sup>62 Viet., c.</sup>ed by the acts 3 Edward VII, chapter 62, section 2; 7<sup>58, s. 7, am.</sup> Edward VII, chapter 63, section 3; 8 Edward VII, chapter 85, section 2; 9 Edward VII, chapter 81, section 2; 1 George V (1st session), chapter 48, section 4; 2 George V, chapter 56, section 2; 6 George V, chapter 44, section 1; 11 George V, chapter 112, schedule B, section 1, and 12 George V, chapter 105, section 1, is further amended by replacing the limits of St. John, St. Michael and Ahuntsic wards by the following:

“*St. John Ward.*—Starting from the intersection of the centre of Crémazie boulevard and the northeastern limit of the town of Mount Royal; thence, following the said limit to the city of Outremont; thence, following the limit of the city of Outremont to the centre of the Canadian Pacific Railway track; thence, following the centre of the

Canadian Pacific Railway track to the centre of Henri-Julien avenue; thence, following the centre of Henri-Julien avenue to the centre of Mozart street; thence, following the centre of Mozart street to the centre of Drolet street; thence, following the centre of Drolet street to the extension of Isabeau street; thence, following the extension and the centre of Isabeau street to the centre of St. Lawrence boulevard; thence, following the centre of St. Lawrence boulevard to the centre of Baby street; thence, following the centre of Baby street to the centre of the Canadian Pacific Railway track; thence, following the Canadian Pacific Railway to the centre of Crémazie boulevard; thence, following the centre of Crémazie boulevard to the starting point.

St. Michael  
Ward.

*"St. Michael Ward.*—Starting from the intersection of the centre of the Canadian Pacific Railway track and the northeastern limit of the city of Outremont; thence, following the said limit to the centre of Laurier avenue; thence, following the centre of Laurier avenue to the centre of Henri-Julien avenue; thence, following the centre of Henri-Julien avenue to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the starting point.

Ahuntsic  
Ward.

*"Ahuntsic Ward.*—Starting from a point at the intersection of the centre of Crémazie boulevard with the southwestern limit of the city of Montreal, to the Rivière des Prairies; thence, following the bank of the Rivière des Prairies to the limit between the city of Montreal and the town of Montreal North; thence, following the limit between the city of Montreal and the town of Montreal North and the town of St. Michel de Laval to the centre of Charton street; thence, following the centre of Charton street to the centre of Sauriol street; thence, following the centre of Sauriol street to the centre of Laverdure street; thence, following the centre of Laverdure street to the centre of Prideau street; thence, following the centre of Prideau street to the centre of St. Lawrence boulevard; thence, following the centre of St. Lawrence boulevard to the centre of Crémazie boulevard; thence, following the centre of Crémazie boulevard to the starting point.

Islands  
included.

The following islands in the Rivière des Prairies are included in the Ahuntsic Ward, namely: Isle de la Visitation, Isle aux Pins, Isle aux Sergents, Isle du Cheval de Terre and the island bearing the No. 2635 of the parish of St. Laurent."

Change  
effective.

**4.** The changes in the limits enacted by the above section 3 shall take effect, however, only from the 1st of January, 1926.

**5.** The last paragraph of paragraph 1 of section 21e of 62 Vict., c. the act 62 Victoria, chapter 58, as enacted by the act 11 58, s. 21e, George V, chapter 112, schedule B, section 5, is replaced <sup>am.</sup> by the following:

“Every matter within the jurisdiction of the council, Submission except cases in which it is otherwise provided, must be sub- to executive mitted to the executive committee for report to the committee for report. 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 sixty days from the date of the meeting of the council at which such matter was referred to the committee.”

**6.** Article 21o of the act 62 Victoria, chapter 58, as 62 Vict., c. enacted by the act 11 George V, chapter 112, schedule B, 58, s. 21o, section 5, and as amended by the act 13 George V, chapter <sup>am.</sup> 91, section 2, is further amended by replacing the second paragraph of paragraph 1 by the following:

“The council may, by by-law, on the report of the executive committee, combine or abolish its departments (*services*) by creating others, provided the number of departments (*services*) does not exceed seven.”

**7.** Article 21p of the act 62 Victoria, chapter 58, as 62 Vict., c. added by the act 11 George V, chapter 112, schedule <sup>58, s. 21p,</sup> B, section 5, is repealed. <sup>repealed.</sup>

**8.** Article 50 of the act 62 Victoria, chapter 58, is 62 Vict., c. replaced by the following: <sup>58, s. 50, re-</sup> <sup>placed.</sup>

“**50.** Such list shall contain the names and surnames Contents of of the electors, their occupations, the streets and street electoral list. numbers of the property in respect of which they are qualified to vote, and shall also indicate in separate columns the nature of the qualification of such electors, whether as proprietors, tenants or occupants, and, as far as possible, the age of the said electors.”

**9.** Article 105 of the act 62 Victoria, chapter 58, as 62 Vict., c. replaced by the acts 4 Edward VII, chapter 49, section 3, 58, s. 105, and 1 George V (2nd session), chapter 60, section 7, is <sup>replaced.</sup> again replaced by the following:

“**105.** Six days at least prior to the voting, the city Notice of clerk shall give public notice, as provided by the charter, date of election. of the date of the election.”

The said notice shall indicate the names, domiciles and Contents of occupations of the persons nominated in the order in which notice. they are or will be printed on the ballot-papers to be used

at the polling, and the order of such names shall be alphabetical.

Instructions  
for voters.

The returning-officer shall, at the same time, publish printed instructions for the guidance of electors in voting.

Informa-  
tion bureau,  
etc.

The returning-officer shall, between the day of the nomination and the day of the election, keep in each ward an information bureau for the electors and cause to be delivered to the latter, upon a receipt, by messenger or by registered letter, a notice indicating the place where they are to vote. Such notices shall be sent to the address mentioned on the voters' list or to any other place where, in the opinion of the returning-officer, the elector is most likely to be reached. The electors who do not receive such notices may obtain the same by applying personally at the office of the returning-officer. But any error or omission committed by the returning-officer or representatives in connection with the transmission of such notices cannot in any wise invalidate the election of any candidate nor give rise to any recourse whatsoever either against the city or against the returning-officer or his representatives."

62 Vict., c.  
58, s. 124,  
replaced.  
Place of  
voting.

**10.** Article 124 of the act 62 Victoria, chapter 58, is 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.

Grouping of  
polls.

The returning-officer shall, as far as practicable, group the polls in public halls, schools or other spacious premises.

Attendance  
of con-  
stables.

He shall also see that a city constable, or other person sworn as special constable, is on duty, during polling hours, at the door of each of the places where several polls are thus grouped, in order to facilitate circulation, and that an additional city constable or other person sworn as special constable, is in attendance inside of each of such places to call the electors by their names and indicate to them the poll where they have the right to vote."

62 Vict., c.  
58, s. 134,  
replaced.

**11.** Article 134 of the act 62 Victoria, chapter 58, is replaced by the following:

Delivery of  
ballot-  
paper.

**"134.** The voter shall then deliver to the deputy returning-officer the notice sent to him by the returning-officer, in accordance with the provisions of article 105 of this act, and the deputy returning-officer in whose possession such notice must be kept, shall thereupon hand over to him the ballot-paper, or ballot-papers, as the case may be, to which he is entitled, and on the back of such ballot-paper or ballot-papers, the deputy returning-officer shall previously put his initials."

**12.** Article 137 of the act 62 Victoria, chapter 58, is replaced by the following: 62 Viet., c. 58, s. 137, replaced.

**"137.** No ballot-paper shall be given to any elector who has refused to take the oath or affirmation mentioned in article 135 or article 136 when thereunto required, nor to any elector who has not delivered to the deputy returning-officer the notice sent to him by the returning-officer, in accordance with the provisions of article 105."  
No delivery of ballot-paper, in certain cases.

**13.** Article 147 of the act 62 Victoria, chapter 58, is replaced by the following: 62 Viet., c. 58, s. 147, replaced.

**"147.** If a person representing himself to be an elector named on the list of electors applies for a ballot-paper after another person has voted as such elector, he shall be entitled to vote as any other elector provided that he delivers to the deputy returning-officer the notice sent to him by the returning-officer, in accordance with the provisions of article 105, and that he takes the oath or affirmation specified in article 135."  
Voting after previous vote in same name.

**14.** Article 240 of the act 62 Victoria, chapter 58, is replaced by the following: 62 Viet., c. 58, s. 240, replaced.

**"240.** Every person shall be deemed to be guilty of the offence of "personation", and shall be punishable accordingly by a penalty of \$500.00, and imprisonment for six months in default of payment, in addition to an imprisonment not exceeding six months, with or without hard labor:  
"Personation".  
Penalty.

1. Who, during the voting at an election, applies for a ballot-paper, or presents himself to vote, in the name of some other person, whether such name be that of a living, dead, or fictitious person;  
Commission of offence.

2. Who, having already voted at an election, applies during the same election for another ballot-paper in his own name or presents himself again to vote at the same or any other polling-station;

3. Who aids, abets, incites, counsels, or facilitates the commission, by any person whomsoever, of any infraction of the provisions of this article;

4. Who presents himself at a poll with a notice sent to another person by the returning-officer under the provisions of article 105, or prints or causes to be printed any such notices for the purpose of using or distributing the same, or illegally keeps any such notices in his possession."

**15.** Article 285 of the act 62 Victoria, chapter 58, as 62 Viet., c.

58, s. 285, replaced. replaced by the act 9 Edward VII, chapter 81, section 6, is again replaced by the following:

Monthly meeting of council. **"285.** With the exception of the months of July and August of each year, and of the month of April of every year in which a general municipal election is held, the council shall regularly meet once a month, namely, on the second Monday of each month.

Notice. Notice of each meeting shall be given to the members of the council, in the manner hereinafter provided for special meetings.

Meetings public. The meetings of the council shall be open to the public."

62 Vict., c. 58, § XI, title re-placed. **16.** The title of section XI of the act 62 Victoria, chapter 58, is replaced by the following:

*"Security to be given by civic officials".*

62 Vict., c. 58, s. 300, am. **17.** 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 (1st session), chapter 48, section 29; 1 George V (2nd session), 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, and 13 George V, chapter 91, section 5, is further amended:

Use of streets, etc. *a.* By replacing paragraph 1 thereof by the following:  
 "1. To regulate the use of public streets, lanes, alleys and avenues, public places, public grounds, private lanes or private passage-ways, municipal streams and waters; to prevent and remove encroachments into, upon or over the said public streets, lanes, alleys and avenues, public places, public grounds, municipal streams and waters; and to prevent injury thereto and prohibit the improper use thereof.";

*b.* By replacing paragraph 52 thereof by the following paragraph:

Burials, etc. **"52.** To regulate and prevent the burial of the dead within the city; to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed; to regulate and control the location of cemeteries and cre-

matories, and to cause the removal of bodies interred contrary to law, and to vacate or discontinue any cemetery and cause the removal of any bodies interred therein.

Notwithstanding any law to the contrary, no cemetery <sup>Consent for</sup> or burial-ground shall be established within the city limits, <sup>cemeteries.</sup> without the previous consent of the city, given by means of a by-law”;

c. By replacing paragraph 67 thereof by the following:

“67. To regulate the planting, rearing and preserving <sup>Planting</sup> of ornamental trees in the streets, squares and parks of the <sup>ornamental</sup> city; to forbid all persons, companies or corporations to <sup>trees, etc.</sup> cut or trim trees or shrubs in the streets, boulevards, parks, squares or public places in the city, without making previously a written application to the city to that effect; to authorize the city to grant or refuse such application and, in the event of its being granted, to stipulate that the works shall be done at the cost of the applicant or applicants, under the supervision and to the satisfaction of the officers to be designated by the city; to allow the city to trim any trees planted on private property when any part of such trees project upon or overhang public property; to compel any proprietor to plant trees in front of his property, under the direction of the city surveyor; to authorize the city surveyor to cause such planting to be done and to exact the cost thereof from such proprietor, in case the latter should refuse or neglect to comply with the city surveyor's order; to punish those damaging the ornamental trees or shrubbery in the streets, parks and public places of the city.”;

d. By replacing paragraph 78 thereof by the following:

“78. To license, regulate and prohibit the posting and <sup>Posting of</sup> sale of bills, placards and photographs; to prohibit the <sup>bills, etc.</sup> posting or exhibiting of obscene paintings, drawings, photographs, statues or inscriptions in any street or public place, or in any shop or other place visible from such street or public place.”

e. By replacing paragraph 99 thereof by the following:

“99. To define the duties and powers of the inspector of <sup>Inspector of</sup> buildings and to authorize him, and such other officers as <sup>buildings,</sup> the city may appoint for the purpose, to issue permits for <sup>etc.</sup> the construction, extension, alteration or repairing of any building, to require that plans and specifications and all other documents in this connection be submitted at the same time as the application for a permit, to require that such plans, specifications and other documents be deposited in the department of the inspector of buildings, where the same shall be filed of record, to compel all persons applying



for a permit to obtain from the city the lines and levels or profiles of the streets or lanes, whether such streets or lanes be public, private or projected, and to conform to such lines, levels and profiles as may be established by the city, and to visit and examine, in the performance of their duties, the interior as well as the exterior of any house or building under construction, under repairs or completed, for the purpose of adopting any measures tending to prevent fires or deemed necessary for the safety of workmen and for public safety; to require that all dwellings be provided with at least two exits with stairs leading to the ground and to provide for the immediate demolition, after notice, of every building erected in contravention of the municipal by-laws."

f. By adding thereto, after paragraph 158, as enacted by the act 10 George V, chapter 86, section 2, the following paragraphs:

Inspection  
of gasoline,  
etc.

"159. To inspect gasoline in all instances and the apparatus used in the sale of gasoline and to determine, among the storehouses established after the third day of April, 1925, those in which gasoline may be sold;

Cellar vent-  
holes, etc.

"160. To regulate the construction, installation or setting of cellar vent-holes and to compel their owners to provide the same with iron gratings, or, in the event of their failing to do so, to hold the city harmless against any claim for damages arising from the breaking of panes of glass by the snow-ploughs or other apparatus or implements belonging to or used by the city;

Distribution  
of gasoline.

"161. To forbid any person whomsoever to distribute gasoline in a garage, automobile repair shop or a gasoline station without having previously obtained from the city a certificate or license for such purpose; to allow the city to levy a tax not exceeding two dollars for the issuing of such certificate or license and to impose a fine on every person distributing gasoline without having obtained such certificate or license."

License and  
tax therefor.

62 Viet., c.  
58, s. 301,  
replaced.

**18.** Article 301 of the act 62 Victoria, chapter 58, as replaced by the act 3 George V, chapter 54, section 10, is again replaced by the following:

Prere-  
quisites as  
to validity  
of by-laws.

**"301.** No by-law enacted in virtue of the present charter shall be valid unless a notice of motion for the adoption of such by-law shall have been deposited at least eight days beforehand, in the case of a loan by-law, and at least thirty days beforehand, in the case of any other by-law, nor unless the said by-law shall receive the affirmative vote of a majority of all the members of the council, at a special or monthly meeting of the council; nor shall any by-law

be valid or binding and come into force until the same, after approval by the council as aforesaid, has been signed by the mayor and the city clerk, and sealed with the corporate seal of the city, nor until public notice of its passing has been given."

**19.** Article 305 of the act 62 Victoria, chapter 58, is replaced by the following:

62 Vict., c.  
58, s. 305,  
replaced.

**"305.** A copy of every by-law passed under this section shall be transmitted without delay to the Lieutenant-Governor in Council, who may, within two months from the receipt of such copy, disallow the by-law, and notice of such disallowance shall be published in the *Quebec Official Gazette*."

Transmis-  
sion of by-  
laws to Lt.-  
Gov. in C.  
  
Disallow-  
ance and  
notice.

**20.** Article 307 of the act 62 Victoria, chapter 58, as replaced by the act 63 Victoria, chapter 49, section 9, is again replaced by the following:

62 Vict., c.  
58, s. 307,  
replaced.

**"307.** The council may impose, by any by-law which may be enacted in accordance with the powers granted to it by this charter, for every infraction of such by-laws, either a fine with or without costs or imprisonment; and if a fine with or without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs according to the circumstances; but, save where otherwise expressly provided in this charter, such fine shall not exceed forty dollars and such imprisonment shall not be for a longer period than sixty days; and, where such imprisonment is ordered in default of payment of the fine, or of the fine and costs, it shall cease on payment of the said fine or fine and costs.

Imposition  
of penalties  
by by-laws.

**21.** Article 311 of the act 62 Victoria, chapter 58, is replaced by the following:

62 Vict., c.  
58, s. 311,  
replaced.

**"311.** Subject to the provisions of section 13 of the act 13 George V, chapter 91, whenever, according to the provisions of this charter, a by-law requires the approval of the real estate owners of the city, the following proceedings shall be taken for ascertaining such approval."

Procedure  
governing  
approval of  
real estate  
owners.

**22.** Article 334c of the act 62 Victoria, chapter 58, as enacted by the act 9 Edward VII, chapter 81, section 12, and amended by the act 2 George V, chapter 56, section 14, is repealed.

62 Vict., c.  
58, s. 334c,  
repealed.

**23.** Article 335a of the act 62 Victoria, chapter 58, as enacted by the act 3 Edward VII, chapter 62, section 29,

62 Vict., c.  
58, s. 335a,  
replaced.

and replaced by the act 2 George V, chapter 56, section 15, is again replaced by the following:

Submission  
of annual  
estimate of  
surplus by  
comptroller.

**"335a.** It shall be the duty of the city comptroller to submit to the executive committee, on or before the 1st of May each year, an estimate of the surplus resulting from the previous fiscal years, after all the appropriations voted and the obligations connected therewith shall have been provided for. This estimate shall also mention the probable collection of such surplus before the expiration of the then current fiscal year.

Voting of  
supple-  
mentary ap-  
propriation.

The council may vote, as supplementary appropriations for administration purposes, permanent works or other purposes provided by the charter, the sum established according to the preceding paragraph."

62 Vict., c.  
58, s. 362,  
am.

**24.** 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 act 8 Edward VII, chapter 85, sections 18 and 19, is further amended by adding thereto, after sub-paragraph (e) and before the last paragraph of said article, the following paragraph:

Exemption  
of property  
of charitable  
institutions.

**"(f)** The lands and buildings belonging to charitable institutions and occupied by such institutions for the purposes for which they have been established and not owned and occupied by them for the sole purpose of deriving a revenue therefrom."

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

**25.** 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 (2nd session), 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; and 13 George V, chapter 91, section 9, is further amended:

*a.* By replacing paragraph (j) thereof by the following;

Special tax  
on persons  
selling bank-  
rupt stocks.

**"(j)** A special tax, not exceeding fifty dollars, on every person selling or offering for sale by retail any bankrupt stock or stocks exclusively, and a special tax, not exceeding two hundred dollars, on every person temporarily opening a shop or temporarily occupying any other premises to sell or offer for sale therein by retail, on samples or otherwise, any articles or goods whatsoever."

Id., any  
goods, in  
temporary  
premises.

b. By replacing paragraph (l) thereof by the following:

"(l) A special tax not exceeding two hundred dollars <sup>Special tax on auctioneers, etc.</sup> on auctioneers and forty dollars on auctioneers' clerks, for the sale by auction of goods coming from private individuals or merchants residing in the city, and an additional tax not exceeding two hundred dollars on auctioneers and two hundred dollars on auctioneers' clerks, for the sale by auction of goods shipped for such purpose from a point outside of the city, with the exception of skins of fur or hair-animals; the word "auctioneer", including not only the person who sells by auction to the highest bidder, but also the person who puts up an article for sale by auction at a price fixed by him, and who reduces such price until some one accepts it;" <sup>"Auctioneer".</sup>

c. By replacing paragraph (n) thereof, by the following:

"(n) A special tax not exceeding two hundred dollars <sup>Special tax on certain insurance companies.</sup> on every company engaged in the business of life insurance, insurance against accidents and sickness, health insurance, cattle insurance, plate-glass and boiler insurance, insurance against burglary, guarantee insurance, employers' liability insurance, insurance in connection with automobiles, and carrying on such business and taking risks in the city, and a special tax not exceeding one hundred dollars on every marine insurance company doing business and taking risks in the city.

When any such insurance company combines two or more branches of any kind of insurance above mentioned, one tax shall be levied upon such company, that is to say, the tax the rate of which is the highest on any of the said branches of insurance respectively." <sup>Idem.</sup>

d. By replacing paragraph (o) thereof, by the following:

"(o) A special tax not exceeding one per cent on the premiums collected in the city by fire insurance companies <sup>Special tax on fire insurance companies.</sup> doing business and taking risks in the city, provided the minimum in each case be two hundred dollars.

When any fire insurance company combines other branches of insurance, such as marine insurance, life insurance, insurance against accidents and sickness, health insurance, cattle insurance, plate-glass and boiler insurance, insurance against burglary, insurance of automobiles, guarantee insurance and employers' liability insurance, an additional special tax shall be levied on such company, instead of the tax stipulated in paragraph (n), the said tax not to exceed two hundred dollars." <sup>Additional tax.</sup>

**26.** The repeal by the act 4 Edward VII, chapter 49, section 13, of the first clause of paragraph (o) of article 364 <sup>Interpretation.</sup> of the act 62 Victoria, chapter 58, shall in nowise affect

the by-laws passed in virtue thereof, which have been and shall continue in force as if such repeal had not taken place.

62 Vict., c.  
58, s. 364b,  
repealed.

**27.** Article 364b of the act 62 Victoria, chapter 58, as enacted by the act 8 George V, chapter 84, section 35, is repealed.

62 Vict., c.  
58, s. 369a,  
added.

**28.** The following article is inserted in the act 62 Victoria, chapter 58, after article 369:

Alteration  
of assess-  
ment where  
property  
divided into  
building lots.

**"369a.** Whenever a special assessment roll is prepared and a tax is levied on an immoveable which is later on subdivided or resubdivided into building lots, and a part or parts of which are later on sold, the city may alter or amend such roll and apportion the tax on the lots entered in the cadastre, in proportion to their areas."

62 Vict., c.  
58, s. 395a,  
replaced.

**29.** Article 395a of the act 62 Victoria, chapter 58, as enacted by the act 6 George V, chapter 44, section 18, is replaced by the following:

Subrogation  
on payment  
of taxes.

**"395a.** Whosoever, not being a debtor, pays to the city any municipal or school, immoveable or personal, general or special tax or water rate due by a third party, is *de jure* subrogated in the rights and privileges of the city, and may recover the amount of the taxes so paid by him from the real debtor.

Statement  
on receipt.

Such subrogation has no effect against the third party unless the receipt given by the city treasurer states that the payment was made with subrogation.

Collocation  
of city for  
taxes due  
after subro-  
gation.

The above subrogation shall not prevent the city from being collocated in preference to the party subrogated as above for the taxes due to the city after the subrogation, in the event of the immoveables or moveables subject to the said taxes being sold."

62 Vict., c.  
58, s. 397,  
am.

**30.** Article 397 of the act 62 Victoria, chapter 58, as amended by the act 8 George V, chapter 84, section 38, is further amended by replacing the third paragraph thereof, by the following:

Notice  
where no  
domicile, etc.

**"If** the last assessed or registered owner has no known domicile within the Province of Quebec, or has no known representative in said Province, the formality of the notice shall not be required, unless he has previously given his address to the city treasurer, failing which a declaration under the hand of a bailiff of the Recorder's Court to the effect that his whereabouts are unknown shall be sufficient."

**31.** Article 398 of the act 62 Victoria, chapter 58, as 62 Vict., c. replaced by the act 8 George V, chapter 84, section 39, is 58, s. 398, replaced. again replaced by the following:

**"398.** If the amount due is not paid within a delay of <sup>Statement to sheriff and sale, after notice.</sup> ten days, the city treasurer shall transmit a statement duly certified by him to the sheriff of the district of Montreal, which statement shall contain a summary description of every immoveable to be sold for taxes, the description thereof, with mention of the adjoining and abutting lands to be furnished to the sheriff only fifteen days before the sale, and the sheriff shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of all immoveables described in such statement, after having published a notice thereof, as provided in the following article."

**32.** Article 402 of the act 62 Victoria, chapter 58, as 62 Vict., c. replaced by the act 7 George V, chapter 60, section 6, is 58, s. 402, amended by replacing the second paragraph thereof by the <sup>am.</sup> following paragraphs:

"Except where several lots owned by the same prop-<sup>Sale of im-</sup>rietor and used for the same purposes are assessed as a <sup>moveables.</sup> single lot, in accordance with the provisions of paragraph 1 of article 375 of the act 62 Victoria, chapter 58, as replaced by the act 7 Edward VII, chapter 63, section 23, in which case the said lots may be offered for sale as a single immoveable, the immoveables shall be offered for sale separately, in the order in which they appear in the notice, and if, on the day of the sale, no bid is made, or if all the immoveables cannot be sold on the day appointed, the sale shall <sup>Postpone-</sup>be postponed until the following day, and so on, from day <sup>ment.</sup> to day, until all are sold.

Any payment of taxes due on any immoveables appearing <sup>Payment of</sup> in the notice, made after ten o'clock in the forenoon, on <sup>taxes at</sup> the day of the sale, shall be so made at the risk and peril of <sup>debtor's</sup> the debtor." <sup>risk.</sup>

**33.** Article 404 of the act 62 Victoria, chapter 58, as 62 Vict., c. replaced by the act 7 Edward VII, chapter 63, section 28, 58, s. 404, <sup>am.</sup> is amended by adding thereto the following paragraph:

"In cases of bankruptcy between the beginning of the <sup>Privilege for</sup> civic year and the homologation of the tax collection rolls, <sup>taxes in case</sup> notwithstanding the fact that such rolls are not homologated, the city shall have a privilege for the taxes due since <sup>of bank-</sup>the beginning of the civic year until the date of the bank-<sup>ruptcy.</sup>ruptcy."

**34.** Article 419a of the act 62 Victoria, chapter 58, as 62 Vict., c.

58, s. 419a, replaced. enacted by the act 7 Edward VII, chapter 63, section 30, is replaced by the following:

Taxation of vacant lots, in certain event.

Applica-  
tion.

**"419a.** Whenever the city lays out and homologates a line through vacant lots, the owners of such lots shall not pay any general or special tax, or assessment or school tax, on the portion of such lots reserved for public or municipal purposes, although the city has not taken possession thereof. This provision shall also apply to vacant lots in connection with which lines have already been laid out and homologated on the plan of the city."

62 Vict., c. 58, s. 422, added.

Taking pos-  
session of  
property  
under expro-  
piation.

**35.** The following article is inserted in the act 62 Victoria, chapter 58, after article 421:

**"422. 1.** In all cases of expropriation, the city may take possession on a judge's order, before the decision of the Quebec Public Service Commission, or before the amicable arrangement, upon a satisfactory affidavit showing that the immediate possession of the land, or the power to do that which is mentioned in the notice, is necessary to complete some part of the work ordered by the Council within its powers, and that the municipality is ready to begin at once.

Granting of  
petition.

2. The judge shall only grant this petition if a notice of ten days of the time when and place where the petition will be made to him has been signified to the proprietor of the land, or the person who has the right to give title therefor, or having an interest in the immoveable to be expropriated, or who may be liable to suffer damages through the execution of the work.

Security.

3. The judge shall not grant such petition unless security to his satisfaction has been given by the city by the deposit in a bank which he may designate, in the name of the clerk and of such proprietor or such person jointly, of an amount higher than that at which he estimates the probable indemnity.

Costs.

The costs of the petition and the hearing before the judge shall be paid by the city, in any case.

Deposit in  
archives.

4. The petition, the writ of possession and all other documents relating to such incidental proceedings shall be deposited in the archives of the Superior Court of the district, and a special register of such proceedings shall be kept by the prothonotary.

Repayment  
conditions.

5. No part of the deposit or interest thereon shall be reimbursed or paid either to the city or the proprietor or the interested party without an order of the judge who is authorized to issue it, rendered in accordance with the terms of the decision of the Quebec Public Service Commission, or of the amicable arrangement between the parties."

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

**"427.** In all cases where only a part of an immovable Decision is expropriated which would be reduced by such expropria- upon ex- tion to less than 40 feet in depth or less than 24 feet in propriation of part of width, the president or acting-president of the Quebec Pub- of part of ible- lic Service Commission shall decide whether or not the city shall acquire the lot or lots in its or their entirety. In the Id., of build- case of the total or partial expropriation of a building or ing. 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."

**37.** Article 428 of the act 62 Victoria, chapter 58, is 62 Viet., c. replaced by the following: 58, s. 428, replaced.

**"428.** No indemnity, damages or compensation shall Limit of in- be paid to tenants of any land or building, required in whole demnity for or in part for expropriation purposes, beyond an amount tenants. which shall not exceed the remainder of the current year's rent and of one other year's rent of the premises occupied by them; and then only in cases where the lease is for one or more years beyond the year current at the time of the adoption by the council of the resolution for such expropriation.

The president or acting-president of the Quebec Public Award for Service Commission may award the value of such repairs improve- and improvements as may have been made by a tenant ments. prior to the passing by the council of the resolution concerning the expropriation, provided that the same are not Proviso. included in the valuation of the building.

No indemnity shall be allowed, in any event, to tenants No indem- whose leases shall have been made or who shall have taken nity in cer- possession of the premises subsequent to the resolution of tain cases. the council for the said expropriation."

**38.** Article 429 of the act 62 Victoria, chapter 58, as 62 Viet., c. replaced by the act 4 Edward VII, chapter 49, section 18, 58, s. 429, is again replaced replaced.

**"429.** The president or acting-president of the Quebec Decision as Public Service Commission shall ascertain the compensa- to compen- sation, etc. tion to be paid to the proprietor whose building or land is to be expropriated, and determine, if need be, the rights of



the city mentioned in the foregoing articles for the acquisition of the whole or part of the said buildings.

No appeal. There shall be no appeal from the decision of the president or acting-president of the Public Service Commission."

62 Vict., c. 58, s. 430, replaced. **39.** Article 430 of the act 62 Victoria, chapter 58, as replaced by the act 4 Edward VII, chapter 49, section 19, is again replaced by the following:

Notice and petition. **"430.** 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.

Fixing of dates. The court or judge to whom such petition is presented shall fix a day on which the president or acting-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."

62 Vict., c. 58, s. 431, replaced. **40.** Article 431 of the act 62 Victoria, chapter 58, is replaced by the following:

Proceedings not voided by irregularities. **"431.** The proceedings of the said president or acting-president of the Quebec Public Service Commission shall not be voided or set aside on account of an insufficient or incomplete description of any of the immoveables to be expropriated, or of the want of any other formality required by this charter, unless exception shall be taken thereto prior to the confirmation by the court or by a judge of the report made by the president or acting-president of the Quebec Public Service Commission, and also unless it be shown that serious injustice may thereby have been caused to the party complaining."

62 Vict., c. 58, ss. 432 and 433, repealed. **41.** Articles 432 and 433 of the act 62 Victoria, chapter 58, are repealed.

62 Vict., c. 58, s. 434, replaced. **42.** Article 434 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 35, and replaced by the act 3 George V, chapter 54, section 23, is again replaced by the following:

Duty to proceed with diligence. **"434.** In order to come to a decision respecting such expropriation, the president or acting-president of the Quebec Public Service Commission shall proceed with all due diligence to establish the value of the land and build-

ings to be expropriated, including servitudes and immoveables by destination.

He shall have power to call, summon and examine witnesses under oath as well as all parties interested and to require the production of titles and documents; he shall inspect the properties to be expropriated and take all other measures which he may deem necessary to establish the fair and exact amount of the compensation to be paid for the land, buildings and servitudes to be expropriated, and shall apportion the cost of the acquisition of the whole or parts of the properties and of the servitudes to be expropriated, in the manner above prescribed.

The report of the president or acting-president of the Quebec Public Service Commission shall be signed and shall establish the amount for which the city shall have the right to acquire the immoveables for the purposes of such expropriation."

**43.** Article 435 of the act 62 Victoria, chapter 58, as replaced by the act 4 Edward VII, chapter 49, section 20, is again replaced by the following:

**"435.** The president or acting-president of the Quebec Public Service Commission shall also hear and examine any claims of tenants or occupants or proprietors occupying their own immoveables affected by such expropriation, and shall report and make awards thereon in accordance with the limitations and requirements set forth in the foregoing articles."

**44.** Article 438 of the act 62 Victoria, chapter 58, is replaced by the following:

**"438.** So soon as the president or acting-president of the Quebec Public Service Commission has completed and signed his report in accordance with the foregoing provisions, he shall deposit the same in the office of the city clerk, who shall forthwith give public notice thereof, and of the day on which such report will be submitted to the Superior Court, or to one of the judges thereof, as the case may be, for confirmation or homologation, and such report shall not be submitted before the expiration of ten days at least from the first publication of such notice."

**45.** Article 439 of the act 62 Victoria, chapter 58, is replaced by the following:

**"439.** On the day specified in the notice, the city shall submit to the Superior Court, or to one of the judges thereof, the report of the president or acting-president of the Quebec Public Service Commission for confirmation

and homologation; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the said report, and the decision of the court or judge shall be final as regards all interested parties and shall not be subject to appeal."

62 Vict., c.  
58, s. 439a,  
added.

New report,  
in certain  
event.

**46.** The following article is inserted in the act 62 Victoria, chapter 58, after article 439:

"**439a.** When any report or award made by the president or acting-president of the Quebec Public Service Commission, under the provisions of this section, is annulled by competent authority, the city may ask the Superior Court to refer the report or award back to the president or acting-president of the Quebec Public Service Commission in order that he may prepare a new report or make a new award.

Idem.

All the provisions of this charter with respect to the making and revision of any award or report and to all matters incidental thereto, shall apply to such new report or award, provided always that the proceedings for the making of any new report or award be commenced within a delay of six months from the date of annulment of the previous report or previous award."

62 Vict., c.  
58, s. 440,  
replaced.

Deposit of  
amount of  
indemnity.

Vesting of  
ownership.

Taking pos-  
session.

Warrant of  
possession.

**47.** Article 440 of the act 62 Victoria, chapter 58, as replaced by the act 4 George V, chapter 73, section 20, is again replaced by the following:

"**440.** Within thirty days from the homologation of the report of the president or acting-president of the Quebec Public Service Commission, the city shall deposit with the prothonotary the amount, without interest, of the indemnity fixed by the said report for the immoveables or rights acquired through such expropriation; and the city shall thereupon be vested with the ownership of the said immoveables or rights, shall be declared to be the owner thereof, in accordance with article 441 of the act 62 Victoria, chapter 58, as replaced by the act 4 George V, chapter 93, section 21, and again replaced by the act 5 George V, chapter 89, section 11, and may take possession thereof without any other formalities, and the recourse of any person having any rights whatsoever to, in, or upon these immoveables is converted into a recourse upon the amount of indemnity granted.

If the expropriated party or any other person opposes the taking possession by the city, the latter may, by a mere petition presented to a judge of the Superior Court, after three days' notice to the interested party, obtain a warrant addressed to the sheriff, ordering the latter to expel him

and to put the city in possession. The costs of such process shall be left to the discretion of the judge."

**48.** Article 450 of the act 62 Victoria, chapter 58, as 62 Vict., c. amended by the act 7 Edward VII, chapter 63, section 37, 58, s. 450, 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, is again replaced by the following:

**"450.** The sums to be apportioned among the prop- Apportion-  
rietors for the payment of the cost of an expropriation, or ment by  
of the construction of a sewer, of a sidewalk or other im- roll.  
provement or permanent work, shall be assessed by means  
of a roll prepared by the city surveyor or by any other  
official appointed by the executive committee.

Such apportionment shall be made among the prop- Mode of ap-  
rietors in proportion to the extent of the frontage or of the portion-  
depth, as the case may be, of their properties, as shown on ment.  
the assessment roll, or to the value of the land, when the  
city so decides, under article 421.

The city surveyor or the official appointed by the exe- Objections  
cutive committee, as the case may be, shall fix the day before com-  
when the proprietors liable for the payment of their share pletion.  
of the assessment may submit their objections before the  
roll is completed and put in force. He shall notify, by pub- Notice of  
lic notice or by private notice served by a bailiff, the said deposit of  
proprietors of the fact that the roll has been deposited and roll.)  
of the day fixed as aforesaid. In the case of a public  
notice, the same shall be inserted once in a French and in  
an English newspaper, published in the city, provided there  
be a delay of eight days between the last publication and  
the day fixed for the examination of the roll, and, in the  
case of a private notice, there shall be a delay of eight days  
between the day following that on which the said notice  
was served and the day fixed for the examination of the  
roll, and, during such delays, the proprietors who have  
been assessed may examine the roll.

The city surveyor or the official appointed by the execu- Hearing and  
tive committee, as the case may be, shall hear and sum- determina-  
marily determine all the objections which may be made, tion of ob-  
and there shall be no appeal from his decision. The roll jections.  
shall then be signed by the said city surveyor or official Signing of  
and shall thereupon be in force. roll.

The amount due in virtue of such apportionment shall Manner of  
be recoverable in the same manner as other taxes and recovery.  
assessments on immoveables."

**49.** Article 452 of the act 62 Victoria, chapter 58, as 62 Vict., c.

58, s. 452, replaced. replaced by the acts 3 Edward VII, chapter 62, section 44; 1 George V (2nd session), chapter 60, section 23; 5 George V, chapter 89, section 12, and 11 George V, chapter 111, section 6, is again replaced by the following:

Ceding of property to city. **"452.** Whenever any proprietor desires to cede to the city that part of his immoveable comprised between the old line and the new homologated line of any street whatsoever, he shall notify the city, in writing, that he is willing to cede such part of his immoveable for a sum equal to the municipal valuation for the then current year.

Acquisition. Each year, at such time as it shall fix, the council may, by resolution, on a report from the executive committee, proceed to acquire the parts of immoveables so ceded, and the provisions of article 421 of this charter shall apply *mutatis mutandis* to such purchases by mutual agreement."

Provisions applicable.

62 Viet., c. 58, s. 453, replaced. **50.** Article 453 of the act 62 Victoria, chapter 58, replaced by the acts 3 Edward VII, chapter 62, section 45, and 7 Edward VII, chapter 63, section 38, is again replaced by the following:

Construction of sidewalks, etc. **"453.** The council may, by resolution, order the construction of sidewalks or curbs of permanent durable materials, other than wood, in any street, square or public place in the city, and order that the cost of such construction be defrayed out of the city funds, to an extent not exceeding one-half of such cost, and apportion the remainder thereof upon the land situated on the side of such street, square or public place on which such sidewalk or curb is constructed.

Apportionment of half of cost.

Mode of apportionment. Such apportionment shall be made in proportion to the frontage of each lot, provided that no such resolution shall be adopted before the cost of such construction is established by a report made by the city surveyor and submitted to the council.

Want of notice. The want of notice cannot constitute a lawful objection for work already performed.

Separate apportionment. It shall be lawful for the city to apportion separately the cost of the construction of a curb, whether such curb is constructed at the same time as a sidewalk or at the same time as a paving."

Declaratory provision as to certain street. **51.** The sub-paragraph 7 of paragraph *k* of article 5 of the act 62 Victoria, chapter 58, as enacted by the act 1 George V (1910), chapter 48, section 1, which enacts that the city of Montreal shall open and maintain a street from Snowdon station in Notre-Dame-de-Grâces ward as far as the Côte de Liesse Road, in the parish of St. Laurent, of a width of one hundred feet, macadamized and with sidewalks, is an obligation exclusively at the charge of the

city of Montreal and has always been so notwithstanding any law or any judgment to the contrary.

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

**"456.** The executive committee may, by a resolution, enact that any assessment levied to pay the cost of an expropriation, or of the construction of sidewalks, drains or sewers, may be paid by annual instalments covering a period not exceeding twenty years, with interest at the rate of five per cent 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 of the contribution.

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

Notwithstanding any provisions to the contrary contained in the city charter, the council, on a report from the executive committee, may, at any time, and from time to time, enact, by resolution, that every special assessment already imposed or which may be hereafter imposed to cover the cost of a permanent paving shall be payable by annual instalments, during a period not exceeding twenty years, 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 of said assessment."

**53.** Article 457 of the act 62 Victoria, chapter 58, is replaced by the following:

**"457.** If, when this act comes into force or thereafter, there should exist any error, omission or informality, or if, in the opinion of the city, the ratepayers have been overcharged, in any expropriation proceedings, or in the making of any assessment roll prepared for the apportionment of the cost of any improvement, whether such error, omission, informality or overcharge be on the part of the president or acting-president of the Public Service Commission, or of those who are by law entrusted with the preparation of the rolls, the Superior Court or any judge thereof may, upon a petition to that effect, permit in its or his discretion, the rectification of such error, omission, informality or overcharge, upon such conditions, as to costs, as the court or judge may determine.

The city shall, at the time the new roll is made, add

accrued  
interest.

to the new roll which is to replace the roll that has been annulled the accrued interest from the date of the putting into force of the roll so annulled."

62 Vict., c.  
58, s. 458,  
repealed.

**54.** Article 458 of the act 62 Victoria, chapter 58, is repealed.

62 Vict., c.  
58, s. 460,  
replaced.

**55.** Article 460 of the act 62 Victoria, chapter 58, as replaced by the act 4 George V, chapter 73, section 30, is again replaced by the following:

Payments  
made where  
roll an-  
nulled.

**"460.** Whenever a roll of assessment or of apportionment is annulled and set aside, the payments made in virtue of such roll shall not thereby be invalidated, but such payments, with interest added, shall go to the discharge of the amounts fixed by the new roll of assessment or apportionment; provided, however, that those who were proprietors at the time of the annulment of the roll shall make good any deficiency with interest from the date of the putting into force of the roll which has been annulled, or recover any surplus with interest from the date of payment, according to the difference that may eventually exist between the old and the new roll of assessment or apportionment.

**Application.** This provision shall apply to the rolls heretofore made and to those which may be made hereafter."

62 Vict., c.  
58, s. 470,  
replaced.

**56.** Article 470 of the act 62 Victoria, chapter 58, is replaced by the following:

Cost of  
water-  
service-pipe.

**"470.** The city shall lay, at its own expense, its water-service-pipe up to the street line; but the distribution of the water throughout the houses or buildings, after the city's service-pipe has been laid, shall be made by and at the expense of the proprietors or occupants.

Id., of dis-  
tribution.

Where  
building at  
distance  
from street-  
line.

In all cases where the house or building stands at a distance from the line of the street, the city shall lay the service-pipe to the line of the street and shall have the right to exact payment of the water-rate from the proprietor, although the latter may refuse or neglect to connect such pipe with such house or building.

By-law as to  
depth.

The city may adopt a by-law to prescribe the depth at which water-service-pipes shall be laid in private lands."

62 Vict., c.  
58, s. 548,  
Fr. version,  
replaced.

**57.** The French version of article 548 of the act 62 Victoria, chapter 58, is replaced by the following:

Dommages  
causés par  
obstructions  
dans les  
rues.

**"548.** Toutes personnes qui, au moyen d'excavations ou d'obstructions dans une rue quelconque non autorisées par la loi ou par les règlements de la cité, rendent cette rue dangereuse pour la circulation, ou qui par négligence dans

la manière de pratiquer les excavations ou de créer les obstructions qui ont été autorisées, ou par manque de les entourer de garde-fous ou d'y placer des lumières, rendent telle rue insuffisante ou dangereuse pour la circulation, sont responsables de tous les dommages résultant de telle obstruction ou négligence, excepté des dommages provenant de la négligence de la personne même qui les a soufferts, et aucune action ne peut être maintenue contre la cité pour ces dommages, à moins que telles personnes n'aient été mises en cause, comme parties défenderesses, si le demandeur en est requis par la cité, qui devra donner les noms, résidences et qualités de telles personnes."

**58.** Article 564*n* of the act 62 Victoria, chapter 58, 62 Vict., c. 58, s. 564*n*, replaced. as enacted by the act 2 George V, chapter 56, section 29, and replaced by the act 8 George V, chapter 84, section 45, is again replaced by the following:

"**564*n*.** The city may charge a fee of not more than \$25.00 for every authorization given to any association or club applying for incorporation under article 7233 or 7245 of the Revised Statutes, 1909, and the council of the said city may, on a report from the executive committee, revoke the authorization so given." Fee for certain incorporation.

**59.** Section 21 of the act 3 George V, chapter 54, is replaced by the following: 3 Geo. V, c. 54, s. 21, replaced.

"**21.** Article 6579 of the Revised Statutes, 1909, shall apply, *mutatis mutandis*, to the city of Montreal, but the deposit to be made by the city shall be determined by the president or acting-president of the Quebec Public Service Commission, on a preliminary report which he is authorized to make for the purpose, or shall be that specified in the notice of expropriation when such proceedings are had under articles 7581 and following of the said statutes." Application of R. S., 6579. Deposit.

**60.** Section 5 of the act 3 George V, chapter 58, is replaced by the following: 3 Geo. V, c. 58, s. 5, replaced.

"**5.** In future no manufactory, factory or workshops shall be erected on the Boulevard Pius IX from the river St. Lawrence to the Rivière des Prairies, except between Notre-Dame street and the river St. Lawrence and from Ontario street to the tracks of the Canadian Pacific Railway and the Canadian Northern Railway. Wood and coal yards and the construction of ice-houses are likewise prohibited. Dwelling-houses, shops and stores, which alone may be there erected (except the properties forming the corner of St. Catherine street), shall be twelve feet Building regulations on Boulevard Pius IX.



uniformly from the homologated line of the said Boulevard, have at least two stories in height, and be built of stone or brick, or wood encased in stone or brick.

Idem. Stairs constructed on the face of the above buildings or constructions are prohibited."

5 Geo. V. c. 89, ss. 15, 16, 27, repealed. **61.** Sections 15, 16 and 27 of the act 5 George V, chapter 89, are repealed:

6 Geo. V. c. 44, s. 4, repealed. **62.** Section 4 of the act 6 George V, chapter 44, is repealed.

10 Geo. V. c. 86, s. 16, replaced. **63.** Section 16 of the act 10 George V, chapter 86, is replaced by the following:

Destruction of redeemed bonds. **"16.** The finance comptroller is empowered, with the consent of the city, to destroy, in the presence of the city treasurer or of the city clerk, the bonds or debentures redeemed by the said city, provided a *procès-verbal* of the whole proceedings be drawn up by the above officials and deposited at the office of the city notary, who shall keep the same in his minutes, which said *procès-verbal* shall contain a description of the said bonds or debentures."

10 Geo. V. c. 86, s. 31, replaced. **64.** Section 31 of the act 10 George V, chapter 86, is replaced by the following:

Salary of secretary of Montreal Fire Commission. **"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 article 3821 of the Revised Statutes, 1909, as amended by the acts 2 George V, chapter 35, section 1, and 14 George V, chapter 45, section 1. 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 the amounts paid by the said city for the salaries of the commissioners, of the secretary, of two 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."

11 Geo. V. c. 112, s. 34, Sch. B, replaced. **65.** Section 34 of schedule B of the act 11 George V, chapter 112, as replaced by the acts 12 George V, chapter 105, section 12, and 13 George V, chapter 91, section 12, is again replaced by the following:

Approval of owners of real estate **"34.** Notwithstanding any law to the contrary, no loan shall be effected nor negotiated, in the future, under articles 343 and 343a of the charter of the city of Montreal,

without the approval of the majority in number and in value of the owners of real estate who vote, and obtained by a referendum held in accordance with the provisions of this act.

This article shall not apply:

1. To loans authorized by by-laws adopted by the council before the sanction of this act; Exceptions.

2. To loans required for the enlargement and development of the waterworks and the construction of reservoirs and filtering basins, including the cost of the necessary expropriations;

3. To loans required for urgent needs or needs recognized as such by the council, on the recommendation of the executive committee, provided that such loans do not exceed in any year the sum of six hundred thousand dollars, of which five hundred thousand dollars shall be employed only for the laying of conduits and water mains, and one hundred thousand dollars for the other purposes mentioned in this paragraph.

4. To loans for the carrying out of the works required to place the wires of the municipal fire alarm system and of the municipal lighting system in underground conduits.

Every loan by-law, which is to be submitted to the owners of real estate, including those authorized by article 348 of the city charter, except in the case of urgency, declared as such by the council, must be submitted at the time of the general elections. When by-law submitted.

**66.** Section 17 of the act 12 George V, chapter 105, as replaced by section 14 of the act 13 George V, chapter 91, is again replaced by the following: 12 Geo. V, c. 105, s. 17, replaced.

**"17.** Any loan, the proceeds of which are to be used for the redemption of a maturing loan, may be effected and negotiated in advance, provided that such loan be so effected and negotiated within six months preceding the date of maturity of the loan to be redeemed. Negotiation of loan in advance. Proviso.

**67.** Section 13 of the act 13 George V, chapter 91, is amended by replacing the first paragraph and paragraph *a* thereof by the following: 13 Geo. V, c. 91, s. 13, am.

**"13.** Whenever a loan by-law is submitted to the approval of the electors owning taxable real estate, in virtue of the provisions of sections 7 and 12 of this act, the procedure to be followed in connection with the voting thereon, shall be as follows: Procedure for voting on by-law submitted for approval.

**"a.** The council shall fix, in the by-law, the date on which the vote of the electors who are real estate owners and whose names are entered on the assessment roll in force

shall be taken, and there shall be an interval of not less than thirty days between such date and that on which the by-law has been adopted. The council may, however, decree whether the vote shall be given on each loan mentioned in the by-law or on the total amount of the loan, and whether the vote shall be given in one or more wards, or in the city at large, when one or more wards are to particularly benefit by the proposed works and are to bear the cost thereof."

Preparation,  
etc., of as-  
sessment  
rolls.

**68.** Notwithstanding any provision to the contrary, the city may, by by-law, fix the date on which the assessment rolls shall be prepared, the delays for examining the said rolls, the date when the same shall come into force and the date of payment of the sums due under such rolls.

Ownership  
of certain  
lands.

**69.** The city is declared to be the owner of the strips of land forming part of the former Sherbrooke street, between DeLorimier avenue and the limits of lots Nos. 1298-8 and 1297-11 of the cadastre of St. Mary ward, as hereunder described:

(a) That part of Sherbrooke street, not appearing on the cadastre, bounded on the northwest by Sherbrooke street as homologated, the said side measuring 214.24 feet; on the northeast by Maple avenue, the said side measuring 64.08 feet; on the south by No. 1292 (old line of Sherbrooke street); on the southeast by DeLorimier avenue, the said side measuring 48.14 feet;

(b) That part of Sherbrooke street, (No. 1292 of the cadastre of St. Mary ward), bounded on the northwest by Sherbrooke street as homologated, the said side measuring 91.80 feet; on the northeast by Nos. 1298-8 and 1297-11, the said side measuring 46.30 feet; on the southeast by No. 1292-74 (another part of Sherbrooke street); on the southwest by Maple avenue, the said side measuring 36 feet;

(c) That part of Sherbrooke street (Nos. 1292-P.73 and P.74 of the cadastre of St. Mary ward), bounded on the northwest by another part of Sherbrooke street (P. 1292); on the northeast by No. 1292-11, the said side measuring 29.40 feet; on the southeast by Nos. 1292-P.73 and P.74; on the southwest by Maple avenue, the said side measuring 32.70 feet,—

The whole as shown on the plan under date of 24th November, 1923, prepared by the public works department and bearing No. S-136, and the city is authorized to sell such strips of land by mutual agreement or by auction.

**70.** The corrected plan of the expropriation of Sherbrooke street, from the limits of the former municipality of Sherbrooke to Dickson street, under date of 24th March, 1924, shall apply to the said expropriation and all the proceedings taken and all the indemnities paid in connection with the said expropriation shall be deemed as if taken and paid in virtue of said corrected plan.

Nevertheless, if the city takes more land under the above mentioned plan, it shall pay to the interested parties the additional indemnities to which they are entitled.

**71.** The city is authorized to insure the lives of all the officials and employees of the city while they are in its employ or if they are superannuated with the city's authorization, either by establishing an insurance fund to that effect or by guaranteeing the amount of the premiums exacted from the employees by the insurance companies.

The city is authorized to create itself an insurance fund and to include, every year, in the budget, the amount required for such purpose.

In the event of the city deciding to guarantee the premiums exacted from the employees by the insurance companies, it may charge to its employees, each year, the whole or any portion of the cost of the premium exacted by the said companies.

**72.** The city is authorized to enter on the list of employees entitled to the pension, provided for by by-law No. 506, Joseph Tremblay, ex-chief of the fire brigade, and the members of the fire brigade who resigned in 1918, namely: Arthur Brière, Maxime Presseau, Joseph Charpentier, Olivier Champagne, Arsène David, Azarie Beauchamp, Calixte Senecal, C. A. Collerette, Vincent Lange-lier, Joseph Charbonneau, A. Binet, Edmond Mayer and Jean Naud.

**73.** Notwithstanding any law to the contrary, the buildings, lands and other immoveables belonging to and occupied by the following associations: "L'Association Athlétique d'Amateurs Nationale", "Montreal Amateur Athletic Association", "Shamrock Amateur Athletic Association", "Young Men's Christian Association", "Young Men's Hebrew Association of Montreal", and "Young Women's Christian Association of Montreal", shall be exempt from taxation only in so far as the said buildings, lands or other immoveables shall belong to and shall be actually and exclusively occupied by the said associations.

**74.** The city is authorized to sell by public auction or

tion for sale of certain land, etc. to lease the subdivisions 1, 2 and 3 of lot No. 209 of the cadastre of Côte St. Louis, forming the northwest corner of St. Denis and Laurier streets, and the city is released from the restrictions mentioned in the deed of donation consented by Joseph J. Brighman in favour of the Corporation of the Village of Côte St. Louis, executed before P. Mainville, N. P., on the 10th of April, 1882, and registered under No. 11570 on the 13th of the same month of the same year.

Validation of certain deeds and by-law.

**75.** The following deeds and by-law are declared valid and legal, namely:

a. By-law No. 815, adopted on the 31st of May, 1923, for the purpose of allowing Morgan Realities Limited to construct a tunnel under Aylmer Street, as well as the contract based thereon, passed before Mtre. Jean Beaudouin, N. P., on the 1st of June, 1923;

b. The deed of sale of a strip of land comprising the lots known as numbers 57b, 57c, 60c, 60d, 61d, and 62c of the original lot No. 1654 of the official plan and book of reference of St. Antoine Ward, passed between the City of Montreal and Mr. George Henri Séguin, before Mtre. Jean Beaudouin, N. P., on the 17th of December, 1924;

c. The deed of transfer by Mrs. Ann Ephina Thompson, widow of Christopher McEvoy, and by John Joseph McEvoy, Patrick Francis McEvoy & al to the City of Montreal, for the opening of Bélanger street, passed before Mtre. Beaudouin, N. P., on the 22nd of August, 1924.

Arrangements with stock yards.

**76.** The city is authorized to make with the companies operating the stock yards of Montreal the arrangements mentioned in section 1 of by-law No. 869 adopted by the city council of Montreal on the 29th of December, 1924.

Cost of Blvd. Gouin, etc., payable by city.

**77.** Notwithstanding any law and resolution of the city council to the contrary, the cost of construction, repairs and maintenance of the Boulevard Gouin and that part of Lajeunesse street (between Kelly street and the Viau bridge) shall be paid by the city alone.

Authorization as to paving system.

**78.** The city is authorized, upon report of the executive committee, to adopt Schedule A or Schedule B to this act as the paving system.

Coming into force.

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

## SCHEDULE A

Article 455 of the act 62 Victoria, chapter 58, as enacted by the act 1 George V (2nd session), 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 amended by adding thereto the following paragraphs:

"The city may also, by resolution of the executive committee, approved by the majority of all the members of the council, impose on the proprietors of immoveables bordering on any public street or lane or public place on which a paving has been hitherto or may be hereafter laid, a fixed and uniform tax of \$2.00 per square yard, payable by 20 annual instalments, to cover the cost of pavings laid since 1919 at the expense of bordering proprietors, and the cost of such pavings as may be hereafter laid or relaid, the number of square yards to be calculated by multiplying the number of feet of frontage of the immoveables owned by the said proprietors by one-half of the width of the paving.

The city may likewise, by resolution of the executive committee, approved by the majority of all the members of the council, impose on the said proprietors an annual special tax, on a sliding scale, based on the value of their immoveables, as shown on the valuation roll and sufficient to cover, if required, after the said tax of \$2.00 per square yard has been levied:

1. The cost of that part of the paving laid at street intersections and in front of lanes;
2. The excess in the cost of the construction of pavings laid, since 1919, at the expense of bordering proprietors;
3. The excess in the cost of such pavings as may be hereafter laid or relaid; and
4. The cost of the maintenance of the pavings which already exist or may hereafter be laid or relaid.

Such special tax shall be levied on all immoveables in front of which pavings already exist, whether the cost thereof has been paid by the city or by the bordering proprietors, and the immoveables in front of which pavings shall hereafter be laid or relaid shall be subject to said special tax as such pavings are laid or relaid. In the case of immoveables on several frontages of which pavings have been laid, such tax shall be levied on each of the frontages.

The special rolls in force since 1920 shall be annulled and all sums paid under said rolls shall be refunded with legal interest to the persons owning, at the time of such refund, the immoveables assessed to cover the cost of pavings, but payment on such legal interest shall be dis-

continued at the end of six months from the date on which the city shall have decided to effect such refund.

The refund of the sums paid shall be effected on production of the receipts delivered to the ratepayers who paid the same, 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.

All expenses incurred since 1919, as well as the additional charge of 3% provided for by the act 12 George V, chapter 105, section 16, and the interest at the rate of 6% since such expenses were incurred, shall be charged against the working capital.

Special accounts of the disbursements made each year and of the additional charges mentioned in the preceding paragraph shall be kept and the same shall be amortized in 20 years from their respective dates by instalments for which provision shall be made in the annual budgets, such amortization to be calculated at the rate of 6%.

The city is authorized to lay macadam on any street, lane or public place, situated within its limits, to serve as foundation for a future paving, and to have the cost thereof paid in accordance with the provisions of this article, and the city is also authorized to cover the macadam later on with a layer of asphalt in order to complete the paving, and to have the cost thereof paid as provided in this article.

The provisions of this article shall only apply to streets, lanes or public places."

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## SCHEDULE B

1. Notwithstanding the provisions of article 455 of the act 62 Victoria, chapter 58, as enacted by the act 1 George V (2nd session), 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 paving laid since 1919, or which shall hereafter be laid or relaid, shall be at the expense of the bordering proprietors at a fixed and uniform rate of \$5.00 per square yard, payable in twenty annual instalments according to the number of feet of frontage of the immoveables belonging to them, as well as the cost of the stone, granite or concrete curb, and the interest on all sums expended in connection with the said paving. The number of square yards to be attributed to each proprietor, for the purpose of paying the cost of paving, shall be calculated by multiplying the half of the average width of the portion of street paved, as described in the report adopted by the

council in this connection, by the number of feet of frontage of the immovable belonging to him. In the case of a paving already laid, the cost of which was less than \$5.00 a square yard, no additional charge shall be made upon the proprietors interested.

2. The bordering proprietors shall only be called upon to pay for the cost of pavings at the uniform rate above established to the extent of a width of forty feet, the excess cost of such paving, if any, to be each year apportioned by means of a special varying tax imposed on all immovables, excluding the buildings thereon erected, situated within the city and based upon the valuation of such immovables, without the buildings, as entered on the valuation roll for the previous year. The rate of such tax shall be fixed each year by the council, upon a report of the executive committee, and the said tax shall be entered in the annual real estate assessment roll, and shall be sufficient to repay such excess, and interest and other charges within a period not exceeding twenty years, from the year in which it was imposed.

3. The cost of the stone, granite or concrete curbs which shall hereafter be laid shall include the price paid for the furnishings or laying of such curbs as well as all other charges provided for by law, the curbs laid since 1919 to be charged for at a uniform price of \$2.00 per foot frontage of the immovables concerned, in addition to the other charges provided for by law.

4. When the paving is laid, or concrete, macadam or a layer of asphalt or a curb of stone, granite or concrete is to be laid as a facing, having the greatest number of lineal feet in front of a lot situated at the corner of two streets, the owner of such lot shall only be called upon to pay in accordance with paragraphs 1 or 3 of this schedule, as the case may be, to the extent of fifty per cent of the said number of lineal feet frontage, the other half to be accounted for by the special tax imposed under paragraph 2 of this schedule. The provisions of this paragraph shall apply to lots forming the corner of two streets and whose frontage having the greatest number of lineal feet has already been paved at the cost of the proprietors interested.

5. The cost of paving the intersections of streets, and of the paving laid in front of lanes, as well as the stone, granite or concrete curbs in front of said lanes, shall be borne by the special tax imposed under paragraph 2 of this schedule.

6. The apportionment rolls for the cost of pavings, laid since 1919, and which have been homologated, shall remain in force, and the city is authorized to amend them, so as to make them conform with the provisions of this schedule, and, in such case, the payments made under the original



rolls shall be applied towards extinguishing the charges established by the amended rolls, saving that those who, at the time of the homologation of the amended rolls, are owners of the immoveables taxed to pay for the cost of the paving or laying of concrete, macadam or asphalt which amounts to more than \$5.00 or \$2.50 per square yard, exclusive of interest, as the case may be, shall receive any surplus which may eventually exist, as the difference between the former rolls and the amended rolls, with interest from the date of such homologation.

7. All expenses incurred by the city since 1919 in connection with the paving or the laying of concrete, macadam or asphalt, shall remain a charge upon the working capital authorized by article 351b of the charter of the said city, as well as the surcharge of three per cent provided for by section 16 of the act 12 George V, chapter 105, and interest at the rate of six per cent provided for by section 23 of the act 6 George V, chapter 44.

8. All expenses which the city shall hereafter make in connection with the paving or laying of concrete, macadam or asphalt or the building of curbs in the meaning of this schedule, as well as the interest pending such construction or laying, and all other charges authorized by law, shall likewise be borne by the said working capital.

9. The provisions of this schedule shall only apply to streets, lanes or public places.

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## C H A P. 93

### An Act respecting lands under cultivation in the City of Montreal

[Assented to, the 3rd of April, 1925]

Preamble.

**W**HEREAS François Xavier Décarie, John McEvoy, Joseph Aubertin and A. X. Cardinal, all farmers of the city of Montreal, have, by their petition, represented:

That by the act 1 George V (1st session), chapter 48, when the city of Montreal annexed certain territories, it was enacted that lands under cultivation would be valued for municipal purposes at one hundred dollars per arpent, for a certain period of time;

That, when the act was passed, it was hoped that these lands would be converted into building lots and be built upon during such period;

That, notwithstanding the city's great expansion since that time, there still remain in it several lots of land that