

stock of the society shall be paid in dividends when an amount equal to the value of six thousand shares has been distributed among the members. A second dividend of half the compensation fund shall also be paid when an amount equal to the value of nine thousand shares has been distributed among the members. No other dividend shall be paid until an amount equal to the value of ten thousand shares has been distributed among the members.

The sums produced by these dividends shall be paid as follows: (1) they shall first be used to pay off all debts due to the *Société de Construction* for unpaid arrears or loans from the compensation fund, if any; (2) the remainder shall be used in anticipated payments on the shares until the same are paid up; (3) lastly, if there be a surplus, it shall be paid in cash.

Montreal, 5th of August, 1920.

This by-law was unanimously adopted at the special general meeting of the twenty-third of August one thousand nine hundred and twenty.

J. B. PELOQUIN,
Secretary-treasurer.

C H A P. 140

An Act to incorporate the Island of Montreal Metropolitan Commission

[Assented to, 19th of March, 1921]

Preamble. **W**HEREAS, while still preserving the autonomy of the municipalities on the Island of Montreal, it is expedient that a system of financial control by a central authority representative of such municipalities, including the city of Montreal, be established for the future;

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

Short title. **1.** This act may be cited as the "Island of Montreal Metropolitan Commission Act".

Commission created. **2.** A commission, hereinafter called "The Commission", is hereby created under the name of "The Island of Mon-

treau Metropolitan Commission". Its sphere of action, in relation to the matters hereinafter mentioned, shall extend to the following municipalities, to wit: the city of Montreal; the cities of Westmount, Outremont, Verdun, and Lachine; and the towns of St. Pierre, Lasalle, Hampstead, St. Laurent, Mount Royal, Montreal West, Montreal North, St. Michel, Montreal East, Pointe-aux-Trembles and Laval-de-Montreal.

3. Such Commission shall be composed of fifteen members, hereinafter called "Commissioners", of whom one shall represent the Department of Municipal Affairs of the Province of Quebec; eight shall represent the city of Montreal, one the city of Westmount, one the city of Outremont, one the city of Verdun, one the city of Lachine, one the towns of Lasalle, St. Pierre, Hampstead, Mount Royal, St. Laurent and Montreal West; and one the towns of Montreal North, St. Michel, Montreal East, Pointe-aux-Trembles and Laval-de-Montréal.

4. 1. The members of the Commission shall be appointed in the manner following:

a. The Commissioner representing the Department of Municipal Affairs of the Province of Quebec shall be appointed by the Lieutenant-Governor in Council. Such Commissioner shall have a right to take part in the deliberations, but he shall have no vote;

b. Seven shall be appointed by resolution of the Administrative Commission of the city of Montreal, within twenty days after the coming into force of this act,—who shall be chosen from amongst the members of the city council, and to whom shall be added, *ex officio*, the city comptroller.

Within twenty days after the first meeting of the Montreal city council elected under the act 11 George V, chapter 112, such seven members shall retire from office, and their successors shall be chosen from amongst the members of the council as then constituted, by an absolute majority of the members of the said council. If such council fail, either wholly or in part, to make such choice at such time, the Lieutenant-Governor in Council shall fill the vacancies by choosing commissioners from amongst the members of the said city council;

c. One shall be chosen by each of the four municipalities following, to wit, Westmount, Outremont, Lachine and Verdun, by the vote of the absolute majority of each of the councils of the said municipalities at their first regular

meeting or at a special meeting held within the twenty days from the coming into force of this act,—who shall be chosen from amongst the members of the city council of each such municipality respectively;

d. One by the municipalities of the towns of Lasalle, St. Pierre, Hampstead, Mount-Royal, St. Laurent and Montreal West. The council of each of the said municipalities, at its first regular meeting or at a special meeting held within the twenty days following the coming into force of this act, shall appoint a delegate to proceed with the election of such member of the Commission. The delegates so appointed shall meet in the city hall, in Montreal, during the thirty days following the coming into force of this act, upon convocation by written notice of five days given by the clerk of the city of Montreal by registered letter, and shall then and there choose such member by the majority of the delegates present. The omission by any municipality to appoint its delegate shall not prevent the making of the appointment. Such commissioner shall be chosen from amongst the members of the town council of one of such municipalities;

e. One by the municipalities of the towns of Montreal North, St. Michel, Montreal East, Pointe-aux-Trembles and Laval de Montréal. The council of each of the said municipalities, at its first regular meeting or at a special meeting held within the twenty days following the coming into force of this act, shall appoint a delegate to proceed with the election of such member of the Commission. The delegates so appointed shall meet in the city hall, in Montreal, during the thirty days following the coming into force of this act, upon convocation by written notice of five days given by the clerk of the city of Montreal by registered letter, and shall then and there choose such member by the majority of the delegates present. The omission by any municipality to appoint its delegate shall not prevent the making of the appointment. Such commissioner shall be chosen from amongst the members of the town council of one of such municipalities.

Appoint-
ment by Lt-
Gov. in C.
in certain
case.

2. Any commissioner, who is not appointed as stated in the foregoing paragraph within the delay thereby prescribed, shall be appointed by the Lieutenant-Governor in council; and, in such case, it shall not be necessary that the person appointed be a member of a municipal council.

Other mu-
nicipalities
may come in
by resolu-
tion.

5. Any other municipality on the island of Montreal, not subject to the action of the Commission, may, by resolution adopted by the absolute majority of the members of its council, declare that it submits to the action of the

Commission. Such resolution must, before having any force or effect, be approved by the Lieutenant-Governor in Council, and it shall come into force counting from its publication in the *Quebec Official Gazette*. Approval by Lt. Gov. in C.

6. Unless the commissioners chosen from amongst the members of the municipal councils be dismissed according to section 7 of this act, they shall remain in office as such, as well as the comptroller of the city of Montreal, during their term of office, and the others during good pleasure. Term of Commissioners.

7. The appointment of the commissioners, except that of the comptroller of the city of Montreal in his capacity of commissioner, may be cancelled at any time by the authority who made the appointment. Cancellation of appointments.

8. No vacancy shall prevent the remaining members from performing their duties under this act. Vacancies.

9. In the event of a vacancy in the office of commissioner for any cause whatsoever, the replacement shall be effected in the manner prescribed in section 4 of this act, and, in every case, the date at which the vacancy occurred shall be substituted for the date of the coming into force of the said act for the purposes in connection with the computation of the delays. Filling of vacancies.

10. The first meeting of the commission shall be held in the city hall, in Montreal, on the date and at the hour fixed by the Minister of Municipal Affairs, who shall give notice thereof to the clerk of the city of Montreal, and the latter shall give communication of this notice five days before the meeting, by registered letter sent to each of the commissioners. First meeting.

11. Each commissioner, before entering into office, shall take the following oath of office before the clerk of the city of Montreal: Oath to be taken by commissioners.

"I, _____, member of the Metropolitan Commission of the Island of Montreal, residing at _____, swear that I will faithfully and to the best of my judgment and competence, perform the duties of the office to which I have been appointed. So help me God."

A certificate attesting the taking of this oath shall be sent to the commission and form part of its archives. Certificate.

12. The office of commissioner shall be gratuitous, and the commissioners shall not be entitled to any indemnity. Office gratuitous.

nity for the expenses they may incur in the performance of their duties.

Quorum. **13.** The quorum of the Commission shall be eight members, and its decisions shall be taken by the majority of the members present.

Election of president. **14.** At its first meeting, the Commission shall elect a president from among its members.

In the absence of the president, another member of the Commission shall be appointed by the members present to preside at the meeting.

The president or person presiding in his absence shall vote as a commissioner and shall have a casting-vote when the votes are equally divided.

Vacancies in office of president. Every vacancy in the office of president of the Commission must be filled at the first meeting of the Commission following the appointment of the successor of the commissioner whose office had become vacant; and, if the president be not then chosen, the Lieutenant-Governor in council shall appoint him from amongst the members of the commission.

Secretary-treasurer. **15.** The Commission shall appoint a secretary-treasurer and provide for his remuneration.

Duties. Such secretary-treasurer shall keep the minutes of the Commission, and certify all the documents emanating therefrom, and shall perform all other duties assigned to him by the Commission.

Other employees. **16.** The Commission shall appoint and employ the persons whom it may need and may dismiss them at will; it shall pay to each such person the remuneration which they deem suitable.

Powers of commission. **17.** The Commission shall form a corporation. Besides the power which corporations have under the Civil Law, it may borrow and guarantee or become security for the loans, debts and obligations, contracted by each of the corporations affected by this act. It may also give and accept bonds for the payment or guarantee for the payment of any sum of money due by or to it.

Authori- zation of loans and bond issues. **18.** No municipality subject to the action of the Commission, may contract a loan nor issue bonds unless it be specially authorized by a resolution of the Commission; but if a municipality obtain such authorization, the loan shall be subject to the provisions of the acts governing it.

Exception. Such municipalities may, however, contract temporary loans in anticipation of the collection of their annual

revenue, as well as the loans not yet effected but legally authorized before the coming into force of this act.

19. So soon as a municipality fails to meet its obligations without the help and credit of the Commission or of the other municipalities, and so long as such condition continues to exist, all loans for such municipality are made by the commission, subject to the provisions of sections 23 and 24 as to the assessment for such loans, and the budgets of such municipalities must be submitted to the Commission, who may approve the same with or without amendment, and so long as they are not approved they are ineffective; and, for such municipality, no expense can be incurred which has not been approved. Budgets submitted to commission in certain case.

20. The Commission may, of its own initiative, effect loans upon the security of the taxable immoveable property of each of the municipalities mentioned in section 2, in proportion to the value of the taxable immoveable property in each of such municipalities respectively: (a) in anticipation of its revenues; (b) for renewing the loans that have become due of each of the municipalities mentioned in this act, when the said municipalities have not sufficient money for paying them, of which it shall be the sole judge; (c) for meeting floating debts, deficits in the budget and other obligations of each of the said municipalities. Loans by Commission.

If necessary, to avoid or stop judicial proceedings due to the incapacity of a municipality to meet its obligations, the commission shall exercise borrowing powers.

21. The loans which the Commission is authorized to issue shall be effected by a resolution of the Commission approved by the Lieutenant-Governor in Council on the recommendation of the Minister of Municipal Affairs, by means of bonds issued for a term not exceeding forty years. Such bonds shall be made in the form, for a rate of interest not exceeding six per cent per annum, and for the amount, which the Commission may determine, and shall be payable, both interest and capital, at the dates and place it shall indicate. Formalities.

The signature of the president of the Commission on the bonds may be lithographed, and those of the president and of the secretary-treasurer on the coupons may also be lithographed. Signatures.

22. The Commission may issue notes to order, designated under the name of "Notes of The Island of Mon- May issue notes.

Montreal Metropolitan Commission", in anticipation of the floating of long-term loans, provided that such notes shall not be issued for a longer term than twelve months. Nevertheless, such notes may be renewed from time to time until the long-term loans have been floated; but such notes shall not be issued until the formalities required for long-term loans have been fulfilled.

Apportionment among municipalities, of loan charges etc. **23.** The Commission shall apportion among the various municipalities subject to this act the charges resulting from the loans, and especially the interest and the contribution to the sinking-fund, and the expenses which it may incur for such loans, in such manner that the charges and expenses shall be borne entirely by the municipalities for whose benefit they have been incurred.

Do. as to expenses of commission. Proviso. **24.** The Commission shall apportion between the municipalities subject to this act, in proportion to the value of the taxable property of each of the said municipalities, its administration expenses and the share chargeable to each of the municipalities which it considers unable to pay it, of which it shall be the sole judge; but, in such case, the amount representing such share so apportioned shall constitute a claim in favor of the non-interested municipalities which pay, against the municipality which was bound to pay, and shall be apportioned against the latter municipality, and be repaid, with interest, to the municipalities which have paid it, when the commission considers the same possible.

Apportionment by commission upon property of municipality in default. **25.** If, upon the expiration of thirty days after the notification by the Commission of the amount it owes under the apportionment, any one of the municipalities neglects or refuses to pay to the said Commission the amount for which it is liable under the apportionment, representing: (a) the share which such municipality must pay on the account and for the benefit of one or more other municipalities which are unable to meet its or their obligations; (b) the contribution to the sinking-fund and interest for its own loans; (c) the charges and expenses incurred by the Commission in connection with the loans by it contracted; and, (d) the administration expenses of the Commission,—the Commission may itself apportion the amount of money recoverable, upon all the taxable property of the municipality in default, in the same manner as would be done by such municipality, for which the Commission is substituted insofar as concerns the levying of such moneys.

For such purpose the persons designated by the Commission and duly authorized thereby, shall have free access to all registers, valuation rolls and other documents necessary to enable them to prepare the special act of apportionment, and may call upon the services of any officer of the municipality to assist them in the preparation of the special act of apportionment, as if such services were required by the municipal authority itself.

Such tax shall be collected by the Commission.

26. The assessments shall be made in time to allow the municipalities so assessed to include the amount payable by it in its budget; and, until it has refused or neglected to do so, the recourse of the commission cannot be exercised against it.

27. The loans made or authorized by by-laws in force prior to the coming into force of this act, shall remain under the control of the municipalities, save that if, at any time, the Commission finds that the interest of any such loan has not been paid at maturity or that the sinking-fund has not been punctually maintained, after a notification of thirty days by the Commission to the municipality in default, if the latter continue to not fulfil its obligations, such loan shall automatically pass under the control of the Commission as if such loan had been made by the Commission for the benefit of the municipality in default, and the officers of the municipality shall forthwith hand over to the Provincial Treasurer the amount to the credit of the sinking-fund for such loans.

28. The Commission may, for the purpose of exercising the powers conferred upon it by this act, investigate in every way it deems fit, the financial condition of the municipalities submitted to its authority or any other facts the knowledge whereof may aid it in the execution of its functions, and, for such purpose, it shall have access, by its delegates, to the books and other documents of the municipalities.

29. The Commission may adopt such means as it deems suitable to assure it that the proceeds of the loans authorized by it are employed for the objects for which they were made.

30. The Commission may make the by-laws which it deems advisable for the government of its internal affairs, for the carrying out of this act and to assure the exercise

Approval by Lt-Gov. in C. of its powers. Such by-laws must, before having any force or effect, be approved by the Lieutenant-Governor in Council, and shall have the force of law after their approval by the Lieutenant-Governor in Council and their publication in the *Quebec Official Gazette*.

Special provision as to city of Montreal. **31.** Save as to its responsibility as being jointly obligated with the other municipalities under the control of the Commission, for the expenses incurred and debts contracted by the latter, the city of Montreal is not submitted to its control, and the jurisdiction and powers of the said city shall not be affected by this act.

Approval of loans. **32.** Loans effected by the Commission shall be subject to the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Municipal Affairs.

Reports to Minister of Mun. Affairs. **33.** The Commission shall furnish the Minister of Municipal Affairs with such reports as he may require.

Bonds to bear certificate. **34.** The bonds issued by the Commission shall, before delivery, bear the certificate of the Minister of Municipal Affairs or of a person specially authorized by the latter, attesting that their issue has been approved by the Lieutenant-Governor in Council.

Validity of bonds so certified. **35.** The bonds whose issue has been so approved by the Lieutenant-Governor in Council and which bear such certificate shall be valid, and their validity may not be contested for any reason whatsoever.

Tenders to be called for. **36.** Unless it has been previously authorized so to do by the Minister of Municipal Affairs, the Commission may only sell bonds after having called for tenders by a public notice published in the *Quebec Official Gazette*, at least fifteen days before the date on which the tenders are to be opened by the Commission.

Opening of tenders. Such tenders shall be opened at a public meeting of the Commission.

Accepted cheques with tenders. **37.** Every tender must be accompanied by an accepted cheque equal to one per cent of the amount of the loan. After the tenders have been examined, the cheques deposited by the tenderers whose tenders have been rejected shall be returned to them without delay, and that of the successful tenderer shall be returned to him after the execution of his contract.

38. Each tender shall specify whether the price offered includes or does not include the interest accrued on the bonds at the date of their delivery. However, a tender which does not make such mention may be accepted by the Commission if it appears to be more advantageous than the others, provided that, in such event, the acceptance of the tender by the Commission be approved by the Minister of Municipal Affairs.

Contents of tenders.

39. Every judgment rendered against the Commission which has not been satisfied within three months, shall be executory as if it had been a judgment against each of the municipalities represented on the Commission for its proportion of said judgment based upon its valuation roll.

Judgments against commission.

40. A delay is granted to the towns of Montreal-North, Saint-Michel, Pointe-aux-Trembles, and Laval de Montreal, up to the 1st of September, 1921, to pay their debts now due and exigible or which will become due or exigible before such date, but this provision shall not affect pending cases as to the costs already incurred, which, however, shall only become exigible on the 1st of September, 1921.

Delay for certain towns to pay debts.

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

Coming into force.

CHAP. 141

An Act to amend the charter of The Anglo-American Trust Company

[Assented to, 25th of February, 1921]

WHEREAS The Anglo-American Trust Company, by its petition, has represented that since the coming into force of the act 9 George V, chapter 126, the condition of financial affairs has not been such as to enable the company to procure stock subscriptions for an amount sufficient to enable it to commence business, nor is there any probability of conditions improving to such an extent as to warrant the company commencing business before the first day of July nineteen hundred and twenty-one, upon which date the corporate powers of the company would lapse for non-user under the provisions of the act 9 George V, chapter 126; and

Preamble.

Whereas the company has prayed that the said delay be extended and that its charter, the act 5 Edward VII,