

12. The Government will acquire a strip of land forty feet wide between Park and St. Dominique Streets, parallel to Prince Edward Street, and to the South thereof, as shown on the plan annexed colored "C", for the purpose of opening a new street, and convey the same to the city, and thereupon the city shall close that portion of Prince Edward Street between Park and St. Dominique Streets, and convey the lands thereof to the Government without compensation; the water and sewer pipes will be relaid at the expense of the Government, and to the satisfaction of the city engineer.

CHAP. 73

An Act to amend the charter of the city of Montreal.

[Assented to 19th February, 1914]

Preamble.

WHEREAS the city of Montreal has, by its petition, represented that it is in the interest of 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, ch.
58, s. 1, am.

1. Article 1 of the act 62 Victoria, chapter 58, as amended by the acts 63 Victoria, chapter 49, section 1; 3 Edward VII, chapter 62, section 1, and 1 George V (2nd session), chapter 60, section 1, is further amended by adding the following sub-section after sub-section (*p*):

Private
streets.

"(*q*) The words "private streets" or "private lanes" shall include the private streets and lanes, open or not to the public, and shall also include the streets or lanes projected on a plan of the cadastre or on the general plan of the city."

Id., s. 5 am.

2. Article 5 of the act 62 Victoria, chapter 58, as amended by the acts 7, Edward VII, chapter 63, section 1; 8 Edward VII, chapter 85, section 1; 9 Edward VII, chapter 81, section 1; 1 George V (1st session), chapter 48, sections 1 and 3; 1 George V (2nd session), chapter 60, section 2; 2 George V, chapter 56, section 1, and 3 George V, chapter 54, section 1, is further amended by adding thereto, at the end of subsection (*j*), the following clause:

Territory
annexed.

"III. That part of the parish of St. Laurent comprising

lots 633 and 634 of the official plan and book of reference of the said parish of St. Laurent, is also annexed to the city and shall form part of Bordeaux Ward. Such annexation is made unconditionally."

3. The following article is added to the act 62 Victoria, Id., s. 21r chapter 58, after article 21q, as added by the act 9 Edward VII, chapter 82, section 1, and replaced by the act. 1 George V (1st session), chapter 48, section 16:

"**21r.** In any matter within their jurisdiction, the board of commissioners may hold investigations and examine witnesses under oath in order to elucidate questions of fact and establish the truth of the representations made to them. Commissioners may hold investigations.

In the event of the witnesses refusing to appear, they shall be summoned by a resolution of the board, a copy whereof shall be served upon them at least twelve hours—Witnesses may be summoned. if the subpoena is delivered to them within the city limits, and, in other cases, at least one full day—before that fixed for their examination.

When the distance exceeds fifty miles, the delay shall be increased by one day for each additional fifty miles. Additional delay.

A witness may be summoned either to state what he knows or to produce any document in his possession, or for both such purposes. Production of documents.

The resolution of the board ordering the summoning of a witness shall indicate the place where and the day and hour when such witness shall appear, and shall contain an enumeration of the documents which he must produce. Resolution of board; its contents.

The resolution of the board shall be signed and the copy certified by the chairman.

Such summons shall be served by a bailiff of the Superior Court, in accordance with article 128 of the Code of Civil Procedure. The chairman is authorized to administer the oath to witnesses. Manner of service.

The witness so summoned who, without sufficient reason, does not appear on the day, and at the place and hour indicated, or refuses, after having appeared, to take the oath or to reply to the questions put to him, or to produce any documents or other things concerning the investigation and in his possession, shall be liable to a fine not exceeding \$40.00 recoverable by and on behalf of the city by suit before the Recorder's Court. Penalty if witness does not obey summons.

Such fine shall belong to the city.

Articles 313, 314, 319, 320, 322, 324, 325, 326, 327, 331, and 332 of the Code of Civil Procedure shall apply in such case. Arts. of C. C. P. to apply.

The depositions of the witnesses may be taken in writing Stenography.

by means of stenography by an official stenographer of the Superior Court who shall, under his oath of office, certify the exactness and accuracy of the transcription of his notes, which shall be then considered as proof of their contents.

Entitled to taxation. The witnesses shall be entitled to be taxed as in a case in the Superior Court. "

Id. s. 37 replaced. **4.** Article 37 of the act 62 Victoria, chapter 58, as amended by the act 9 Edward VII, chapter 81, section 3, is replaced by the following:

Courses of disqualification. "**37.** If any person, holding the office of mayor or alderman, makes an assignment of his property for the benefit of his creditors, or becomes insolvent, or takes or enters into holy orders, or becomes a minister or teacher of any religious denomination, or a judge or clerk of any court, or a member of the Federal or Provincial Governments, or becomes accountable in any way for the city's revenue, or enters into the employ of the city, or is absent from the city or from the meetings of the council for more than two months consecutively, unless in the case of illness or with the leave of the council, or directly or indirectly becomes a party to or security for any contract or agreement with the city for the performance of any work or duty or for goods to be supplied to it, or directly or indirectly has any interest in or derives any profit or advantage from such contract or agreement, or is the attorney for the claimant or for the plaintiff in any suit, process or case in which the city is a party, or is a member of a firm acting as attorneys or one of the members whereof acts as attorney, as aforesaid, or if he has been declared guilty of any corrupt and fraudulent practice in the municipal elections, as provided in this charter, and its amendments, he shall thereupon immediately, in each case, become disqualified, and shall cease to hold such office of mayor or alderman, as the case may be."

Id., s. 65 replaced. **5.** Article 65 of the act 62 Victoria, chapter 58, is replaced by the following:

Contents of notice and service thereof. "**65.** Such notice shall specify the qualifications of the electors whose names are sought to be added, and the causes of disqualification of those sought to be struck off, and shall be served, at the diligence of the applicant, on or before the seventeenth of December, upon every elector whose name is sought to be struck from the electors' list, by registered letter sent to the address mentioned on the list."

6. Article 125 of the act 62 Victoria, chapter 58, as Id., s. 125 replaced by the act 1 George V, (1st session), chapter 48, replaced. section 27, is again replaced by the following:

"125. One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and so that he may mark his ballot without interference or interruption from any person whomsoever. Compartments in polling-room.

Each deputy returning-officer shall open the poll assigned to him at the hour of nine o'clock in the forenoon and shall keep the same open until eight o'clock in the afternoon. Hours of voting.

He shall during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such poll and applying to vote thereat." Reception of votes.

7. Article 163 of the act 62 Victoria, chapter 58, as Id., s. 163 replaced by the act 1 George V, (1st session), chapter 48, replaced. section 28, is again replaced by the following:

"163. At eight o'clock in the evening, the voting-room shall be closed, the voting shall cease and an entry thereof shall be made in the poll-book." Close of poll.

8. 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; and 3 George V, chapter 54, section 8, is further amended: Id., s. 300 amended.

a. By replacing paragraph 27 thereof by the following:

"27. To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep records of their transactions and make reports thereof, and to give communication of such records to any constable desiring to examine the same, and to deliver daily, at the nearest police station, a legible and correct extract therefrom, showing the purchases, exchanges or sales effected by the said persons on the preceding day, and to compel such persons to keep in their possession, for at least fifteen days from the date of the purchase, the articles so purchased by them." Auctioneers pawn-brokers, second-hand dealers &c. To keep things purchased at least fifteen days.

b. By adding thereto the following paragraphs, after paragraph 141: Paragraphs added.

Stop-cock on main gas pipe in every house. "142. To compel every owner of a building now or which may hereafter be erected, where gas is used for lighting or other purposes, to place a stop-cock on the main gas pipe, of the same dimensions as such pipe, inside of said building, in a convenient place, easy of access and as close as possible to the wall where such pipe enters the building.

Arrange for connection of electric wires with underground conduits. "143. To compel the owners, occupants, possessors or tenants of any building now existing where electricity is used for lighting or power purposes, to arrange, within such delay as it may fix, the electric wires inside of such building so that they can be connected with the wires of the underground conduits, and to impose for the violation of such by-law the penalty provided by the charter. Failure to comply with such by-law within the delay fixed shall constitute a separate offence, for each day after such delay.

Dwellings on lanes prohibited. "144. To prohibit the erection of dwelling-houses on lanes."

Id., 307a replaced. **9.** Article 307a of the act 62 Victoria, chapter 58, as enacted by the act 4 Edward VII, chapter 49, section 9, is replaced by the following:

Penalty to be cumulative. "307a. If the infringement of any by-law continues, the offender shall be liable to the fine and penalty provided by such by-law for each day during which the infringement is continued."

Id., s. 336a added. **10.** The following article is inserted in the act 62 Victoria, chapter 58, after article 336 thereof, as replaced by the act 2 George V, chapter 56, section 16:

May make contracts for period of over one year, if authorized by council on the recommendation of board of commissioners. "336a. The city has also power to make, in connection with any other matter within its jurisdiction, contracts or agreements extending over a period of more than one year and entailing an expenditure which is to be charged against revenue, provided that such contracts or agreements be authorized by the council on the recommendation of the board of commissioners. The annual expenses which such contracts or agreements may entail shall be included, each year, in the annual budget and in the supplementary budget, if required."

Id., s. 338 am. in English version. **11.** The English version of article 338 of the act 62 Victoria, chapter 58, as amended by the act 8 Edward VII, chapter 85, section 22, and replaced by the acts 9 Edward VII, chapter 81, section 13, and 1 George V (1st session), chapter 48, section 35, is amended by inserting, after the words "be declared" in the eighth line thereof, the words,

"disqualified to sit as a member of the council or as a commissioner."

12. Article 344a of the act 62 Victoria, chapter 58, as Id., s. 344a added by the act 1 George V (2nd session), chapter 60, replaced. section 16, is replaced by the following:

"**344a.** The funds levied under article 343, may also be applied to the first furnishing of public buildings, to the first levelling of streets and highways, to the first purchase of horses and apparatus for new fire stations, and to the purchase of materials, machinery and plant required for the carrying out of permanent municipal works, and to the payment of the cost of establishing a complete and modern signal system for the requirements of the police and fire departments. Application of certain funds.

The city is further authorized to take out of such funds and hand over to the Metropolitan Parks Commission the sums required in order to enable the said commission to make a general plan of streets, parks, squares, drive-ways, boulevards, and play-grounds it may deem advisable to recommend in the Island of Montreal." Metropolitan Parks commission.

13. The following article is inserted in the act 62 Victoria, chapter 58, after article 344b thereof, as enacted by the act 7 Edward VII, chapter 63, section 14: Id., s. 344c added.

"**344c.** The city is authorized to pay to the Metropolitan Parks Commission, and to take the sums required for such purpose out of the loans authorized by article 343 of the charter, its share of the cost of the improvements which shall be made by the said commission pursuant to the general plan of streets, parks, squares, drive-ways, boulevards and play-grounds which it is authorized to make; provided that the other municipal corporations interested in the improvement effected also pay their share and refund at the same time to the city their share of the cost of that part of said general plan covering such improvement." Payment to Metropolitan Parks commission authorized. Proviso.

14. Article 351b of the act 62 Victoria, chapter 58, as enacted by the act 7 Edward VII, chapter 63, section 15, amended by the act 8 Edward VII, chapter 85, section 17; and replaced by the act 1 George V (1st session), chapter 48, section 38, and by the act 1 George V (2nd session), chapter 60, section 18, is again replaced by the following: Id., s. 351b replaced.

"**351b.** The city is authorized to borrow, from time to time, the sums of money which it may require to provide for current expenses in anticipation of the ordinary Loans for current expenses.

revenue, and also for the share of proprietors in cases of expropriation, for the construction of sidewalks and sewers and for other permanent works, until the special assessments therefor shall have been collected.

How losses to be made good.

The losses which may arise through inability to collect the special assessments shall be made good from the revenue or from the general loan fund or other sums at the disposal of the city.

Manner of effecting loans.

The loans provided for by this article may be effected by the issue of bonds, debentures or registered stock, signed by the mayor and the city treasurer, and the by-laws authorizing such loans shall bear a certificate from the city comptroller indicating the object of the loan.

Not to form part of general borrowing power.

Such loans shall not form part of the general borrowing power which the city possesses in virtue of article 343 of the charter".

Id., s. 364 of am.

15. 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; and 3 George V, chapter 54, section 17, is further amended by replacing paragraph 1 thereof by the following:

Special tax on auctioneers and their clerks.

"1. A special tax not exceeding \$200 on auctioneers, and \$40 on auctioneers' clerks; 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".

Id., s. 372a added.

16. The following article is inserted in the act 62 Victoria, chapter 58, after article 372:

Municipal taxes may be claimed from person in possession of immoveables.

"**372a.** The general or special municipal taxes levied on any immoveable may be claimed from the occupant or other person in possession thereof as well as from the proprietor, and also from any subsequent purchaser of such immoveable, even if such occupant, possessor, purchaser or proprietor is not entered on the roll imposing the said taxes.

Subrogation.

The person who, not being the proprietor, pays such taxes, shall be subrogated in the rights and privileges of the city, and may recover from the proprietor the amount of the taxes so paid by him."

Id., s. 419 replaced.

17. Article 419 of the act 62 Victoria, chapter 58, is replaced by the following:

"419. The city may open, widen and extend any City may street, lane, thoroughfare or public place according to open streets any plans prepared or which may be prepared by the city plans other engineers and approved by the board of commissioners than other and the council, without such plans forming part of the eral plan of general plan of the city.

The said plans may be incorporated in the general plan Incorpor- of the city without its being necessary to obtain the ated in authorization of the council required by article 415 of general plan. this charter."

18. Article 420a of the act 62 Victoria, chapter 58, as Id., s. 420a enacted by the act 7 Edward VII, chapter 63, section 31, repealed. is repealed.

19. The following article is inserted in the act 62 Id., s. 420a Victoria, chapter 58, after article 420: re-enacted.

"420a. Notwithstanding article 5888 of the Revised Streets may Statutes, 1909, the city of Montreal may, with the permis- be less than sion of the Lieutenant-Governor in Council, open streets 66 ft. wide in less than sixty-six feet in width, in special and exceptional special cases. cases".

20. Article 440 of the act 62 Victoria, chapter 58, is Id., s. 440 replaced by the following: replaced.

"440. Within sixty days from the homologation of Indemnity to the report of the commissioners, the city shall deposit with be deposited the prothonotary the amount, without interest, of the within 60 the indemnity fixed by the report of the commissioners for the days of re- immoveables or rights acquired through such expropriation; port, and the city shall thereupon be vested with the ownership with owner- of the said immoveables or rights, and may take possession ship. 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 In case of the taking possession by the city, the latter may, by a mere opposition petition presented to a judge of the Superior Court, after may obtain three days notice to the interested party, obtain a warrant warrant addressed to the sheriff, ordering the latter to expel him from Su- and to put the city in possession. The costs of such perior Court. process shall be left to the discretion of the judge."

21. Article 441 of the act 62 Victoria, chapter 58, is Id., s. 441 replaced by the following: replaced.

"441. In every expropriation, the report or award Contents of award.

Registration of copy and receipt for indemnity to be sufficient title.

fixing the indemnity shall contain a description of the immoveable expropriated, as provided by article 2168 of the Civil Code. The registration of a copy of, or an extract from, such report or award certified by the city clerk, and accompanied by a receipt from the prothonotary, if the indemnity has been deposited with him, or by a discharge if the indemnity has been paid to the expropriated party, shall be sufficient to all intents and purposes, without the city being obliged to have registered any other title to the property. The registrar of any registry division shall accept such documents and register them."

Id., s. 442a repealed.

22. Article 442a of the act 62 Victoria, chapter 58, as enacted by the act 7 Edward VII, chapter 63, section 36, is repealed.

Id., s. 443a added.

23. The following article is added to the act 62 Victoria, chapter 58, after article 443:

Those who have power to sell to city may cede gratuitously.

"**443a.** The corporations or persons who, in virtue of the foregoing article, have power to sell and make over any immoveable to the city, shall also have power to cede to the city gratuitously, conditionally or unconditionally, such portion of said immoveable as they may deem fit to be used as a street, lane, park or for any other municipal purpose.

Cessions ratified.

The cessions heretofore made to the city for the purposes mentioned in the above paragraph are declared valid and legal."

Id., s. 450 replaced.

24. Article 450 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 37, and replaced by the act 3 George V, chapter 54, section 25, is again replaced by the following:

Apportionment to be by roll.

"**450.** The sums to be apportioned among the proprietors for the payment of the cost of an expropriation, or of the construction of a sewer, of a sidewalk or other improvement or permanent work, shall be apportioned by means of a roll prepared by the city surveyor or by any other official appointed by the board of commissioners.

To be made proportionately.

Such apportionment shall be made amongst the proprietors in proportion to the extent of the frontage or of the depth (as the case may be) of their properties, as shown on the assessment roll.

Notice of deposit of roll to be published.

The city surveyor or the official appointed by the board of commissioners, as the case may be, shall give public notice that the roll has been deposited, and shall fix the day when the proprietors liable for the payment of the contribution may submit their objections before

the roll is completed and put in force. Such notice shall be published during two days 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, during such delay, the contributors may examine the roll.

The city surveyor or the official appointed by the board of commissioners, as the case may be, shall hear and summarily determine all the objections which may be made, and there shall be no appeal from his decision. The roll shall then be signed by the said city surveyor or official, and shall thereupon be in force.

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

25. Article 454 of the act 62 Victoria, chapter 58, as replaced by the act 7 Edward VII, chapter 63, section 39; 1 George V (2nd session), chapter 60, section 24, and 3 George V, chapter 54, section 28, is repealed.

26. 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 act 3 George V, chapter 54, section 29; is replaced by the following:

"455. The city may, by a resolution of the board of commissioners approved by the majority of all the members of the council, charge the proprietors the whole or a portion of the cost of permanent pavement, or of pavements which it declares to be permanent, which shall be laid or re-laid in future. To that end it may, by such resolution, impose a tax on each property in front of which such pavement shall be laid or re-laid, either at the rate of a uniform price per square yard of pavement contained in half the width of the street in front of such property, or at the rate of a fixed uniform sum per foot of frontage. Such tax shall be levied and apportioned by means of a roll made out in accordance with the procedure laid down in article 460, and articles 456, 457a and 460 shall apply to such rolls. Or it may, by a resolution passed in the same manner, annually impose a special tax on all immoveable properties situate in the city, based on the valuation of the said properties as shown on the valuation roll. Such tax shall be entered in the annual general roll of assessments on immoveable properties."

27. The cost of permanent pavements laid or renewed since the 14th March, 1911, and which have been charged

March 1911, to the proprietors, shall be charged against the loan funds to be paid by now available or which may be available during the next city. fiscal year, and the city shall be held to refund to the proprietors, without interest, the whole of the amounts paid by them.

Id., s. 456
replaced.

28. Article 456 of the act 62 Victoria, chapter 58, as replaced by the act 7 Edward VII, chapter 63, section 41, is again replaced by the following:

Assessments
may be paid
by annual
instalments.

"456. The board of commissioners may, by a resolution, enact that any assessment levied to pay the cost of an expropriation, or of the construction of side-walks, pavements, drains, or sewers, may be paid by annual instalments covering a period not exceeding ten 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".

Id., s. 457a
added.

29. The following article is inserted in the act 62 Victoria, chapter 58, after article 457:

Roll may be
annulled and
new roll
ordered.

"457a. Without prejudice to the provisions of article 457, but subject to the provisions of articles 459 and 460, the board of commissioners may, by resolution, annul any special or general assessment or apportionment roll illegally prepared, and order that a new roll be made to replace the one which has been annulled".

Id., s. 460
replaced.

30. Article 460 of the act 62 Victoria, chapter 58, is replaced by the following:

Payments
under an-
nulled roll
credited on
new roll.

"460. Whenever a roll of assessment or apportionment shall be 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 the ratepayers shall make good any deficiency or recover any surplus, according to the difference that may eventually exist between the old and the new roll of assessment or apportionment.

Application.

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

Id., s. 464a
enacted.

31. The following article is added after article 464 of the act 62 Victoria chapter 58, as article 464a:

"464a. The city may, for the purposes of its water-works, take possession whenever it shall consider it advisable of any lands, built upon or vacant, without having acquired the same, by previously giving to the proprietors of these lands eight days notice in writing; but it shall proceed with all due diligence to acquire such lands. If within sixty days following the expiry of the delay of eight days, the city does not begin proceedings in expropriation of these lands of which it has so taken possession, it may be compelled by mandamus to do so. In all cases it shall pay to the proprietors interest on the indemnity which shall be granted, from the date of the taking possession.

City may take possession of lands in certain cases.

Notice in writing.

City may be compelled to expropriate.

32. Article 532 of the act 62 Victoria, chapter 58, as amended by the act 1 George V (1st session), chapter 48, section 43, is replaced by the following:

Id., s. 532 replaced.

"532. If questions of fact arise in any matters submitted to the council which the interests of the city require to be investigated by the examination of witnesses on oath, or if it is likewise necessary, in the interest of the city, to institute inquiries into the truth of representations which may be made to the council respecting matters within its jurisdiction, the said council may appoint a committee to investigate the same and, to that end, examine witnesses under oath. In the event of the witnesses refusing to appear, they shall be summoned by a resolution of the committee, a copy of which shall be served upon them at least twelve hours, if the subpoena is delivered to them within the city limits and, in other cases, at least one full day, before that fixed for their examination.

Power of council to appoint committee to hold inquiries.

Witnesses may be summoned.

When the distance exceeds fifty miles, the delay shall be increased by one day for each additional fifty miles.

Additional delay.

A witness may be summoned either to state what he knows or to produce any document in his possession, or for both these purposes.

Production of documents.

The resolution of the committee ordering the summoning of a witness shall indicate the place where and the day and hour when such witness shall appear, and shall contain an enumeration of the documents which he must produce.

Resolution of committee; its contents.

The resolution of the committee shall be signed and the copy certified by the chairman.

Signature.

Such summons shall be served by a bailiff of the Superior Court, in accordance with article 128 of the Code of Civil Procedure. The chairman is authorized to administer the oath to witnesses.

Manner of service.

The witness so summoned who, without sufficient reason, does not appear on the day, and at the place and hour

Penalty if witness does

not obey
summons.

indicated, or refuses, after having appeared, to take the oath or to reply to the questions put to him, or to produce any documents or other things concerning the investigation and in his possession, shall be liable to a fine not exceeding \$40, recoverable by and on behalf of the city by a suit before the Recorder's Court.

Such fine shall belong to the city.

Provisions
applicable.

Articles 313, 314, 319, 320, 322, 324, 325, 326, 327, 331, and 332 of the Code of Civil Procedure shall apply in such case.

Stenography.

The depositions of the witnesses may be taken in writing by means of stenography by an official stenographer of the Superior Court, who shall, under his oath of office, certify the exactness and accuracy of the transcription of his notes, which shall then be considered as proof of their contents.

Taxation.

The witnesses shall be entitled to be taxed as in a case in the Superior Court".

Id., s. 536
replaced.

33. Article 536 of the act 62 Victoria, chapter 58, as replaced by the act 7 Edward VII, chapter 63, section 45, and amended by the act 3 George V, chapter 54, section 32, is again replaced by the following:

Persons
claiming
damages - for
bound to
to give notice
within 30
days after ac-
cident or
damages.

"536. Notwithstanding any law to the contrary, no right of action shall exist against the city for damages resulting from bodily injury, caused by an accident or for damages to moveable or immoveable property, unless, within thirty days from the date of such accident or damages, a written notice has been received by the city, containing the particulars of the damages sustained, indicating the name, surname, occupation and address of the person who has suffered the same, giving the cause of such damages and specifying the place where the same occurred.

Delay for
instituting
action.

No action for damages or for compensation shall be instituted against the city before the expiration of thirty days from the date of the receipt of the above notice.

Exception.

The default of such notice, however, shall not deprive the victims of an accident of their right of action, if they prove that they were prevented from giving such notice by irresistible force, or for any other reason deemed valid by the judge or court".

Id., form 2
replaced.

34. Form 2 of the act 62 Victoria, chapter 58, is replaced by the following:

"No. 2

*"Form mentioned in article 62***"NOTICE TO ELECTORS OF COMPLETION OF ELECTORS' LISTS**

"Public notice is hereby given that the electors' lists for the several wards of the city of Montreal have been delivered to the undersigned, and that, within fifteen days from the date hereof, any elector in any ward may give notice in writing to the undersigned, that he will apply to the recorder of the city to have the list of electors for any ward amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted. Such notice must specify the qualifications of the persons whose names are sought to be added, and the causes of disqualification of those sought to be struck off, and must be served, at the diligence of the applicant, on or before the 17th day of December, 19...., upon every person whose name is sought to be struck from the electors' lists, by registered letter, sent to the address mentioned on said list. And public notice is hereby given that the recorder of the city of Montreal will sit (*mention the day, date, hour and place*), for the purpose of considering such applications or complaints, in respect of said electors' lists, as may be made, according to law.

By order,

.....
City Clerk.

City Clerk's office,
City Hall,
Montreal,"

35. Section 24 of the act 8 Edward VII, chapter 85, 8 Ed. VII, ch. 85, s. 24 am. is amended by adding thereto the following paragraph:

"The pensions, annuities, indemnities or gratuities Unseizable and not transferable. granted in virtue of this section are not liable to seizure nor transferable."

36. The following section is inserted in the act 9 Ed- 9 Ed. VII, ch. 81, s. 37a enacted. ward VII, chapter 81, after section 37:

"37a. The loan authorized by the foregoing section shall Loan not part of funded debt. not form part of the funded debt of the city, and by-law No. 394, adopted by the city of Montreal on the 15th November, 1909, as amended by by-law No. 511, adopted on

By-law ratified the 13th November, 1913, concerning such loan, is hereby ratified and confirmed to all intents and purposes."

1 Geo. V 1910, ch. 48, s. 10, am. **37.** The first three lines of section 10 of the act 1 George V, (1st session), chapter 48, are replaced by the following:

"**10.** Article 21*i* of the act 62 Victoria, chapter 58, as enacted by the act 9 Edward VII, chapter 82, section 2, is replaced by the following, from the date of the election of commissioners in April 1914:"

Certain ex-
propriations
to be made
under provi-
sions of
Railway Act.

38. Notwithstanding the provisions contained in the acts: 2 George V, chapter 56, section 43; 9 Edward VII, chapter 81, section 28, paragraph 1, sub-paragraph (*h*); 9 Edward VII, chapter 81, section 28, paragraph 1, sub-paragraph (*k*), as amended by the act 1 George V (2nd session), chapter 60, section 33; 9 Edward VII, chapter 81, section 28, paragraph 1, sub-paragraph (*l*), as amended by the act 2 George V, chapter 56, section 47; 2 George V, chapter 56, section 38; 2 George V, chapter 56, section 36; 2 George V, chapter 56, section 42; 2 George V, chapter 56, section 35; 9 Edward VII, chapter 81, section 28, paragraph 1, sub-paragraph (*m*), as amended by the act 2 George V, chapter 56, section 47, sub-paragraph (*b*); 1 George V (2nd session), chapter 60, section 41; 9 Edward VII, chapter 81, section 28, paragraph 1, sub-paragraph (*n*); the expropriations ordered or authorized by such acts shall be effected under the Quebec Railway Act, instead of under articles 7581 and following of the Revised Statutes, 1909, but the cost thereof shall be paid in the manner indicated in such acts.

Art. 428 of
charter to
apply.

Article 428 of the city charter shall apply to the above expropriations.

But not to
pending
suits.

This provision shall not apply to suits in expropriation now pending.

Costs of
opening
Sherbrooke
St. to be
charged to
loan fund.

39. Notwithstanding any law to the contrary, the total cost of the acquisition by mutual agreement or of expropriation of the land required for opening Sherbrooke street from Fullum street to Aylwin street, shall be charged to the loan fund which the city has at its disposal for permanent works.

City may ac-
quire certain
lands in La-
salle and
Verdun.

40. 1. The city may acquire by mutual agreement or by expropriation, by following the procedure indicated in the Quebec Railway Act and its amendments, all lands, whether vacant or built upon, situated within the territory of the town of Lasalle and of the city of Verdun, and which it

may require for the streets or boulevards which it intend to establish on each side of its aqueduct.

2. The city may itself pay the cost of the acquisition of such lands, and charge the same against the loan fund, or charge it, wholly or partly, to the proprietors of immoveables fronting on the proposed boulevards and who benefit by the proposed improvement, whether such immoveables be situated within its limits or within the limits of the town of Lasalle or the city of Verdun; provided that the proprietors or the successors of the proprietors who have ceded or may cede gratuitously to the city the lands which the latter may need for the above purposes, be not called upon to pay, if the city so decides.

To whom
cost to be
charged.

3. Such apportionment on the proprietors shall be effected in accordance with the provisions of the city charter.

How appor-
tionment to
be made.

4. The city shall have power to take possession, as the progress of its works may necessitate, of any lands, whether vacant or built upon, even before having acquired them, by giving to the owners of such land a previous eight days' notice, but it shall proceed to acquire said lands with all possible diligence.

May take
possession on
eight days
notice.

5. Such proprietors may, if the city does not begin the expropriation in the thirty days following the expiration of such delay of eight days, apply by petition to a judge of the Superior Court to have an amount representing two-thirds of the value of the land to be expropriated deposited in the hands of the prothonotary of the Superior Court. Such value shall be established by affidavits. Such deposit may, at the discretion of the court, be paid wholly or partly to the proprietor interested, if the land to be expropriated is free from privilege or hypothec.

Recourse of
proprietors.

6. The city may take possession, without paying any compensation for the ground, of any street or part of a street, lane or part of a lane, whether public or private, along the said boulevards, but it shall not have the right to close the same.

May take
possession of
streets or
lanes, but
not close
them.

7. The city may also, if it deem it expedient, acquire in the same manner more than the immoveables which it requires for the above purposes, but the cost of such excess shall be borne entirely by the city.

May acquire
more than
required.

8. The city shall alone have power to perform, on the said boulevards, all such municipal works as it has the right to do on the streets situated within its territory, and to charge the cost thereof to the owners of immoveables bordering on said boulevards, in accordance with the provisions of its charter. This provision shall not free the

City to have
right to do
municipal
work on bou-
levards.

- city from the obligation of providing, at its expense, for the draining of the surface waters from the whole or part of the territory of the town of Lasalle whose flow it has interrupted or may interrupt by constructing its aqueduct or making its boulevard.
- Drainage.**
- Perpetual control.** 9. The lands forming part of the aqueduct canal and of the boulevards shall remain perpetually under the exclusive control of the city.
- Maintenance.** 10. The city shall be held to supervise, light and maintain said boulevards, at its own expense.
- Building by-laws.** 11. The erection of buildings of any description whatsoever on the lots fronting on said boulevards shall be governed by the by-laws of the city concerning buildings.
- Building restriction.** 12. Every building shall be erected at a distance of at least twenty-five feet from the line of said boulevards.
- Increased value to be considered.** 13. In the event of any damages, for which the city may be held liable, being caused to any immovable by reason of the establishment of said boulevards, the increase in the value of such immovable resulting from such improvement shall be taken into account when appraising the amount of the damages, and such increase in value shall be deducted from the amount of the damages sustained.
- Provisions applicable.** 14. The provisions of article 428 of the charter shall apply to the above expropriations.
- City may by by-law legalize stores on Park Ave in certain locality.** **41.** Notwithstanding any law or by-law to the contrary, the city may enact that it shall be lawful to erect, establish or maintain stores or places of business on Park avenue, between Mount Royal avenue and Bernard street, if the proprietors bordering on the said street, representing seventy-five per cent of the municipal value, ask for it.
- City may do municipal work on subdivisions.** **42.** If a proprietor subdivides his land into building lots, and if the plan of the subdivision of such lots is registered, the city—in the event of any of such lots bounded by a street projected on said plan, being disposed of by sale, promise of sale or otherwise—may, at the request of one or more of the purchasers thereof or of the parties to whom promises of sale have been given, perform on such projected streets all such municipal works as it may deem advisable, without being held to pay any compensation or damages for the use or possession of said streets, and may charge the cost thereof to the bordering proprietors in accordance with the provisions of the charter and by-laws. This article shall not apply to cases where the city is obliged to open a street under a special act.
- Provisions.** **43.** Every roll of apportionment of the cost of any

expropriation, in all cases not specially provided for, shall to apply to be made in accordance with the provisions of article 450 rolls of ap-
of the charter. portionment.

44. All the immoveables which the city now owns within Certain im-
the limits of the town of Lasalle, and which may be utilized moveables
for the aqueduct of the city of Montreal or as streets or exempt from
boulevards, shall, from the 1st January, 1914, be exempt taxation.
from all municipal taxes whatsoever, as well as from
school taxes.

This provision shall not apply to the rolls now in force Exception.
and relating to general annual, municipal or school taxes,
but shall apply to the rolls levying special assessments,
payable by annual instalments.

45. The board of commissioners may cause to be sold Unclaimed
by public auction, by a bailiff of the Superior Court, articles may.
without any legal formality, and after the notices required be sold in
for a sale of personal property on execution, the articles, certain cases.
moveables or other personal property remaining unclaimed
for twelve months, which may be in its possession, if
such articles, moveables or personal property have been
stolen or have been seized or confiscated by its police officers,
or were in the possession of persons who have died and
for whose funeral the city has had to provide. In the
event of such property being claimed after the sale, the
city shall be liable only for the proceeds of the sale, from
which shall be deducted the costs of the sale and the other
expenses which it may have incurred.

46. By-law No. 506, intituled "By-law to establish a Pension by-
pension fund for the permanent employees of the city of law ratified.
Montreal", adopted by the council of the city of Montreal
on the 16th October, 1913, is declared valid and legal.

47. The resolution adopted by the council of the city Resolution re
of Montreal on the 19th August, 1913, for the acceptance of Gouin Boule-
an offer made by the Canadian Pacific Railway Company, of vard ratified.
certain lots for the widening of Gouin boulevard, is declared
valid and legal, and the City of Montreal and the Cana-
dian Pacific Railway Company are authorized to carry
out the said resolution.

48. The following article is inserted in the act 62 Vic- 62 Vic. ch.
toria, chapter 58, after article 35: 58, art. 35a
enacted.

"**35a.** The aldermen and the commissioners shall remain Tenure of
in office from the day they shall have taken their oath of office.

office, to the date of the election at which they are to be replaced, and not beyond such date.

The mayor shall remain in office from the date he shall have taken his oath of office, until his successor has taken the oath of office required by law".

By-laws *re*
health.

49. The city may, in addition to the powers already conferred upon it by its charter, make by-laws on any matter mentioned in the Quebec Public Health Act, (Revised Statutes, 1909, articles 3867 to 3982), but subject to the restrictions imposed by such act; and the officers appointed by the city to enforce such by-laws and those passed for the same purpose in virtue of the other provisions of the charter, shall have all the powers assigned by the said act to the officers of the municipal health authority, in addition to those which the city may confer upon them.

Increased
value to be
considered
in case of
change of
level.

50. Whenever by reason of the change of the level of any sidewalk, street or lane, any damages shall be caused to a property bordering on such sidewalk, street or lane, the increase in the value of said property resulting from such change of level and from the municipal works performed by the city, shall be taken into account when appraising the damages, and such increase of value shall compensate to a like amount for the damages sustained.

By-law No.
37 may be
amended, re-
pealed or re-
placed.

51. Notwithstanding the provisions of the seventh clause of paragraph *g* of section 1, of the act 1 George V (1st Session), chapter 48, the council of the city of Montreal may, by following the formalities prescribed by the charter of the said city, amend, repeal or replace by-law No. 37, concerning the construction of buildings in Ahuntsic Ward.

A notary
may be em-
ployed.

52. The city may, notwithstanding any law to the contrary, and notwithstanding any by-law adopted by the Board of Notaries, take into its employ a notary or notaries and pay him or them an annual fixed salary in lieu of the fees to which he or they would be entitled under the tariff.

Deed of
cession rati-
fied.

53. The deed of cession by Dame Catherine Mitcheson, widow of the late Stanley Clark Bagg, *es-qualité, et al*, to the city of Montreal, passed before Robert A. Dunton, N. P., on the third day of December, one thousand nine hundred and thirteen, is hereby confirmed and ratified.

City may
enter into

54. The city is authorized to enter into contracts with any company or municipality for the supplying of water or

the use and construction of sewers, when the said city deems ^{contracts re} the same advisable in the interest of the inhabitants of its ^{water supply} territory. ^{or sewers.}

55. In addition to the powers that it already possesses, the ^{Additional} city may borrow a sum not exceeding two million dollars, ^{loan author-} for the purpose of its aqueduct, and the loan or loans to ^{ized for} be made under the authority of this section shall not be ^{aqueduct.} part of the consolidated debt of the city.

56. By law No. 514, respecting the laying of electric ^{By-law No.} wires, adopted the 17th November, 1913, is hereby ratified ^{514 ratified.} and confirmed.

57. The cost of sewers to be laid in Notre Dame ^{Payment of} de Grâces ward shall be paid by the proprietors in the man- ^{cost of} ner indicated in by-law No. 352 of the city, or in any other ^{sewers in} by-law that may in future be adopted. ^{N. D. de G.} ward.

When a sewer shall be laid and the cost thereof charged ^{Proprietors} to the proprietors, the latter shall have a right to be credited, ^{to be cre-} on the amount charged them for such sewer, with any ^{dedited with} amount which they have been already charged by reason ^{amount al-} of the same immoveables over and above the cost of a fif- ^{ready paid} teen-inch sewer. In the case where the cost of a fifteen- ^{in certain} inch sewer has already been charged to the proprietors, ^{cases.} each proprietor shall be credited with the amount he has already been charged for the fifteen-inch sewer, less how- ever the depreciation for use, according to section 13 of the said by-law 352.

Notwithstanding the provisions of by-laws 35 and 60 ^{Proviso.} passed by the town of Notre Dame de Grâces, the cost of the sewers already laid but not yet assessed shall be charged to the proprietors, according to the provisions of by-law 352 and of this section.

In all the cases provided for in this section, the rolls shall ^{Procedure.} be made according to the procedure given in article 450 of the charter; and article 564^m shall no longer apply to Notre Dame de Grâces ward as regards sewers.

The rolls now in force shall not be affected by this act.

58. Notwithstanding any law to the contrary, and ^{This act not} notwithstanding the resolutions and municipal by-laws ^{to affect} adopted for general or special purposes by the various ^{rolls now in} municipalities annexed to the city of Montreal, and not- ^{force.} withstanding the special assessment rolls now in force, and ^{Special as-} prepared in virtue of such laws, resolutions and by-laws, all ^{essments to} special assessments levied and apportioned in virtue of ^{be paid in ten} said by-laws, resolutions and rolls shall be paid to the city ^{equal an-} ^{annual instal-} ^{ments.}

in ten annual, equal and consecutive instalments, sufficient to cover, within a period of ten years from the 1st May, 1914, the amount remaining due in virtue of such rolls, with interest at the rate of six per cent on any unpaid balance.

Due date. The first instalment shall become due on the 1st May, 1914.

Art. 456 to govern mode of payments. The provisions of article 456 of the charter shall in future govern the mode of payments of assessments which may be levied in virtue of said laws, by-laws or resolutions.

3 Geo. V, ch. 54, sect. 40, replaced. **59.** Section 40 of the act 3 George V, chapter 54, is replaced by the following:

City to be allowed to fix rate of interest on loans. “**40.** Notwithstanding any law to the contrary, the city may, in future, fix and pay the rate of interest it may see fit on all loans or renewals of loans which it is authorized by law to make.

This provision shall apply to loans already authorized by the by-laws numbered 366, 384, 394, 423, 424, 425, 426, 441, 458 and 459, but which are not yet negotiated.”

62 Vict., ch. 58, s. 421 am. **60.** Article 421 of the act 62 Victoria, chapter 58, as replaced by the act 3 George V, chapter 54, section 20, is amended by adding thereto the following paragraph after the second paragraph thereof:

Expropriation of immoveables not required. “In order to enable the city of Montreal to expropriate part of an immoveable not required for the purposes above stated, the consent of the proprietor is necessary.”

Coming into force. **61.** This act shall come into force on the day of its sanction.

CHAP. 74

An Act to amend the charter of the city of Montreal.

[Assented to 19th February, 1914]

Preamble. **W**HEREAS A. Hamilton Gault and others have by their petition prayed for an act to amend the charter of the city of Montreal, as amended by section 37 of the act 2 George V, chapter 56, and by section 39 of the act 3 George V, chapter 54, and to provide that the cost of the expropriation of the land necessary to open and extend Mountain street from Sherbrooke street shall be in part borne by the city of Montreal, and in part by the proprietors of immoveables situate on each side of such proposed extension, the proportion of the indemnity to