

C H A P. 54

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

[Assented to 21st December, 1912]

WHEREAS the city of Montreal has by its petition re-^{Preamble.}
sented that it is in the interest of the proper adminis-
tration of its affairs that its charter, the act 62 Victoria, chap-
ter 58, and its amendments, 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 Que-
bec, enacts as follows:

1. Article 5 of the act 62 Victoria, chapter 58, as amended 62 V., c. 58, s.
by the acts 7 Edward VII, chapter 63, section 1; 8 Edward ^{5 am.}
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, and 2 George
V, chapter 56, section 1, is further amended by replacing the
fourth clause of sub-paragraph *i* of paragraph *j* by the following:

“The municipal by-laws, *procès-verbaux*, resolutions and ^{Certain by-}
municipal acts governing the town of Bordeaux shall continue, ^{laws &c. not}
after the annexation of the town, to have the same effect ^{affected.}
as if they had been passed by the city of Montreal”;

2. Section 21*l* of the act 62 Victoria, chapter 58, as enacted ^{Id, s. 21*l*,}
by the act 9 Edward VII, chapter 82, section 2, and replaced ^{replaced.}
by section 13 of the act 1 George V, (1st session), chapter 48,
is again replaced by the following:

“21*l*. Subject to all the provisions of the charter and of its ^{Functions}
amendments, except where the same may be inconsistent: ^{of commiss-}
^{ioners.}

1. It devolves upon the board of commissioners to prepare
all yearly estimates, which shall be submitted to the council
on or before the 1st day of December.

2. The estimates shall be approved by the council on a vote
of the majority of the members present, but may be amended
by a vote of two-thirds of all the members of the council. The
council may also reject such estimates in the lump by a vote of
the majority of the members present. When the estimates are
rejected in the lump, the commissioners may again submit them
whether amended or not, at any time and the above provisions
shall apply to the new estimates.

3. It likewise devolves upon the board of commissioners
after the comptroller has made his report to the council, in
accordance with article 335*a* of the charter, to prepare supple-
mentary estimates on or before the 1st of May of each year, and

the provisions of the foregoing paragraph shall apply *mutatis mutandis*, to the supplementary estimates.

4. It devolves upon the commissioners to submit to the council all applications for appropriations out of the proceeds of loans and such applications can be amended only by a vote of two-thirds of all the members of the council and rejected by the majority of all the members of the council and shall be approved by the majority of the members present.

5. After the estimates have been adopted or applications for appropriations out of the loans fund have been granted, the commissioners shall see that the moneys are used for the purposes for which they have been voted, without further approval from the council and the contracts awarded by the board of commissioners shall be signed by the mayor and the city clerk.

6. The commissioners may, however, with the approval of the council, use the moneys already voted in virtue of the foregoing paragraphs for purposes other than those specified.

7. It devolves upon the commissioners to prepare all plans and specifications, call for, receive and accept tenders, award all contracts and see to the execution of all works.

The formalities in connection with such tenders shall be determined by the board of commissioners, but a delay of at least eight days shall be given between the date of the publication in the newspapers of the notice calling for tenders and the date fixed for receiving the same.

Tenders shall in all cases be addressed to the board of commissioners and shall be opened by that board sitting at a meeting at the time and place specified in the notice and not before.

8. The commissioners are empowered, without calling for tenders, to purchase materials, supplies, machinery, plant, horses, vehicles and other articles, provided the amount shall not exceed \$2,500, in any case.

9. It devolves upon the commissioners to appoint, to suspend or dismiss from office and to fix the salary of, any clerk or employee of the city, except the city clerk and his assistant, who are appointed, suspended or dismissed by the council who also fixes their salary.

The city attorneys, as well as the controller and auditor of the city shall be appointed, suspended or dismissed only by the council on the report of the commissioners.

10. It devolves upon the council, on a report by the commissioners, to grant franchises and privileges by by-law, resolution or contract, as the case may be, and to authorize the commissioners to issue bonds and to effect loans. Such report cannot be amended except by a vote of two thirds of all the members of the council, but it may be rejected by a majority of

the said members or approved by a majority of the members present.

11. Every report of the board of commissioners including those mentioned in subsections 4 and 10 of this section, which has not been rejected or amended within thirty days from its receipt by the council, shall be deemed adopted and shall take effect when such delay has expired.

12. In all cases not above provided for, all legislative powers appertain to the council and all administrative and executive powers appertain to the commissioners.

3. Article 210 of the act 62 Victoria, chapter 58, as enacted Id., s. 210 by the act 9 Edward VII, chapter 82, section 2, and replaced replaced. by the act 1 George V (1st session), chapter 48, section 15, is amended by replacing the last paragraph by the following:

"The city attorney shall be entitled to a salary of six thousand dollars per annum." Salary of city attorney.

4. Article 55 of the act 62 Victoria, chapter 58, is replaced by Id., s. 55 the following: replaced.

"**55.** The city clerk shall be obliged to furnish to any rate-payer asking for the same, a copy of any one or of all the electoral lists for the year and shall be allowed to charge a fee of ten cents for every hundred words of such copy. The clerk shall further in the year when a general election is held, have the list of municipal electors printed as soon as such list is revised and shall give ten copies, free of charge, to each of the candidates officially nominated for the office of mayor, alderman or commissioner who applies to him for the same." Supplying of copies of list of electors.

5. Article 79 of the act 62 Victoria, chapter 58, as amended Id., s. 79 by the act 3 Edward VII, chapter 62, section 10, is replaced replaced. by the following:

"**79.** The election of the mayor and aldermen of the city shall be held every two years on the first Monday of April and, if such day be a non-juridical day then on the next juridical day in accordance with the following provisions; and the first election of mayor and aldermen of the city after the 31st day of December 1912, shall be held in the month of April in the year 1914 on the day above mentioned. Date of general elections.

The term of office of the mayor and of the commissioners and aldermen is extended to the date of the said election. Term of office.

6. Article 81 of the act 62 Victoria, chapter 58, is replaced Id., s. 81 by the following: replaced.

"**81.** Twenty days before the date of the election the city clerk shall appoint a competent person by commission under his Election clerk, &c.

hand, as per form No. 4, as his election-clerk to assist him in the discharge of his duties. He shall moreover give public notice, within the same period, of the time and place for the nomination of candidates."

Id., s. 86
replaced.

7. Article 86 of the act 62 Victoria, chapter 58, is replaced by the following:

Nomina-
tion papers.

"**86.** Every candidate for the office of mayor and alderman shall be nominated by means of a nomination-paper drawn up in accordance with the provisions of this charter and with form No. 7.

Filing there-
of.

The nomination papers shall be filed in the office of the city-clerk during office hours on or before the ninth juridical day preceding the said election, at noon.

Id., s. 300,
am.

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, and 2 George V, chapter 56, sections 11 and 12, is further amended:

a. By replacing paragraph 132 by the following:

By-laws re
motor cabs,
&c.

"132. To pass, notwithstanding any law to the contrary, with regard to every owner, chauffeur, or driver of motor vehicles used for the conveyance of passengers, by-laws similar to those governing cab-men; to fix the fares which such persons have the right to charge; to punish persons using such vehicles and refusing to pay the established fare; to prescribe the places where such vehicles may stand; and to prevent them from standing elsewhere than at such places and to regulate the inspection of the taxi-meters with which such vehicles may be provided."

b. By inserting the following paragraphs after paragraph 139:

Inspection of
houses of
refuge, &c.

"140. To make the sanitary and medical inspection of houses of refuge, night refuges and all other similar refuges in which persons are harboured, and to compel the owners or tenants of such establishments to keep a register in which the names of the persons harboured by them shall be entered with the date of admission and of the discharge of each of them;

Prohibition,
&c., of
steam
vehicles.

"141. To prohibit or regulate the traffic in the streets, lanes and public places of the city of any vehicle, truck or other traction vehicle driven by steam. The council may also regu-

late the traffic in the streets and public places of all traction vehicles driven by gasoline, electricity or other motive power and enact that the wheel tires of such vehicles shall be covered with rubber and that such vehicles may run only in the streets designated by the council.

The prohibitions contained in articles 1418 and 1423 of the Revised Statutes, 1909, shall continue to apply to motor vehicles which are not used for traction purposes and the wheels of which have tires of rubber or any other material, the ordinary use whereof will not damage the streets, lanes and public places in the city.” Motor vehicles, not used for traction, &c.

9. The following article is inserted in the act 62 Victoria, Id., s. 300c chapter 58, after article 300b, as enacted by the act 4 Edward VII chapter 49, section 8. added.

“300c. In order to give full effect to articles 299 and 300 and to extend and complete the same, so as to secure full autonomy for the city and to avoid any interpretation of such articles or their paragraphs which might be considered as a restriction of its powers, the city is authorized to adopt, repeal or amend and carry out all necessary by-laws concerning the proper administration of its affairs, peace, order and safety as well as all matters which may concern or affect public interest and the welfare of the citizens ; provided always that such by-laws be not inconsistent with the laws of Canada or of this Province, nor contrary to any special provision of this charter.” Powers of council.

10. Article 301 of the act 62 Victoria, chapter 58, is replaced by the following: Id., s. 301, replaced.

“301. No by-law enacted in virtue of the city charter shall be valid unless the same be read at a meeting of the council, nor unless a notice of motion for the adoption of such by-law shall have been deposited at least thirty days beforehand, nor unless the said by-law shall receive the affirmative vote of a majority of the members present 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 afore-said, shall have been signed by the mayor and the city-clerk and sealed with the corporate seal of the city, and that public notice of its passing be given.” Procedure re passing of by-laws.

11. Article 335 of the act 62 Victoria, chapter 58 as replaced by the act 3 Edward VII, chapter 62, section 28, is amended by replacing paragraph (b) by the following: Id., s. 335, am.

“(b) By adding the amount of any other revenues collected up to the first of November and that which will be in hand up Preparation of estimates.

to the end of the current fiscal year, taking for a basis the average of such revenues collected in the month of November of the previous year."

Id., s. 337,
am.

12. Section 337 of the act 62 Victoria, chapter 58 is amended by adding after the word "council" in the second and third lines, the words: "or the board of commissioners" and by striking out the words: "or a committee having adequate jurisdiction" in the eighth and ninth lines, and replacing them by the words: "or by the board of commissioners".

Id., s. 345
replaced.

13. Article 345 of the act 62 Victoria, chapter 58, as replaced by the acts 8 Edward VII, chapter 85, section 11, and 1 George V, (1st session), chapter 48, section 37, is again replaced by the following:

Issue of cer-
tain bonds,
&c.

"345. Loans under article 343 may be effected by means of an issue of bonds, debentures or inscribed stock, for a fixed term. Such bonds, debentures or inscribed stock may be issued in currency of the country where the loan is negotiated.

Temporary
loans.

It shall, nevertheless, be lawful for the city to negotiate such loans temporarily in the name of the city, by means of temporary bonds, treasury bills or other securities negotiable on the money markets, until the time is deemed favorable for the issue provided for in the foregoing paragraph."

Id., 346 and
346a re-
placed.

14. Article 346 of the act 62 Victoria, chapter 58, as replaced by the act 3 Edward VII, chapter 62, section 30, and article 346a of the act 62 Victoria, chapter 58, as enacted by the act 4 Edward VII, chapter 49, section 11, and as replaced by the act 8 Edward VII, chapter 85, section 12, are replaced by the following :

Certificate
of controller
re borrowing
power.

"346. Every year, as soon as possible after the assessors have signed the assessment roll, it shall be the duty of the city of comptroller to submit to the council and to the Board of Commissioners a certificate showing the borrowing power resulting from the increase in value of taxable property; and by means of such borrowing power, the council may on a report of the board of commissioners, set aside the amounts it may deem necessary in anticipation of the permanent works to be performed in the following year, to enable the commissioners to award contracts, if necessary, for the performance of such works and to purchase such materials as may be required for the performance thereof."

Id., 348
replaced..

15. Article 348 of the act 62 Vistoria, chapter 58, as replaced by the act 3 Edward VII, chapter 62, section 32, is again replaced by the following:

Borrowing
of money, &c

"348. The city may also borrow sums of money, and,

for that purpose, issue bonds, debentures or inscribed stock for special and specific purposes, but only by virtue and under the authority of a by-law, which shall be approved by the affirmative vote of at least the absolute majority of all the members of the council, and such by-law shall specify, under pain of nullity:

1. All the purposes, in detail, for which the loan is to be made;

2. The term for which it is made;

3. The rate of interest thereon;

4. The sinking fund;

5. The rate of special taxation imposed for the purpose of paying the interest, and a sufficient sinking fund or annuity, as the case may be, to repay the capital at maturity;

6. The place or places of issue, of registration, transfer, of payment of the interest, and of the redemption of the capital at maturity;

7. The form of security to be issued, whether bonds or debentures, or inscribed stock, and whether in sterling or in currency, or otherwise;

8. All other matters of detail connected with the said loan. No such by-law shall have any effect unless and until it is submitted for the approval of the owners of taxable immovable property within the city limits, whose names are entered upon the electors' list then in force, which vote shall be taken by ballot, in accordance with the provisions of section thirteenth of this charter; and if the majority in number of the said owners of immoveable property who thus vote do not approve of such by-law, then the said by-law shall be null and of no effect."

16. Article 351a of the act 62 Victoria, chapter 58, as enacted by the act 7 Edward VII, chapter 63, section 15, is replaced by the following:

"351a. Notwithstanding any provision to the contrary, the city may, from time to time, issue bonds, debentures or registered stock for the redemption of a portion or the whole of its perpetual seven per cent debentures.

The bonds, debentures or registered stock so issued shall be for a period not exceeding forty years, and shall form part of the city's funded debt, the limit whereof shall for such purpose be extended proportionately."

17. 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, and 2 George V, chapter 56, section 20, is further amended by adding the following paragraph after paragraph 11:

Tax on
house of
refuge, &c.

“*mm.* A special tax of one dollar on every owner or tenant of any house of refuge, night-refuge or other similar establishment in which any persons are harboured,”

Id., s. 365a
replaced.

18. Article 365a of the act 62 Victoria, chapter 58, as enacted by the act 3 Edward VII, chapter 62, section 39, is replaced by the following:

Refusal of
licenses, &c.

“**365a.** The board of commissioners may refuse, in the interest of good morals or public order, any permit or license granted in virtue of this charter.”

Title of cer-
tain section
changed.

19. Section twentieth of the act 62 Victoria, chapter 58 (the section preceding article 421) is amended by replacing the title of subsection 1, by the following:

“§ 1. EXPROPRIATIONS.”

Id., ss. 421,
423, 423a,
&c., replaced.

20. Articles 421 of the act 62 Victoria, chapter 58; 422 of the said act, as replaced by the act 7 Edward VII, chapter 63, section 32; 423; and 423a of the said act as enacted by the act 7 Edward VII, chapter 63, section 33; and 424, 425 and 426 of the said act are replaced by the following:

Acquisition
and expro-
priation of
certain
property.

“**421.** The city of Montreal may hereafter, even without any previous application from the proprietors or other interested parties, but on a report from the board of commissioners, approved by the absolute majority of the members of the council, acquire by mutual agreement or by expropriation any immoveable, part of immoveable or servitude situated within the limits of its territory or outside of the same, which it may require for any municipal purposes whatsoever, including the opening, widening and extension of its streets through the territory of another municipality, and, to that end, may acquire the land it may deem suitable by mutual agreement or by expropriation, by following the procedure indicated in the charter.

Acquisition,
&c., of more
property
than needed,
&c.

The city is authorized to purchase by mutual agreement or to expropriate more than the immoveables or parts of immoveables required for the object in view, in order to resell the same and to apply the proceeds of such sale, wholly or partly, either to the payment of the purchase price of such immoveables or parts of immoveables or to the payment of the cost of the works or improvements to be performed, provided always that the proprietors be not called upon to pay the purchase price of such immoveables or parts of immoveables.

Indemnity, in case of expropriation, shall include the actual value of the immovable, part of immovable or servitude expropriated and the damages resulting from the expropriation; but, when fixing the indemnity to be paid, the commissioners may take into consideration the increased value of the immovables from which is to be detached the portion to be expropriated and offset the same by the inconvenience, loss or damages resulting from the expropriation.

Compensation what to include.

In the case of purchase by mutual agreement, the price which the city may pay shall be that agreed upon between the said city and the vendor.

Price of property purchased.

Whenever the city shall decide to purchase any immovable, part of immovable or servitude, either by mutual agreement or by expropriation, it shall at the same time indicate by whom the cost of such purchase shall be borne, and for that purpose, the city is authorized to pay itself such cost and to indicate the fund against which it shall be charged, or to charge the same wholly or partly to the owners of immovables who, in its opinion, will benefit by the proposed improvement, by means of a roll made and prepared in accordance with the provisions of article 450 of the city charter.

By whom cost of expropriation to be borne, &c.

Except as regards the cost and the procedure when such procedure is that indicated in articles 7581 and following of the Revised Statutes, 1909, the above provisions shall apply to all expropriations or acquisitions already specially authorized by the city charter and its amendments but not yet begun, but they shall not apply to the expropriations effected in virtue of article 452 of the charter and shall not be interpreted as obliging the city to pay for the expropriations enacted by sub-paragraph 9 of paragraph *k*, of section 1, of the act 1 George V, (1st session), chapter 48, as replaced by paragraph *c* of section 2, of the act 1 George V, (2nd session), chapter 60, an amount exceeding that fixed by the latter act.

Law governing expropriation.

Nothing in this section shall affect the rights granted by the acts, 9 Edward VII, chapter 81, section 28, paragraphs *k* and *l*, 1 George V, (2nd session), chapter 60, section 33 and 2 George V, chapter 56, sections 40, 41 and 47.

Saving clause.

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 commissioners on a preliminary report which they are 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.

22. Article 427 of the act 62 Victoria, chapter 58, as replaced 62 V., c. 58,

s. 447 replaced. by the act 7 Edward VII, chapter 63, section 34, is again replaced again by the following:

Extent to be expropriated in certain case. “**427.** Whenever only a part of an immoveable is expropriated which would be reduced to less than forty feet in depth by such expropriation, the owner of the same may exact that the city acquire the whole of this lot or lots.”

Id., 434 replaced. **23.** Article 434 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 35, is replaced by the following:

Fixing of value of expropriated property. “**434.** In order to come to a decision respecting such expropriation, the commissioners shall, after their appointment, proceed with all due diligence to establish the value of the land and buildings to be expropriated, including servitudes and immoveables by destination.

Oath of commissioners. Before beginning their operations, the commissioners, with the exception of the recorder, shall make oath before the prothonotary of the Superior Court, to faithfully, diligently and impartially perform their duties.

Taking of evidence, &c. They 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; they shall inspect the properties to be expropriated and take all other measures they 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.

Report of commissioners. The commissioners' report 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.

Id. The report may be validly signed by the majority of the commissioners.”

Repeals. **24.** The title of the second subsection of section twentieth of the act 62 Victoria, chapter 58 and articles 446, 447, 448 and 449 of the said act are repealed.

Id., s. 450, replaced. **25.** Article 450 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 37, is replaced by the following:

Apportionment of cost of expropriation. “**450.** The amounts to be apportioned among the proprietors under articles 421 and following shall be so apportioned by means of a roll prepared by the city surveyor or by any other officer appointed by the board of commissioners.

Basis of apportionment. Such apportionment shall be made among the proprietors proportionately to the frontage or the depth, as the case may

be, of their properties, as shown on the valuation roll independently of the buildings erected on them.

The city surveyor or officer appointed by the board of commissioners, as the case may be, shall give public notice of a day when the contributors liable for the payment of the contribution may examine such apportionment and state to him their objections thereto before the roll is completed and put in force. Such notice shall be published during a period of ten days in one French and one English newspaper.

The city surveyor or officer appointed by the board of commissioners, as the case may be, shall hear and summarily decide upon all objections that may be made and there shall be no appeal from his decision. The roll shall then be signed by the said surveyor or officer and shall then come into force.

The amount due upon such apportionment shall be collected from the proprietors owning such real estate, and shall be recoverable in the same manner as other taxes and assessments on immoveables."

26. Article 451 of the act 62 Victoria, chapter 58, is repealed.

Id., s. 451
repealed.

27. Section twentieth of the act 62 Victoria, chapter 58, is amended by repealing the title of the fifth subsection.

Id. certain
title
repealed.

28. Article 454 of the act 62 Victoria, chapter 58, as replaced by the acts 7 Edward VII, chapter 63, section 39, and 1 George V, (2nd session), chapter 60, section 24, is again replaced by the following:

Id., s. 454
replaced.

"454. The apportionment of the cost of sewers shall be made in the same manner as that of the cost of sidewalks, by means of an assessment roll prepared by the official designated for that purpose by the board of commissioners and approved by the said official, in accordance with the provisions of article 450 of the charter and with the by-laws in force, with the exception of the notices to the interested parties which must be given in accordance with the provisions of article 533 of the charter, provided a delay of eight days has elapsed between the date of publication of such notice and the day when the interested parties may examine the roll and submit their objections."

Apportion-
ment of cost
of sewers, &c.

29. Article 455 of the act 62 Victoria, chapter 58, as enacted by the act 1 George V (2nd session) chapter 60, section 25, is replaced by the following:

Id., s. 455,
replaced.

"455. 1. Notwithstanding any law to the contrary, when the board of commissioners shall decide and order by resolution the paving of any street, lane, highway, square or public place, wholly or partly, with permanent materials de-

Payment of
certain
paving ex-
penses.

clared to be such by the said board; the total cost of such paving including the intersection of lanes shall be paid by the proprietors of immoveables situate on such streets, lanes, highways, squares or public place or part thereof, with the exception, however, of the paving of the intersections of streets which shall be paid by the the city out of the loans fund.

Apportionment roll.

2. A roll shall be prepared for such purpose by the city surveyor, and the cost of such paving shall be apportioned among such proprietors proportionately to the depth or width of their immoveables as shown on the valuation roll.

Notice of examination of roll.

The city surveyor shall give notice of the day when the proprietors bound to pay such special assessment, may examine such apportionment and submit their objections before the roll is completed and put in force. Such notice shall be published during eight days in a French and in a English newspaper.

Hearing, &c. by city surveyor, &c.

4. The surveyor shall hear and summarily decide all objections that may be made and there shall be no appeal from his decision. The roll shall then be signed by him and shall thereupon come into force.

Collection of apportionment.

5. The amount due under such apportionment shall be collected from the said proprietors and recoverable in the same manner as other taxes and assessments on immoveables.

Payment by instalments.

6. Any riparian proprietor may pay the amount of his special assessments by yearly instalments sufficient to pay off the amount for which he is liable, in ten years with interest at five per cent per annum.

Streets more than 50 feet wide.

7. When a street, highway, square or public place is over fifty feet wide, the cost of paving the excess shall be wholly paid by the city and charged to the loans fund.

Cost of reconstruction of pavements.

8. When the board of commissioners shall decide and order by resolution the remaking, wholly or partly, of the permanent pavements made before the 14th day of March, 1911, in any street, lane, highway, square or public place or part thereof, the cost of such total or partial remaking shall be apportioned among and collected from the proprietors of riparian immoveables, on such street, lane, highway, square or public place or part thereof in the manner above prescribed.

Maintenance of certain pavements.

9. The pavements to be made or re-made as aforesaid shall be maintained, repaired or renewed in future by the city for ever."

Certain rolls to be valid, &c.

10. The rolls made under article 455 of the act 1 George V, (2nd session), chapter 60, section 25, are valid and the city is authorized to make the other rolls for the paving done, begun or ordered under the latter act, in accordance with the provisions of this article

30. Article 459 of the act 62 Victoria, chapter 58, is replaced ^{Id., s. 459} replaced.
by the following:

"459. If any special assessment or apportionment made ^{Proceedings} by the city surveyor or by any other officer appointed by the ^{when special} board of commissioners is annulled by competent authority, ^{assessment} the said inspector or other officer appointed by the board of ^{annulled.} commissioners as the case may be shall make another assessment or apportionment for the same purpose in the manner hereinabove provided; and the same, when completed and revised, shall have full force and effect.

31. Article 531 of the act 62 Victoria, chapter 58, is replaced ^{Id., s. 531,} replaced, &c.
by the following:

"531. The Recorder's Court may, in any action, suit or ^{Supervision,} complaint laid before it, suspend for such period of time as it ^{&c., of} may fix, or rescind or annul any license or permit granted in ^{certain} virtue of the charter or the municipal by-laws, by reason of ^{licenses, &c.} misconduct, incompetency or violation of any by-law on the part of the holder of such license or permit."

32. Article 536 of the act 62 Victoria, chapter 58, as replaced ^{Id., s. 536,} by the act 7 Edward VII, chapter 63, section 45, is amended by ^{am.} replacing the first paragraph by the following:

"536. Notwithstanding any law to the contrary, no right ^{Notice of} of action shall exist against the city, for damages resulting ^{actions for} from bodily injury, caused by an accident or for damages to ^{damages} moveable or immovable property, unless, within thirty ^{against city.} 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 names, 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."

33. Section 50 of the act 7 Edward VII, chapter 63, is ^{7 Ed., VII,} replaced by the following: ^{c. 53, s. 50,} replaced.

"50. 1. The city of Montreal is authorized to borrow a ^{Borrowing} sum of money, not exceeding two million dollars, for the ^{for water-} purpose of acquiring properties and performing certain works ^{works.} required for the increasing the present water-power of the water-works and, for the purpose of enlarging and improving the existing water-works.

2. Such loan shall be effected by the issue of debentures, ^{Issue of} bonds or registered stock, payable within a period not ^{debentures,} exceeding forty years from the date thereof, and shall be redeemed ^{&c.} by means of a sinking fund sufficient to repay the principal

at the expiration of such period. Such loan shall not form part of the city's funded debt.

Application
of proceeds.

3. The proceeds of such loan shall be used exclusively for the purposes specified in the by-law to be adopted to that effect by the city council, and shall be set aside by the city treasurer, and shall not at any time be available for any other purposes whatever."

Id., s. 51,
replaced.

34. Section 51 of the act 7 Edward VII, chapter 63, is replaced by the following:

Loan re
acquisition
of St. Helens
Island, &c.

"**51.** The city is authorized to borrow a sum of two hundred and fifty thousand dollars, two hundred thousand dollars of which to acquire St. Helen's Island and to give effect to the agreement entered into with the Dominion Government, and fifty thousand dollars to make on the said island such permanent improvements as may be deemed necessary; and to issue for such purpose bonds or debentures or registered stock which shall not form part of the funded debt. Such loan shall be effected by the issue of debentures, bonds, or registered stock payable within a period not longer than forty years from the date thereof, and shall be redeemed by means of a sinking fund sufficient to pay the principal at the expiration of such period."

Id., s. 61
replaced.

35. Section 61 of the act 7 Edward VII, chapter 63, is replaced by the following:

Loan re
water pres-
sure system.

"**61.** 1. The city of Montreal is authorized to borrow any sum necessary for the purpose of establishing a high water pressure system in case of fire, in certain parts of the city, which, for that purpose, shall be divided into districts by by-law, when the majority of proprietors in number and in value in the district affected apply for the same in writing.

Issue of
debentures,
&c.

2. The said loan shall be effected by the issue of debentures or bonds or registered stock, payable within forty years from the date thereof and shall be redeemed by means of a sinking fund sufficient to refund the capital at the expiration of said term.

Assessment
of expenses.

3. The amount of the expenses to be incurred for the establishment of such a system shall be assessed upon the proprietors of immoveables situate in each district respectively, where the works shall have been done, according to an assessment roll prepared by the city surveyor according to the provisions of article 450 of the charter, *mutatis mutandis*.

Limit of loan.

The total amount to be thus borrowed, shall not however exceed one million dollars."

amended by the act 1 George V, (1st session) chapter 48, c. 81 s. 29
 section 50 is replaced by the following: replaced.

“**29.** The city may acquire by by-law, and by expro- Acquisition of system of
 priation, as a going concern, the whole of the undertaking and Montreal
 working plant of the Montreal Water and Power Company, Water and
 with all the active and passive servitudes belonging to said Power Co.
 company either under contract or agreement entered
 into between the latter and any companies, corporations, firms
 or persons, in the said city or elsewhere, in this country or
 abroad, as well as all the powers, rights and actions which the
 said company may have acquired by charter from Parliament
 or the Legislatures, so as to transfer to said city all its
 moveable and immoveable properties, reservoirs, canals, pipes,
 sewers and all its other properties whatsoever, constituting
 the assets and liabilities of such company, and to allow the said
 city to exercise all the rights, actions, borrowing powers, issues
 of stock, bonds, and subscriptions of municipalities and other
 public bodies belonging to said company either under the
 aforesaid charters and agreements entered into as aforesaid
 and also, after the expropriation or acquisition thereof, to
 supply water to the municipalities which have not been
 annexed to the city and not now provided with a water-works
 system and to the inhabitants thereof for a consideration,
 under the terms of the charter of the said company, and the
 city is authorized to borrow for the purpose, for a period of
 forty years with a sinking fund, a sum not exceeding the
 amount of the arbitrators' award and of the costs and ex-
 penses.

Without prejudice to the said rights of expropriation and Acquisition
 as an alternative measure and to avoid the necessity of such of company's
 expropriation, the city is further authorized to acquire by shares. &c.
 purchase, after a report of valuers made according to this
 section determining the total amount to be paid and liabi-
 lities to be assumed by the city for the said property, has
 been laid before the council and adopted by by-law, the shares
 in the capital stock of the Montreal Water and Power Company;
 and as soon as the city shall have acquired not less than
 ninety-five per cent of the total issued stock of the company,
 the city is then authorized to expropriate any shares remaining.

The city is further authorized to borrow, for such purpose, Loan for
 a sum not exceeding one million and twenty thousand dollars such pur-
 pose.
 for a period of forty years with a sinking fund.

Should the city make the acquisition provided for by this Arbitration
 section by means of expropriation, the value of such acqui- if expropria-
 tion shall be estimated by arbitrators appointed as follows: tion.
 one by the city, one by the company and a third by the two
 former or, if they cannot agree, by a judge of the Superior Court.

In any case, the city shall respect and carry out the contracts Carrying out

of company's of the company and the individual agreements entered into contracts. between the said company and the other municipalities now served by it."

9 Ed. VII, c. 81, s. 39. replaced. **37.** Section 39 of the act 9 Edward VII, chapter 81, as amended by the act 2 George V, chapter 56, section 30, is further amended by replacing paragraph 11 by the following:

Electrical Commission of City of Montreal.

" 11. To carry out this undertaking the city shall pass a by-law providing for the appointment of a commission to be known as "THE ELECTRICAL COMMISSION OF THE CITY OF MONTREAL." Such commission shall exercise all the rights of the city as they are delegated to it by the council for the purposes of this undertaking.

Functions of commission.

Such commission shall consist of three competent engineers, as hereafter provided, to prepare and draw up complete plans, drawings and specifications of underground conduits for the districts, streets, or sections of streets, and portions of the city of Montreal, in which the commission shall decide from time to time, at its discretion, to construct underground conduits, and the plans, drawings, and specifications may be submitted, as soon as they are prepared and drawn up, to the approval of the Quebec Public Utilities Commission, which may, after hearing the interested parties, approve and adopt or amend the said plans, drawings and specifications.

Composition and appointment of commission.

The commission of engineers charged with the preparation of such plans, drawings and specifications shall be appointed as follows: one member shall be appointed by the city of Montreal, another by the companies having the right, under a charter, to put up poles and wires in the city of Montreal and which, within a delay of one month from the public notice published in an English and in a French newspaper, registers a notice of such right in the office of the clerk of the city of Montreal, each company to have a vote in the appointment of such engineer; and the third member shall be appointed by the Quebec Public Utilities Commission.

Appointment of third commissioner in certain case.

Whenever the persons, firms, syndicates, companies or corporations do not comply with the provisions of the foregoing paragraph, the city shall apply to a judge of the Superior Court and request him to appoint the third commissioner to represent the persons, firms, syndicates, companies or corporations.

Preparation of rules, &c. by commission.

Such commission shall draw up rules and regulations respecting the use, management and maintenance of such conduits, which rules and regulations, when approved or amended by the Quebec Public Utilities Commission, shall have full force and effect.

Supervision by commis-

As soon as the said plans, drawings and specifications of the underground conduits and the rules and regulations

mentioned in the foregoing paragraphs are approved by the Quebec Public Utilities Commission and the tender or tenders for the construction of any part of the underground conduits are submitted to the Electrical Commission of the City of Montreal, which shall report to the city on the said tenders, and the contract or contracts for such construction are given out by the city of Montreal, the Electrical Commission of the City of Montreal shall alone have the direction and supervision of the construction, management and maintenance of the said underground conduits.

The salaries of the members of the said commission charged with the preparation of the plans, drawings and specifications, and rules and regulations and with the direction and supervision of the construction and maintenance of such underground conduits, shall be fixed by the city subject to the approval of the Quebec Public Utilities Commission, after hearing the interested parties.

Vacancies occurring in the said commission shall be filled in the same manner as the appointment was first made.

An appeal shall lie to the Quebec Public Utilities Commission by the city of Montreal, or by the persons and companies interested, from any rule and regulation or from any decision rendered and any act done by the Electrical Commission of the city of Montreal or by the city of Montreal.

Such appeal shall, nevertheless, be taken within thirty days from the date of the service on the interested party or of the publication in an English and in a French newspaper published in the city, of a notice, stating that such rule or by-law has been adopted, such decision rendered or such act performed by the said Electrical Commission of the City of Montreal, and no appeal shall lie after such delay.

The appeal shall be taken by an inscription filed in the hands of the secretary of the Quebec Public Utilities Commission, and notice thereof shall be served upon the adverse party or upon his attorney."

38. Section 56 of the act 1 George V, (1st session), chapter 48 is replaced by the following:

"56. The city is authorized to borrow an amount not exceeding five million dollars for the purpose of establishing a system for filtering the water, for improving and still further enlarging the waterworks and increasing its supply of water for the city's needs generally and for constructing collecting sewers.

Such loan shall be effected by the issue of debentures, bonds or inscribed stock payable within a period of not more than forty years from their date, and redeemable by means of a sinking fund sufficient to repay the principal at the expiration

sion of certain work.

Salaries of commissioners.

Vacancies.

Appeal to Que. Pub. Util. Comm.

Delay to take appeal &c.

Appeal how taken.

1 Geo. V (1910), c. 48, s. 56 replaced.

Loan for filtering system.

Issue of debentures, &c.

of such period. Such loan shall not form part of the city's consolidated debt.

Application
of proceeds
of loan.

The proceeds of such loan shall be employed exclusively for the purposes indicated in the by-law to be adopted for such purpose by the city council. It shall be kept apart by the city treasurer and shall at no time be available for any other purpose."

Id. s. 37, am. **39.** Section 37 of the act 2 George V, chapter 56, is amended

1. By replacing sub-paragraph *k*, of paragraph 1, by the following:

Enlarging of
Lafontaine
Park.

"*k*. The city shall within six months from the sanction of this act enlarge Lafontaine park on the east side by acquiring by mutual agreement or by expropriation the immoveables in Duvernay ward situate to the south of Lafontaine Park avenue, formerly Rachel street, and in Papineau ward, west of Papineau avenue.

Payment of
cost of
improvement.

The cost of such improvement shall be paid by the city out of the loans which the city is already authorized to effect for permanent works.

Basis of
purchase
price, &c.

The price to be paid for the acquisition by mutual agreement or by expropriation of the said immoveables, shall notwithstanding any law to the contrary, be the real and actual value of the immoveable at the time of its acquisition by mutual agreement or of its expropriation, and in the case of expropriation the indemnity to be paid the proprietor shall be determined according to the provisions of articles 7581 and following of the Revised Statutes, 1909.

Re-sale of
property
acquired.
Arrangements with
Federal, &c
Governments.

Nevertheless, the city may re-sell or exchange, wholly or partly, the immoveables so acquired or expropriated.

The city may also make arrangements with the Federal Government and the Government of this Province either for the purpose of exchanging or acquiring lots of land forming part of or contiguous to Lafontaine Park and to resell, wholly or partly, the lots so acquired or exchanged.

Delay to ex-
propriate.

If the city does not proceed to the expropriation within the specified delay, it shall no longer have the right to make such expropriation under this provision.

2. By repealing sub-paragraph *m* of the said paragraph 1.

3. By replacing the last clause of paragraph 3 by the following :

Cost of
improvement how
paid.

"The total cost of such improvement shall be paid by the proprietors of immoveables situate on each side of such proposed extension, but the proportion of the indemnity to be imposed on the assigns of the Terrace Land Company shall be borne by the said company.

Basis of
indemnity.

The indemnity, in such cases of expropriation shall comprise the real value of such immoveables.

When the purchase is by mutual agreement, the price which the city may pay shall be that agreed upon between it and the vendor. Price in case of purchase.

The above shall apply to the pending expropriations the proceedings wherein may be continued as begun. Pending expropriations.

40. Notwithstanding any law to the contrary, the city may in future fix and pay the rate of interest it may deem expedient for any loan or renewal of a loan it is authorized to effect under the law. This provision shall also apply to loans already authorized by the city by-laws bearing the Nos. 366, 384, 394, 424, 425, 426, 441, 458 and 459, but not yet negotiated. Rate of interest on loans, &c.

41. The city may, for any loan which it is authorized to effect under the law, effect temporary loans by means of treasury bills or other negotiable securities, until such time as may be deemed favorable for the issue of a long time loan. Temporary loans.

42. The city may also issue notes for any loan it is authorized to make under the law and to determine by resolution or by-law, the mode of their payment. Loans by notes.

43. The city is authorized to perform in and on any private street or lane, any municipal works whatsoever, without being held to pay any damages or compensation for the use and possession of such private streets or lanes and to charge the cost of said works as provided by the charter or the by-laws. Works on private streets, &c.

44. The city is authorized to lay sewers in the streets situated, as to their width, partly within its limits and partly in an adjoining municipality and to apportion the cost thereof on the immoveables bordering such streets in the same manner and with the same effect as if the said immoveables were all situated in the city. Laying of sewers in private streets, &c.

45. Whenever a patient, who is affected with tuberculosis or with any incurable or contagious disease and who has not been domiciled in the city of Montreal for at least six months, shall be admitted to a hospital at the expense of the said city of Montreal, the latter may recover the expenses incurred for the maintenance, care, treatment and conveyance of such patient as well as any other expenses which his stay in the hospital may have entailed, from the city, town, or county municipality within the limits of which the patient was previously domiciled. Recourse by city for expenses of treating certain patients.

The city, town or county municipality which pays the city of Montreal any sum of money under this section may recover the same from the patient or from the persons bound by law to provide for his maintenance. Recourse by other municipalities.

Recourse by
city for
expenses of
maintaining
certain
children.

46. Whenever a child from five to fourteen years old, who has not been domiciled in the city of Montreal for at least six months, shall be committed to an industrial school at the expense of the said city, the latter may recover all expenses incurred for the maintenance of such child in the same industrial school, as well as the cost of conveying him to such school from the city, town or county municipality within the limits of which the child was previously domiciled.

Recourse of
other municipi-
palities.

The city, town or county municipality which shall pay to the city of Montreal any sum of money under this section, may recover the same from the persons bound to provide for the maintenance of the child.

Representa-
tion of city in
certain cor-
porations,
&c.

47. Whenever an alderman of the city shall be appointed by the latter to represent it in a public or private corporation, his functions as such representative shall not extend beyond the day when his term of office as alderman shall cease.

Delay for
completing
certain
works.

48. Without otherwise amending the charter of the city, the latter shall have until the 1st January 1915 to complete the works it has undertaken to do by the act 1 George V (1st session) chapter 48 article 1, paragraph *e*, sections 6, 7 and 8; by paragraph *f*; paragraph *g*; paragraph *h*, sub-paragraphs 8, 9, 10 and 11; paragraph *i*, sub-paragraphs I, II and III; paragraph *j*, sub-paragraphs I and II; paragraph *k*, sub-paragraphs 1, 7 and 8; and paragraph *l*; and, until such date, no judicial proceeding by *mandamus* or otherwise shall be taken or maintained against the city to compel it to execute the said works.

Certain
transfer
ratified.

49. The transfer made to the city of Montreal on the 5th July 1912, by the Nolan De Lisle estate, of a piece of land required for the opening of Darling street, from the south limit of the said estate's property to Stadacona street, bearing the cadastral No. 30 subdivision 21 of the registry division of the counties of Hochelaga and Jacques Cartier, is declared valid and legal to all intents and purposes.

Certain
resolutions
ratified.

50. The following resolutions adopted by the council of the city of Montreal are ratified and confirmed, and the city is authorized to give effect to the same namely:

Resolution under date of 29th April 1912 concerning the acquisition of an immoveable for the opening of Villeray street.

Resolution under date of 25th June 1912 concerning the acquisition of a strip of land for the extension of Robin street.

Resolution under date of 23rd September 1912, concerning the purchase of lot No. 594-1 of the cadastre of St. Antoine division for the widening of Mountain street.

Resolution under date of 23rd September 1912, concerning the purchase of lot No. 669 of the cadastre of the St. Antoine division for the widening of Mountain street.

Resolution under date of 23rd September 1912, concerning the purchase of lot No. 745 of the cadastre of the St. Antoine division for the widening of Mountain street.

Resolution under date of 23rd September 1912, respecting the purchase of lot No. 746 of the cadastre of the St. Antoine division for the widening of Mountain street.

Resolution under date of 8th October 1912 concerning the acquisition of a piece of land for the extension of Boyer street.

Resolution under date of 10th October 1912, respecting the engagement of the chief city attorney.

Resolution under date of 29th October 1912, concerning the purchase of certain immoveables for the opening of Cartier street.

Resolution under date of 31st October 1912, respecting the purchase of an immoveable comprising the part of lot No. 666 of the cadastre of the St. Antoine division for the widening of Mountain street.

Resolution under date of 11th November 1912, concerning the purchase of a certain immoveable for the opening of Levesque street.

51. The collection rolls, dated the 20th November 1912, bearing the signature of George Janin, city inspector, apportioning the cost of the sidewalks made in Notre Dame de Grâces ward, under two resolutions adopted by the municipal council of the town of Notre Dame de Grâces, one on the 13th September 1909 and the other on the 31st January 1910, and under three other resolutions adopted by the municipal council of the city of Montreal, dated the 28th October 1910 and the 10th July 1911, are ratified and validated and the amounts entered in such rolls may be paid in ten yearly and consecutive instalments of one-tenth each, the first whereof is declared due and exigible at the date of the said rolls, with legal interest on all balances remaining unpaid. Certain collection rolls ratified.

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