

7 Ed. VII, c. 62, s. 47, replaced.
Contribution to Quebec Technical School.

9. Section 47 of the act 7 Edward VII, chapter 62 is replaced by the following :

“ 47. The city is authorized to contribute to an amount not exceeding \$10,000.00 annually to the maintenance of the Quebec Technical School.”

36 V., c. 55, s. 13, amended.
Powers of police officers &c.

10. Paragraph 1 of section 13 of the act 36 Victoria, chapter 55, is replaced by the following ;

“ 1. Police officers and constables shall have power to enter any house, building or other place in which spirituous liquors are sold or exposed for sale on the days and during the hours on and during which such trade in liquors is prohibited by law or by the by-laws of the city council.

Coming into force.

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

CHAP. 81

An Act to amend the charter of the city of Montreal

[Assented to 29th May, 1909]

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 it, 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 V., c. 58, s. 5, amended.

1. Article 5 of the act 62 Victoria, chapter 58, as amended by the acts 7 Edward VII, chapter 63, section 1, and 8 Edward VII, chapter 85, section 1, is further amended by adding the following paragraphs, after paragraph *b* :

Mount Royal Ward.

“ *c.* The following shall be annexed to the city and form part of Mount Royal ward :

Boundaries of territory annexed to Mount Royal Ward.

1. A territory being No. 26 of the official plan and book of reference of the village of la Côte des Neiges, situate in the town of Outremont, and bounded as follows : on the southeast side by lot No. 10 of the cadastre of the village of la Côte des Neiges ; on the southwest side by lot No. 25 of the cadastre of the village of la Côte des Neiges ; on the northwest side by lot No. 27 of the cadastre of the village of la Côte des Neiges ; and on the northeast side by lot No. 11 of the cadastre of the village of

la Côte des Neiges, in the town of Outremont, known as " City of Montreal quarry " ;

In consideration of such annexation the city of Montreal shall pay to the town of Outremont the sum of \$3,000.00 within a delay of thirty days. Payment to town of Outremont.

" *d.* The village of de Lorimier, described as follows : de Lorimier Ward.

The territory bounded on one side, southeasterly, by the former limits of Montreal and Hochelaga ward of the said city of Montreal; on another side, northwesterly, by the middle of Côte Visitation road; on another side, northwesterly, by the central line of Iberville street ; and on the other side, southwesterly, by the middle line of Papineau road,—shall be annexed to the city and shall form a ward under the name of " de Lorimier ward. Boundaries of de Lorimier Ward.

De Lorimier ward shall be represented in the manner prescribed in and by the charter of the city of Montreal. de Lorimier Ward how represented.

The assets and liabilities of the municipality of the village of de Lorimier shall be combined with the assets and liabilities of the city of Montreal and de Lorimier ward shall be subject to the provisions of the various by-laws in force in the village of de Lorimier until the objects proposed in the said by-laws have been fully attained and realized. Assets, &c., of de Lorimier village, &c.

The by-laws of the village of de Lorimier shall remain in force in de Lorimier ward until the first of May 1909 ; from that date de Lorimier ward shall be subject to the by-laws of the city of Montreal. By-laws of village to remain temporarily in force.

The permanent employees of the municipality of the village of de Lorimier shall, from the date of the annexation, become employees of the city of Montreal and shall have, in the latter offices corresponding, as regards salary, to those they filled in municipality of the village of de Lorimier and shall be under the control of the various committees of the city having jurisdiction. Permanent employees to become employees of city &c.

Nothing in this clause shall be construed as allowing the city to violate any of the obligations undertaken by contract or as affecting or repealing any powers specially granted by statute to corporations or companies." Contract obligations, &c., not affected, &c.

2. Article 7 of the act 62 Victoria, chapter 58, as amended by the acts 3 Edward VII, chapter 62, section 2 ; 7 Edward VII, chapter 63, section 3, and 8 Edward VII, chapter 85, section 2, is again amended : Id., s. 7 amended.

a. By replacing the first paragraph by the following :

" **7.** The city of Montreal is divided into twenty-two wards respectively called : East, Centre, West, St. Anne, St. Joseph, St. Andrew, St. George, St. Lawrence, St. Louis, St. James, La Fontaine, Papineau, St. Mary, Hochelaga, St. Jean Baptiste, Duvernay, St. Gabriel, St. Denis, Ste. Cunégonde, St. Wards of city.

Henry, Mount Royal and de Lorimier, and each of such wards is comprised between the following boundaries and limits."

b. By replacing paragraph 18 by the following :

Mount Royal
Ward.

" 18. Mount Royal ward, comprises the territory described in paragraphs *b* and *c* of article 5."

c. By adding the following after paragraph 18 :

Boundaries
of de Lori-
mier Ward.

" 19. The boundaries and area of deLorimier ward shall be those mentioned in paragraph *d* of article 5."

Id., s. 37,
amended.

3. Article 37 of the act 62 Victoria, chapter 58, is amended by adding the following paragraph thereto :

Certain dis-
qualification
not to apply
to certain
suits.

" The disqualification pronounced in this article against the mayor or any alderman interested in any suit for expropriation, shall not apply to suits in expropriation enacted by the Legislature."

Id., s. 39,
replaced.

4. Article 39 of the act 62 Victoria, chapter 58, is replaced by the following :

Salaries of
aldermen,&c.

" **39.** Every alderman shall receive, out of the funds of the city, as an indemnity or compensation for his services during his term of office, an annual sum of \$1,000.00 ; every alderman elected chairman of a standing committee shall be entitled to an additional indemnity of \$500.00 per annum, with the exception of the chairman of the finance committee and of the chairman of the roads committee, who shall each be entitled to an additional yearly remuneration of \$1,000.00 ; provided that there shall be deducted from such indemnity, for each alderman, a sum of \$10.00 for every failure to attend a regular meeting of the council and a sum of \$3.00 for every failure to attend any meeting of a standing committee of which he is a member.

Proviso.

This article shall take effect only if the number of aldermen is reduced under the referendum enacted by the act 9 Edward VII, chapter 82".

Id., ss. 40,41,
replaced.

5. Articles 40 and 41 of the act 62 Victoria, chapter 58, as replaced by the act 3 Edward VII, chapter 62, section 5, are again replaced by the following :

Permanent
committees.

" **40.** The council shall appoint every second year at its first monthly meeting of February after the general elections, from its members, as many permanent committees as it may deem necessary for the supervision of the administration of the several civic departments for which they are respectively named.

Functions of
committees.

Such committees shall also take cognizance of and report to the council on all matters specially submitted to them by the council.

In case the delay granted for any recount should not have expired at the date of the first monthly meeting in the month of February after the elections, the appointment of the committees shall be made at one of the following meetings, which shall be specially convened for that purpose during the month of February.

The council may, likewise, at any time, appoint special committees to inquire into all such facts and matters as it may deem expedient to submit to them, and such committees shall inquire into such facts and matters and report thereon.

“ **41.** The council shall also appoint every second year in the same manner a finance committee composed of seven of its members.”

6. Article 285 of the act 62 Victoria, chapter 58, is replaced by the following :

“ **285.** With the exception of the months of July and August the council shall meet regularly once a month, to wit: on the second Monday of each month.

The members of the council shall be notified thereof in the same manner as hereinafter provided for special meetings.

The meetings of the council shall be open to the public.”

7. 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, and 8 Edward VII, chapter 85, section 15, is again amended by replacing paragraphs 54 and 92, by the following :

“ 54. To regulate the location, construction and use of breweries, cow-stables, horse-stables, livery stables, blacksmiths' shops and foundries within the limits of the city, or prohibit the building of new ones.

“ 92. To adopt the by-laws which the council may judge necessary in order to prevent accidents in winter caused by the accumulation of snow or ice on the sidewalks and roofs of dwellings or other buildings ; and for such purpose to determine in what manner the said sidewalks and roofs shall be maintained.

Every person bound by the law or the by-laws of the council to keep the sidewalks or roofs in good order, shall be responsible to the city for all damages resulting from the bad condition of such sidewalks or roofs as well as for every infraction in this connection, and may be called in warranty by the city in any suit instituted against the latter for the recovery of such damages, and shall be held to indemnify it for any condemnation on such suit.

Actions in warranty.	Actions in warranty taken under this paragraph shall be governed by the rules of procedure governing simple warranty."
Id., s. 300, further amended.	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, and 8 Edward VII, chapter 85, section 15, is further amended by replacing paragraph 119 by the following :
Drawing plans of certain streets.	" 119. To draw plans of streets extending from the city limits to the confines of or to any place on the island of Montreal for the purpose of having a general plan of the streets throughout the island.
Notice to municipalities interested, &c.	The city shall first, by special notice duly served, convene a conference of all the municipalities interested which conference shall be held at the place, day and hour specified in the notice. The delay shall be of at least thirty clear days between the service and the day specified.
Drawing up plans after conference.	After the conference, the plan shall be drawn up, by order of the city, in such manner as to conciliate the various opinions in so far as possible to meet the object aimed at by this article.
Deposit of plan.	When the plan of a street or of several streets shall be completed, it shall be deposited in the office of the city surveyor where it may be examined by the interested parties.
Notice of deposit.	Notice of such deposit shall be published in the manner prescribed for public notices and a special notice shall be served upon each municipality interested.
Petition for confirmation of plan, &c.	The city attorney shall apply, by summary petition, to the Superior Court or to a judge thereof, to obtain the confirmation and ratification of the plan. The notices of the deposit of the plan shall specify the place, day and hour of the presentation of the petition and the delay shall be of at least thirty clear days after the publication of the public notice and the service of the special notices.
Hearing and decision of petition.	All the interested parties shall have the right to be heard on the petition, and, if all the formalities have been fulfilled, the court or judge may confirm and ratify the plan, either purely and simply, or by ordering such changes as justice may require, or by limiting the application of the plan to such or such municipality or part of a municipality.
Deposit and certification of confirmed plan.	After the confirmation of the plan, a copy, certified by the mayor and city clerk, shall be deposited in the office of the prothonotary of the Superior Court for the district of Montreal, in each of the registry offices of the island of Montreal and in the office of the Provincial Secretary, and a copy shall be sent to each municipality interested. Such copies shall be further certified by the prothonotary of the said Superior Court in the

following terms : " Confirmed by the Superior Court on the day of "

When such formalities are fulfilled, the plan shall be binding upon every municipality concerned.

The provisions of this article shall not apply to municipalities that have already had plans of their streets made and homologated, unless they consent thereto.

As to the other municipalities, notwithstanding any provisions to the contrary, they shall, when making a plan of their streets, comply with the provisions of the Cities and Towns Act, 1903, (articles 387, 388, 389) and shall, further, give the city of Montreal special notice of the presentation of the petition for confirmation."

9. 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 ; and 8 Edward VII, chapter 85, section 15, is again amended by adding the following paragraph thereto :

" 131. *a.* To oblige every engineer having charge of any engine or steam boiler in the city, to post up his certificate or license in a conspicuous place in the engine room or furnace room ;

b. To impose a fine on every owner or lessee of an engine or boiler, for each day he employs engineers not provided with a regular certificate."

10. Article 310 of the act 62 Victoria, chapter 58, is replaced by the following :

" **310.** The council may, at any time, submit, by by-law, to the electors whose names are duly entered on the electoral lists in force, or to the real estate owners only on such lists, any matter or question affecting the interests of the city, upon which the council may deem it desirable to ascertain the opinion of the electors generally or of the real estate owners, as the case may be ; but the council shall not pass any by-law or resolution based on the opinion, so ascertained, of the electors generally or of the real estate owners in particular, without complying in all respects with the provisions of this charter.

When a by-law is to be submitted to the electors or to the owners of real estate under this article, the procedure for such purpose shall be that indicated in the thirteenth section of the charter, *mutatis mutandis*."

Revision, &c,
of municipal
by-laws, &c.

11. The following article is inserted in the act 62 Victoria, chapter 58, after article 310 :

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

Id., s. 334b,
amended, and
334c added.

12. Article 334b of the act 62 Victoria, chapter 58, as enacted by the act 7 Edward VII, chapter 63, section 12, is amended by striking out the last paragraph thereof ; and the following article is inserted in the said act 62 Victoria, chapter 58, after article 334b :

Contribution
to Montreal
Technical
School.

“ **334c.** The city shall in future contribute annually a sum of \$25,000.00 for the establishment and maintenance of the Montreal Technical School and it is authorized to take such amount out of the reserve fund.

Contribu-
tions to other
technical
schools.

The city may also pay, out of the reserve fund, for the establishment and maintenance of all other technical schools in the city of Montreal, such annual amounts as its council may determine by the vote of the majority of its members.”

Id., s. 338,
replaced.

13. Article 338 of the act 62 Victoria, chapter 58, as amended by the act 8 Edward VII, chapter 85, section 22, is replaced by the following

Consequences
of member of
council au-
thorizing cer-
tain expen-
ditures.

“ **338.** Every member of the council who authorizes, either verbally or in writing, by his vote, or tacitly, any expenditure of money exceeding the amount previously voted and legally placed at the disposal of the council or of any committee, may, at the discretion of the court according to the gravity of the irregularity or illegality, be either held personally liable therefor or be declared disqualified to sit as a member of the council or be declared incapable of being re-elected to the office of alderman for a period of two years from the commission of the irregularity or illegality, or be condemned to all such penalties or be declared not liable thereto.

No liability,
&c., in cer-
tain case.

And, in any case, the liabilities and disqualifications enacted by this article shall not exist if the council, by an absolute majority of its votes, has authorized, ratified or confirmed such expenditure of money as valid and legal.”

Id., s. 338a,
added.

14. The following article is inserted in the act 62 Victoria,

chapter 58, after article 338, as amended by the act 8 Edward VII, chapter 85, section 22 :

“ **338a.** Notwithstanding any provision to the contrary, ^{Granting of certain indemnities, &c.} the council may, by the vote of two-thirds of all its members, grant certain indemnities, annuities or gratuities to employees of the municipal service who have become unable to fulfil their duties and also vote certain sums of money for the relief of the victims of conflagrations, floods or disasters and for any other unforeseen hygienic, charitable and public interest purposes, as well as for artistic purposes, and for works designed to promote the physical and intellectual development of the population.”

15. Article 344 of the act 62 Victoria, chapter 58, as replaced ^{Id., s. 344, amended.} by the acts 7 Edward VII, chapter 63, section 13, and 8 Edward VII, chapter 85, section 7, is amended by adding the following paragraphs thereto :

“ The moneys levied under article 343 may also be employed ^{Certain moneys, how spent.} in making the greater repairs to municipal structures or buildings.

It shall however be lawful for the council during the year ^{Expenditure for repairing, &c., streets.} 1909 to take out of the amount borrowed under article 343, a sum not exceeding \$250,000.00 for the repairing or improvement of streets.”

16. Article 364 of the act 62 Victoria, chapter 58, as amended ^{Id., s. 364, amended.} by the acts 3 Edward VII, chapter 62, sections 37 and 38 ; 4 Edward VII, chapter 49, sections 13 and 14 ; and 7 Edward VII, chapter 63, sections 21 and 22, is again amended by replacing paragraphs *f* and *z* by the following :

“ *f.* A special tax, not exceeding \$200.00 on servants' ^{Special tax on certain registry offices, &c.} registry offices, public laundries, persons keeping private hospitals, hawkers, peddlers, canvassers, hucksters, second-hand dealers and on all itinerant traders doing business in the city and a special tax not exceeding \$50.00 on real estate agents.

Such tax shall not be exigible from any advocate or notary ^{Certain advocates, &c., exempt from certain tax.} having an advocate's or notary's office, and who, occasionally and in the ordinary course of his professional business, sells or purchases immoveables for others, or leases the same or makes investments for his clients.

For the purposes of this paragraph, it shall be lawful for the council to define, by by-law, the meaning of the words ^{Defining of certain words by council.} “peddler, canvasser, huckster and itinerant trader,” but the expression “canvasser” shall not apply to commercial travellers.”

“ *z.* A special tax not exceeding \$500.00 on every concert ^{Special tax on concert halls, &c.} hall or hall for theatrical representations or for the exhibition of moving pictures ; a special tax not exceeding \$100.00 on

every dancing hall ; a special tax not exceeding \$50.00 on every museum, or hall of amusement whatsoever where an entrance fee is paid.

Placing firemen at disposal of certain persons.

In order to prevent fire, the city may place one of its firemen in concert halls, halls for theatrical representations or for the exhibition of moving pictures, during each representation given in such halls."

Id., s. 365*b*, added.

17. The following article is inserted in the act 62 Victoria, chapter 58, after article 365*a*, as enacted by the act 3 Edward VII, chapter 62, section 39 :

Certain special taxes how payable.

" **365*b*.** Any special tax imposed in virtue of article 364 shall be payable for each commercial establishment kept by the same person, firm or company in two or more distinct or separate buildings or places of business."

Id., s. 381*a*, added.

18. The following article is inserted in the act 62 Victoria, chapter 58, after article 381 :

Contestation as to valuation of immoveable.

" **381*a*.** In the event of a contestation arising as to the valuation of an immoveable, such contestation shall apply to the total valuation of the immoveable and not merely to the valuation of the land or to that of the buildings."

Id., s. 394, replaced.

19. Article 394 of the act 62 Victoria, chapter 58, is replaced by the following :

Supplementary roll.

" **394.** At any time after the completion of the valuation and assessment rolls and the municipal and school tax rolls, the assessors shall make a supplementary roll, containing the names of all persons omitted from the first rolls or who have since become liable for the payment of any assessments or municipal and school taxes, and such supplementary roll shall be closed on the thirty-first of December, and shall not be subject to any revision."

Id., ss. 419*b*, 419*c*, added.

20. The following articles are inserted in the act 62 Victoria, chapter 58, after article 419*a*, as enacted by the act 7 Edward VII, chapter 63, section 30 :

Applications for services, &c., in or on lanes, &c.

" **419*b*.** When the owners of property on any lane desire a sewer, sidewalk, pavement or stone curbing, or when the property owners in any locality desire the opening, widening, extension, or diversion of any lane, application shall be made to the city surveyor for a form of petition to the council to that effect. When such petition is signed by two-thirds in number of the owners representing more than one-half the value of the property to be benefited by the work or improvement, the council may proceed therewith and assess the cost against the properties benefited.

If the signatures of two-thirds in number of the property owners representing more than one-half in value of the property cannot be obtained, the petition may nevertheless be presented to the council, and if the latter, on the recommendation of the city surveyor, finds the work is necessary and in the public interest, it may direct that it be proceeded with, unless a majority of the property owners interested representing more than one-half the value of the property to be assessed, petition against the same within a month after the council has given notice of its intention to proceed with such work.

Procedure if certain proportion of signatures not obtained.

Notwithstanding any petition to the contrary, the council, if it deems the same necessary in the public interest, may, by a three-fourths vote of the whole council, order the work to be done and assess the cost thereof upon the properties benefited.

Order to do work in certain case.

" **419c.** The city is authorized, by by-law or resolution of its council, to acquire by mutual agreement any immovable on which buildings are erected between the old line and the new homologated line of any street already partially widened. The total cost of such acquisition shall be payable by the owners of immoveables bordering upon any such street, in proportion to the extent of the frontage of such immoveables, as shown on the valuation roll, irrespective of the buildings thereon erected. The said roll, when certified by the city surveyor and filed with the city treasurer, shall be equivalent to and have the same force and effect as a final roll for a special assessment, and the amounts therein shall thereupon become due and payable within thirty days from the date of the filing of such roll.

Acquisition of certain buildings.

Cost of acquisition, &c.

The amount to be paid for the acquisition of any such immovable, shall, in no case, exceed the municipal valuation as shown on the assessment roll then in force, plus twenty per cent."

Limit of amount to be paid.

21. Article 533 of the act 62 Victoria, chapter 58, as replaced by the act 4 Edward VII, chapter 49, section 22, is again replaced by the following :

Id., s. 533, replaced.

" **533.** Whenever it is necessary that a public or special notice be given in the newspapers, in virtue of the law, such notice shall be published only once in two English and once in two French daily newspapers published in the city and shall be published in the *Municipal Gazette*, for reference as long as the said *Gazette* is published."

Publication of certain notices.

22. The following article is inserted in the act 62 Victoria, chapter 58, after article 545 :

Id., s. 545a, amended.

" **545a.** The city may, through its officials duly authorized

Purchase of

certain im-
moveables.

to that effect, purchase any immoveables sold by authority of justice whenever it may deem it necessary in order to ensure the collection of its taxes and assessments or to protect its interests generally."

Id., s. 546a,
enacted.

23. The following article is inserted in the act 62 Victoria, chapter 58, after article 546, as replaced by the act 63 Victoria, chapter 49, section 13 :

Fire, &c.,
stations on
Mount Royal
Park.

" **546a.** The city may also build one or more fire and police stations in Mount Royal Park."

Special as-
sessment roll
re certain
sewer.

24. The city is authorized to order, by resolution, the preparation of a special assessment roll by the city surveyor for the apportionment of one-half of the cost of the sewer constructed by the corporation of the village of de Lorimier, on Iberville street, north and south of the Canadian Pacific Railway track, to Masson street.

Apportion-
ment whom
to affect.

Such apportionment shall only affect the owners of immoveables bordering upon the north side of the said Iberville street between the above mentioned limits, and shall be made according to the formalities and provisions of the by-laws concerning sewers and in accordance with the plan prepared by the city surveyor.

Certain by-
laws to be
sanctioned
by L.-G. in
Council.

25. Every by-law of a municipal corporation on the island of Montreal granting a right, franchise or privilege for a period of time exceeding ten years shall be sanctioned by the Lieutenant-Governor in Council, and such sanction shall not be given until after a notice of fifteen days has been sent to the city of Montreal and a copy of such by-law has been forwarded to the said city at the same time.

Acquisition
of Côte Visi-
tation road,
&c.;

26. The city is authorized to acquire :

1. The Côte Visitation road, from Papineau avenue, to the Côte St. Michel road ; the Côte St. Michel road from Côte Visitation road to the boundary separating the municipality of Rosemont from the parish of Sault-au-Recollet ; and the Côte St. Michel road from the boundary above mentioned to the St. Leonard road, according to a plan of the said roads, dated the tenth February, 1909, and deposited in the office of the city surveyor ;

Certain
rights, &c.,
of certain
persons, &c.

2. The rights, privileges and advantages belonging to or exercised by any person, trustee, commission or corporation under whose control the said roads are when the city acquires them.

3 Ed. VII, c.

27. Section 52 of the act 3 Edward VII, chapter 62, as

amended by the acts 4 Edward VII, chapter 49, sections 25 ^{62, s. 52,} and 26 ; 5 Edward VII, chapter 40, section 1 ; 5 Edward VII, ^{amended.} chapter 41, section 1 ; 7 Edward VII, chapter 63, section 49 ; and 8 Edward VII, chapter 85, sections 20 and 21, is again amended by adding the following paragraphs thereto :

22. The city is authorized to extend, by purchase, by mutual ^{Opening part} agreement or by expropriation, Sherbrooke street, from ^{of Sher-} de Lorimier avenue to Papineau avenue. ^{brooke street.}

The cost of such improvement shall be paid one-half by the ^{Cost of such} owners of immoveables fronting on Sherbrooke street between ^{opening.} de Lorimier avenue and Papineau avenue or road, and one-half by the city.

“ 23. To open Elizabeth street, from Fullum street to that ^{Opening of} part of the said street belonging to the city, according to a ^{part of Eli-} plan prepared for the purpose. ^{zabeth street.}

The total cost of such improvement shall be paid as follows : ^{Cost of im-} \$1,000.00 by the city and the balance by means of an appor- ^{provement,} tionment on the proprietors of immoveables situate on each ^{how paid} side of the portion of the expropriated territory ;

“ 24. To open, during the current year, by purchase, by ^{Opening} mutual agreement or by expropriation, Johnstone street from ^{Johnstone} St. Christophe lane to St. Hubert street. ^{street.}

The total cost of such improvement shall be paid as follows : ^{Cost thereof,} \$200.00 by the proprietors of immoveables fronting or bordering ^{how paid.} on that portion of the street belonging to the city ; \$200.00 by the proprietors of immoveables bordering on the portion of the road to be expropriated, and the balance by the city ;

“ 25. To widen Rivard street from Laurier avenue to Lamo- ^{Widening} ricière street, at the approximate cost of \$14,217.17. ^{Rivard street}

The cost of such improvement shall be payable by the pro- ^{Cost, how} prietors of the immoveables situate on both sides of Rivard ^{paid.} street between Mount Royal avenue and Lamoricière street.

“ 26. The city shall, during the current year, open Laurier ^{Opening of} avenue from the section of that street owned by the city up to ^{Laurier} and including Brebœuf street, according to the homologated ^{Avenue.} plan.

The cost of such improvement shall be paid as follows : ^{Cost, how} \$500.00 by the owners of immoveables fronting on that part ^{paid.} of the street belonging to the city and the balance by the city. The indemnity payable for such expropriation shall, notwithstanding any law to the contrary, comprise the real value of the property expropriated and the damages caused by the expropriation, if any, and it shall be determined in accordance with the provisions of the act 54 Victoria, chapter 38.”

28. The city is authorized to order by resolution adopted ^{Improve-} by the majority of the members of the whole council and to ^{ments au-} have the following improvements carried out : ^{thorized.}

Enlarging Lafontaine Park ; *a.* To enlarge La Fontaine Park on the east by expropriating the immoveables situate in Duvernay ward to the south of La Fontaine Park Avenue, formerly Rachel street and in Papineau ward, west of Papineau avenue.

Extension of certain delay. The delay mentioned in article 427*a* of the charter is extended to the first of January, 1910, without however affecting rights resulting from pending cases ;

Widening Papineau Avenue. *b.* To widen Papineau avenue at the south-eastern and south-western corners of Dorchester street, by expropriating lots Nos. 231, 228, part of lot No. 229 and part of lot No. 227 of the cadastre of St. Mary's ward.

Cost, how paid. The cost of the two above improvements described in paragraphs *a* and *b*, shall be payable by the city out of the funds of the loan the city is already authorized to effect in the public interest ;

Acquisition of certain property for Mount Royal Park. *c.* To acquire, by mutual agreement or by expropriation, for the purpose of enlarging Mount Royal Park, the property now belonging to the J. Redpath estate, situate above Pine avenue and known as part of lot No. 1755 of the official plan and book of reference of St. Antoine ward of the city of Montreal.

Price to be paid therefor. The price to be paid for the acquisition by mutual agreement or by expropriation of the said property 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 compensation to be paid to the proprietor shall be determined in accordance with the provisions of the act 54 Victoria, chapter 38 ;

Acquisition of land to increase access to Park. *d.* To acquire, by mutual agreement or by expropriation, the land required to give additional access to Mount Royal Park, opposite Mountain street.

Price to be paid therefor. The price to be paid for the acquisition by mutual agreement or by expropriation of the said property 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 compensation to be paid to the proprietor shall be determined in accordance with the provisions of the act 54 Victoria, chapter 38 ;

Opening St. Lawrence Boulevard. *e.* To open St. Lawrence boulevard from Notre-Dame street to Commissioners' street and to acquire the necessary land for such opening, as well as the land fronting on the proposed street.

Price to be paid therefor. The price to be paid for the acquisition by mutual agreement or by expropriation of the said property 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 compensation to be paid to the proprietor shall be

determined in accordance with the provisions of the act 54 Victoria, chapter 38;

f. To expropriate the immoveables required for straightening the line of Roy street in La Fontaine ward, from St. Andrew street to St. Christophe street, according to the homologated plan. Expropriation for straightening certain streets.

Paragraph 5 of section 52 of the act 3 Edward VII, chapter 62, as amended by the acts 4 Edward VII, chapter 49, sections 25 and 26 ; 5 Edward VII, chapter 40, section 1 ; 5 Edward VII, chapter 41, section 1 ; 7 Edward VII, chapter 63, section 49 ; and 8 Edward VII, chapter 85, sections 20 and 21, is repealed ; 3 Ed. VII, c. 62, s. 52, par. 5, repealed.

g. To open Drolet street, from Palace street to Laurier avenue ; Opening Drolet street ;

h. To widen Dorchester street, on the northwest side, between St. Lawrence boulevard and Cadieux street by the expropriation of a strip of land about eighteen feet wide on Cadieux street and about nineteen feet wide on St. Lawrence boulevard, to conform to the width of Dorchester street, west of St. Lawrence boulevard. Widening Dorchester street ;

The price to be paid for the acquisition by mutual agreement or by expropriation of the said strip of land shall, notwithstanding any law to the contrary, be the real and actual value of the immovable at the time of its acquisition by mutual agreement or of its expropriation and, in the event of expropriation, the compensation to be paid to the owner shall be determined according to the provisions of the act 54 Victoria, chapter 38. Price payable therefor.

i. To acquire, by mutual agreement or by expropriation, for the purpose of enlarging Mount Royal Park, according to the plan prepared by the city surveyor, a piece of land belonging to the estate of Alexis Brunet, bounded to the north and west by Notre-Dame des Neiges cemetery and by the Côte des Neiges road, and to the south and east by Côte des Neiges road and Mount Royal Park, extending along Côte des Neiges road from Shakespeare road to the road leading from Côte des Neiges road into the park, near Westmount avenue, and comprising in all about 800,000 square feet. Acquiring, &c., certain land to enlarge Park.

The price to be paid for the acquisition by mutual agreement or by expropriation of the said property shall, notwithstanding any law to the contrary, be the real and actual value of the immovable at the time of its acquisition by mutual agreement or of its expropriation, and, in the case of expropriation, the compensation to be paid to the proprietors shall be determined in accordance with the provisions of the act 54 Victoria, chapter 38; Price to be paid therefor.

j. To acquire by mutual agreement or by expropriation, part of the following lots or all the said lots fronting on Pine avenue Acquisition, &c., of certain lots.

or contiguous to Mount Royal Park and bearing the following numbers of the cadastre : 1862, 1B, 1A, 1, 2A, 2-1, 2-2, 2-3, 2-4, 2-5, and 2-6.

Price payable therefor. The price to be paid for the acquisition by mutual agreement or by expropriation of the said property 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 compensation to be paid to the proprietor shall be determined in accordance with the provisions of the act 54 Victoria, chapter 38;

Widening of Mountain street. *k.* To complete the widening of Mountain street from Notre-Dame street to Dorchester street, according to the homologated plan of the city.

Complete widening of part of Guy street ; *l.* To complete the widening of Guy street from St. James street to Dorchester street, according to the homologated plan of the city ;

And of part of Roy street. *m.* To complete the widening of Roy street from Notre-Dame street to St. James street, according to the homologated plan of the city ;

And of part of St. David street. *n.* To complete the widening of St. David street from Notre-Dame street to St. Antoine street, according to the homologated plan of the city.

Price of acquisition to be real value, &c. The price to be paid for the acquisition, by mutual agreement or by expropriation, of the properties required for the purposes of subsections *k*, *l*, *m* and *n* 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 event of expropriation, the compensation to be paid the owner shall be determined according to the provisions of the act 54 Victoria, chapter 38.

Loan to pay cost of certain improvements. 2. The cost of each of the improvements authorized by this section with the exception of subsections *a* and *b* shall be paid by means of a loan contracted in accordance with article 348 of the charter, provided, however, that it shall not be necessary to submit any such loan to the approval of the proprietors of taxable immoveables within the city limits.

How certain moneys applied. 3. All sums of money derived from the sale of expropriated materials, buildings and land shall be used, in each case, to defray so much of the cost of such improvement. Such sale shall be by public auction or by mutual agreement.

Expropriation of plant, &c., of M. W. & P. Co., &c. **29.** The city is authorized by by-law to acquire, by expropriation, as a going concern the whole of the undertaking and working plant of the Montreal Water and Power Company, with all the active and passive servitudes belonging to said company, either under contracts or agreements 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 the 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 that purpose, for a period of forty years with a sinking fund and at a yearly rate of interest of not more than four per cent per annum, a sum not exceeding the amount of the arbitrators' award and of the costs and expenses.

The city is further authorized to acquire by purchase after a report of valuers made according to this section determining the total amount to be paid and liabilities 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, a sum not exceeding one million and twenty thousand dollars for a period of forty years with a sinking fund at a rate of interest not exceeding four per cent per annum.

Should the city make the acquisition provided for by this section by means of expropriation, the value of such acquisition shall be estimated by arbitrators appointed as follows : 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 of the company and the individual agreements entered into between the said company and the other municipalities now served by it.

30. The city is authorized to apportion the sum of \$1,500.00, being one half of the price of \$3,000.00, it has paid for the south-eastern portion of lot No. 1,139

Loan there-
for.

Acquisition
of company's
shares

Loan there-
for.

Price, how
fixed.

Contracts of
company to
be respected,
&c.

Apportion-
ment of cer-
tain money,
&c.

the cadastre of St. Mary's ward, acquired from Mrs Mann and intended for the extension of Gauthier street, on the proprietors of immoveables situate on both sides of the extension of such street. Such apportionment shall be made in accordance with the provisions of the charter respecting expropriations for local improvements.

Certain contracts with C. P. R. Co., &c., confirmed, &c.

31. The contracts entered into with both the Canadian Pacific Railway Company and with the Montreal Land and Improvement Company, on the seventh of January, 1904, and reproduced in schedules A and B to this act, are hereby ratified and confirmed, and the prescription of the special tax or assessment imposed in accordance with the provisions of the city charter for the purpose of paying the cost of the sewer constructed on Nicolet street, from Ontario street to Nolan street, shall begin to run in favor of the Montreal Land and Improvement Company, its representatives and assigns, only from the end of the period of ten years mentioned in the above deed between the city and the Montreal Land and Improvement Company, and when the said tax becomes exigible, the same shall be payable by privilege as provided in article 405 of the charter, and in case of non-payment thereof, the city may have the immoveables subject thereto sold, by observing the formalities prescribed by the charter in such cases.

Guaranteeing certain bonds &c.

32. The city is authorized to pass a by-law to guarantee the principal and interest of the bonds of the association known as "The Montreal Industrial Exposition Association" to the amount of \$600,000.00, provided the city shall have a first mortgage for all sums, the payment whereof it shall guarantee, registered against the grounds and buildings of the association.

Certain collection roll confirmed, &c.

33. The collection roll dated the twentieth of June 1902, respecting the annual expropriation of Hutchison street, is ratified and confirmed, but the city shall pay the costs of the contestation now pending before the Superior Court.

Certain roll cancelled, &c.

34. In the matter of the expropriations for extension of Lemoine street, the existing roll of special assessment, dated the sixth of October 1903, is cancelled and revoked, and the city shall forthwith pay the costs of the contestation thereto relating now pending before the Superior Court in Montreal, and may, thereupon, levy the cost of the expropriation on the proprietors of the West Ward, in proportion to the frontages of their properties, as indicated on the valuation roll, irrespective of the buildings erected thereon, and the city surveyor is

authorized to prepare a roll of assessment to such effect in accordance with the provisions of article 450.

35. The roll prepared by the city surveyor in accordance with the provisions of article 450 of the act 62 Victoria, chapter 58, as amended by the act 7 Edward VII, chapter 63, section 37, apportioning one-half the cost of the said expropriation on the proprietors of St. Andrew's ward in proportion to the frontage of their properties, as indicated in the valuation roll, irrespective of the buildings erected thereon, is ratified and confirmed and the city is authorized to take all steps necessary for giving effect thereto.

The city shall pay all the costs incurred through the contestation of the said roll before the court, including an additional amount not exceeding \$250.00 to pay the fees and disbursements of the attorney of the opposants before the Legislature.

36. By-law No. 384 intituled: "By-law to establish a high pressure water system in district No. 1 of the city," adopted conditionally on the twenty-first of October 1908, and a copy whereof is reproduced in schedule C to this act, is ratified and confirmed, except as regards section 4 of the said by-law, which is replaced by the following :

"4. The cost of establishing the said system and all expenses incurred for such purpose shall be apportioned, by the city surveyor, by means of a roll of apportionment made, *mutatis mutandis*, according to the provisions of article 450 of the charter, imposing annually on the proprietors of immoveables situate in the said district, in proportion to the valuation of such immoveables as entered on the valuation roll, a contribution sufficient to pay the interest and the portion of the sinking fund exigible every year."

The tax imposed by section 4 of the said by-law, as amended, on the proprietors of immoveables shall not be discharged by the judicial sale of the said immoveables nor be extinguished by prescription.

37. The city is authorized to erect, purchase or otherwise acquire and operate works for producing electricity by the incineration of garbage or by means of coal or by means of water-power and to manufacture and purchase electricity for lighting the streets, parks and public squares of the city as well as the various municipal buildings and generally for all other purposes for which the city may require electric power.

To obtain the necessary funds for carrying out the powers conferred on it by this section, the city is authorized to issue bonds, debentures or inscribed stock to the amount of \$2,000,000.00.

Approval of property owners, &c.

The powers and loan authorized by this section shall be subject to the previously obtained approval of the property owners in accordance with the provisions of article 348 of the act 62 Victoria, chapter 58, as replaced by the act 3 Edward VII, chapter 62, section 32.

Certain articles repealed.

38. Articles 566 and 567 of the act 62 Victoria, chapter 58, and articles 62, 63, 64, 65, 66, 67 and 69—as regards underground conduits only—and 70 of the act 7 Edward VII, chapter 63, and article 23 of the act 8 Edward VII, chapter 85, are repealed.

Construction, &c., of underground conduits.

39. 1. The city is authorized to construct, administer and maintain, with the right to regulate the use thereof, a system of underground conduits, wherein shall be placed all telegraph, telephone, electric light and power wires, street railway feeder and other lines (exclusive of trolley wires) and cables and transmission lines belonging to any person, firm, syndicate, company or corporation, now or in the future, having or exercising rights or privileges in, on or above the streets, public or private lanes, thoroughfares or other places; such conduits to be of sufficient size and capacity not only to fulfil the present requirements, but to provide to a reasonable extent for future requirements.

Information to city re underground conduits.

As the city decides to construct underground conduits in any part of the city, the said companies, persons, firms, syndicates or corporations shall, upon notification, furnish such necessary information as may be asked for by the city and shall state what portion of the underground conduits they wish to reserve.

Fine in certain case.

The city is authorized to impose a fine of \$25.00 for each day such companies remain in default after sixty days from the date of such notification.

Proviso.

This section shall not be interpreted as allowing the city to administer the installations of the various companies.

Removal of overhead wires, &c.

2. As the city shall construct such underground conduits, or portions of the same, in certain streets or portions of streets, public or private lanes, thoroughfares or other places, the council may compel the persons, firms, syndicates, companies or corporations having, operating or maintaining overhead wires or cables, poles and transmission lines, to remove the said overhead wires and cables, poles and transmission lines (exclusive of trolley wires); and only suitable conductors shall be installed in such underground conduit system, in the manner specified by the council.

Appeal to Public Utilities' Commission, &c.

Should any person, firm, syndicate, company or corporation refuse to place such wires in the said underground conduits in the streets, lanes or public squares where he or it previously

had overhead wires, an appeal shall lie to the Quebec Public Utilities Commission which may compel him or it to do so if it considers it reasonable.

Separate openings or separate compartments in the openings shall be given to each company or person using the said conduits when asked for and provided the same is practicable. If the Electrical Commission of the city of Montreal should refuse separate openings to a person or company generally or in particular cases, an appeal shall lie to the Quebec Public Utilities Commission which shall decide the question and determine who shall bear the costs.

The conduits shall be so constructed that a permanent wall of brick or other non-conducting material shall separate completely and effectively that part of the conduits in which the electric light or power wires are placed from that part in which the telegraph, telephone and signal wires are carried and the entrance to each part of the conduit shall be by separate manhole openings.

3. Notwithstanding any law to the contrary, neither the city nor any person, firm, syndicate, company or corporation shall hereafter have any right to plant poles or string wires, or cables, and no person, firm, syndicate, company or corporation, except the city of Montreal shall have the right to construct underground conduits in or across the streets, parts of streets, public squares and thoroughfares where municipal conduits have been or are being built, nor shall the city council have the authority to grant any such rights to any one whomsoever, excepting for trolley poles, street lamp poles, and such distribution poles as may be found necessary by the city.

4. Whenever the city shall have ordered the removal of poles, wires and overhead constructions, compensation shall be awarded the owners of such poles, wires and overhead constructions for the real value, at such time of the materials including the installation so expropriated, such compensation to be determined by three competent arbitrators appointed as set forth in paragraph 6 of this section. After such compensation has been paid, the said poles, wires and overhead constructions and all materials expropriated shall become the absolute property of the city which shall have them removed.

5. Whenever the city has decided to place the electric service underground in any streets, lanes, public squares and places, or portions thereof, it shall take over the existing underground conduits in such streets, lanes, public squares or places or portions thereof, owned or operated by any person, firm, syndicate, company or corporation, and shall pay reasonable compensation for such underground conduits and also for cables and appurtenances so rendered useless.

To become city's property after expropriation, &c.

After such compensation has been paid, the underground conduits and all materials so expropriated shall become the absolute property of the city. The compensation for the conduits and materials shall be determined as set forth in paragraph 6 of this section.

Compensation to be fixed by arbitrators, &c.

6. All compensations shall be fixed and determined in the manner provided by the provisions of the Revised Statutes governing expropriations by railway companies, (article 5164.) When the city notifies the persons, firms, syndicates, companies or corporations of its intention to construct underground conduits in a portion of the city, it shall file its application for the appointment of the said arbitrators with a judge of the Superior Court.

Hearing and award, &c.

The arbitrators shall hear the interested parties and give their award within four months from the date of their appointment unless such delay be extended by the arbitrators. The decision of the majority of the arbitrators shall be final and binding upon the city and persons, firms, syndicates, companies or corporations.

Connection of main trunk lines with distributing lines, &c.

7. The city is authorized to determine the method and means of connecting the main trunk lines with the distributing lines and of making the service connections. It may construct, administer and maintain distributing ducts, charging a rental therefor, to be determined as hereinafter set forth, or it may allow the persons, firms, syndicates, companies or corporations to construct their own distributing ducts under the supervision and with the approval of the council, and delegate to them, in particular instances, its powers granted by this or previous acts.

Construction, &c., of ducts, &c.

Fixing, &c., of underground constructions, &c.

8. The city is authorized to fix, determine, charge and receive rentals on all underground constructions reserved by the persons, firms, syndicates, companies or corporations, and all overhead constructions owned by the city. Such rentals shall be fixed from year to year, to cover the cost of maintenance and administration of the same, the interest and sinking fund calculated in such manner as to extinguish the debt in not less than forty years on the capital invested by the city for the construction or purchase of such underground conduits, as well as the salaries and expenses of the Electrical Commission. When the said debt has been extinguished, the rental shall no longer include the interest and sinking fund on the extinguished debt; but the amount of such rentals for each person or company shall be in proportion to the portion of the conduits occupied or reserved by him or it.

Tenders for construction of conduits, &c.

Tenders shall be called for for the construction of the said conduits and any company coming under the operation of this section may tender for the construction of the said conduits,

and an appeal shall lie from the acceptance of such tender to the Quebec Public Utilities Commission.

9. The city is authorized to enter in and upon any private property, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances, without the consent of the proprietors thereof ; but compensation shall be given in the manner set forth in paragraph 6 of this section for all real damages caused by the work done, or in consequence of such obstructions.

Entry on private property to place wires, &c.

10. The city council, in order to provide funds for the compensation payable in consequence of the expropriations and for the construction, establishment, administration and maintenance of the said conduit system, may issue, bonds, debentures, or inscribed stock, to the amount of \$5,000,000.00, in the manner prescribed by article 345 of the charter.

Issue of bonds &c., re conduit system.

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 purpose of this undertaking.

Electrical Commission of City of Montreal.

Such commission shall consist of three competent engineers, as hereinafter provided, to prepare and draw up complete plans, drawings and specifications of underground conduits for that portion of the city of Montreal in which it is intended to construct underground conduits, which plans, drawings and specifications, when prepared, shall be submitted 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.

Personnel and duties 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 a French and in an English newspaper, register 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 commission.

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.

Appointment by judge in certain case.

Commission to draw up rules, &c.

Such commission shall draw up the 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.

Appointment of engineer to supervise, &c., conduits, &c.

As soon as the said plans, drawings, and specifications of the underground conduits and the rules and regulations mentioned in the foregoing paragraph are approved by the Quebec Public Utilities Commission and the contract or contracts for the construction of the underground conduits are given out by the city of Montreal, the city shall, with the approval of the Quebec Public Utilities Commission, appoint a competent engineer who shall alone have the direction and supervision of the construction and maintenance of the said underground conduits and as soon as such appointment is made, the duties of the three members composing the Electrical Commission shall cease and determine and such commission shall then consist of the engineer so appointed.

Salaries, &c., of members of Commission.

The salaries of the members of the said commission charged with the preparation of the plans, drawings and specifications, rules and regulations, and that of the permanent engineer charged with the supervision of the construction and maintenance of such conduits, shall be fixed by the city subject to the approval of the Quebec Public Utilities Commission, and none of the said engineers shall be dismissed except by the Quebec Public Utilities Commission, after hearing the interested parties.

Vacancies, how filled.

Vacancies occurring in the said commission charged with the preparation of the said plans, drawings and specifications, rules and regulations, shall be filled in the same manner as the appointment was first made.

Appeal to Public Utilities' Commission.

An appeal shall lie to the Quebec Public Utilities Commission by the city of Montreal, or by the persons or 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.

Notice to city by certain companies.

40. Notwithstanding any law to the contrary, no person, company or corporation exercising franchises and having acquired rights, shall do any work in the streets of the city of Montreal or lay rails, put up wires or poles or construct conduits without giving notice to the city and unless such work be done under the direction, in the manner and in the places indicated by the city surveyor, namely : in any street, lane or thoroughfare, and the city shall always have the right to compel such persons and companies to remove their overhead wires and cables, poles and transmission lines, as provided by this act.

41. Save and except what is contained in sections 39 and 40, nothing in this act shall be interpreted as adding or as being prejudicial to the rights acquired by companies under contracts lawfully in force or under acts of the Legislature. Certain contract rights not affected.

42. This act shall in nowise affect the rights and obligations of the city under its contract with the Montreal Street Railway Company. Contract with M. S. R. not affected.

43. The resolution of the city council adopted on the 16th November, 1908, and reproduced in Schedule D to this act, respecting the granting of a year's salary to Z. Benoit, chief of the fire-brigade and who resigned after more than twenty years' service, is ratified and confirmed, and such grant shall be paid out of the reserve fund of the city. Certain resolution ratified.

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

SCHEDULE A

On this seventh day of January, one thousand nine hundred and four.

Before ROBERT A. DUNTON, the undersigned notary public for the Province of Quebec, residing and practising in the city of Montreal.

APPEARED :

THE CANADIAN PACIFIC RAILWAY COMPANY, a body corporate duly incorporated having its head office and chief place of business in the said city of Montreal, herein acting and represented by SIR THOMAS SHAUGHNESSY, the president of said company and A. R. G. HEWARD, the assistant secretary thereof both of Montreal aforesaid, duly authorized for the purposes hereof by a resolution of the executive committee of the board of directors of said Company passed at a meeting thereof held on the twenty-eighth of December last, (1903), a certified copy of which resolution is hereto annexed identified by the signature of the undersigned notary, *ne varietur*.

Of the first part ;

AND

THE CITY OF MONTREAL, a body politic and corporate having its office and principal place of business in the city hall, in the east ward of the said city of Montreal, herein acting by his Worship the Mayor, JAMES COCHRANE, Esquire, member of the Provincial Legislature, residing in said city of Montreal.

Of the second part ;

Which said parties declared to said notary as follows :

The said party of the first part has ceded and by these presents does cede, transfer and convey with legal warranty, unto the city of Montreal aforesaid, thereof accepting :

That portion or strip of land required for the opening or extension of Nicolet street from Ontario street to Nolan street, in the Hochelaga ward of the said city of Montreal, being the western half of said Nicolet street at said locality belonging to said party of the first part and which said strip of land may be described as follows :

1. A parcel of land situate in the Hochelaga ward of said city of Montreal, forming part of lot subdivision number two hundred and ninety-nine on the subdivision plan and book of reference thereof, of lot number twenty-two on the official plan and book of reference of the incorporated village of Hochelaga, (part of 22-299) and forming part of Nicolet street as shown on said subdivision plan, said parcel of land hereby conveyed bounded to the north-east by another part of said subdivision lot (22-299), also forming part of Nicolet street, to the southeast by another part of said subdivision lot (22-299) forming also a part of Nicolet street, said south eastern boundary being a continuation in a straight line of the north-west side line of Ontario street; to the south-west by lots subdivisions five hundred and seventy-four and five hundred and seventy-five (the latter being a lane) on the subdivision plan of lot number twenty-three upon said official plan (23-574 and 575) and to the north-west by lot subdivision three hundred upon the said subdivision plan of said official lot number twenty-two (22-300), also forming part of Nicolet street hereinafter next described and measuring said parcel of land twenty-five feet in width by one hundred and twenty-five feet in length and containing in area three thousand one hundred and twenty-five feet, English measure (3125).

2. That certain parcel of land situate in the said Hochelaga ward of the said city of Montreal, forming part of lot subdivision number three hundred, on the said subdivision plan of said lot number twenty-two on the said official plan and

book of reference of the incorporated village of Hochelaga, (pt. 22-300), and forming also a part of said Nicolet street as shown on said subdivision plan said parcel of land presently conveyed, bounded to the south-east by the parcel of land hereinabove firstly described (pt. of 22-299); to the south-west by subdivision lots numbers six hundred and three (603), six hundred and four (604), six hundred and five (605), six hundred and six (606), six hundred and seven (607), six hundred and eight (608), six hundred and nine (609), six hundred and ten (610), six hundred and eleven (611), six hundred and twelve (612), six hundred and thirteen (613), six hundred and fourteen (614), six hundred and fifteen (615), six hundred and sixteen (616), six hundred and seventeen (617), six hundred and eighteen (618), six hundred and nineteen (619), six hundred and twenty (620), six hundred and twenty-one (621), six hundred and twenty-two (622), six hundred and twenty-three (623), six hundred and twenty-four (624), six hundred and twenty-five (625), six hundred and twenty-six (626), six hundred and twenty-seven (627), six hundred and twenty-eight (628), six hundred and twenty-nine (629), (being a lane), six hundred and forty (640), six hundred and forty-one (641), (being Forsyth street), six hundred and fifty-two (652), six hundred and fifty-three (653), (being a lane), six hundred and seventy-seven (677), six hundred and seventy-eight (678), six hundred and seventy-nine (679), six hundred and eighty (680), six hundred and eighty-one (681), six hundred and eighty-two (682), six hundred and eighty-three (683), six hundred and eighty-four (684), six hundred and eighty-five (685), six hundred and eighty-six (686), six hundred and eighty-seven (687), six hundred and eighty-eight (688), six hundred and eighty-nine (689), six hundred and ninety (690), six hundred and ninety-one (691), six hundred and ninety-two (692), six hundred and ninety-three (693), six hundred and ninety-four (694), six hundred and ninety-five (695), six hundred and ninety-six (696), six hundred and ninety-seven (697), six hundred and ninety-eight (698), six hundred and ninety-nine (699), (being a lane), seven hundred and ten (710), seven hundred and eleven (711), (being Hochelaga street), seven hundred and twenty-two (722), seven hundred and twenty-three (723), (being a lane), seven hundred and fifty-two (752), seven hundred and fifty-three (753), seven hundred and fifty-four (754), seven hundred and fifty-five (755), seven hundred and fifty-six (756), seven hundred and fifty-seven (757), seven hundred and fifty-eight (758), seven hundred and fifty-nine (759), seven hundred and sixty (760), seven hundred and sixty-one (761), seven hundred and sixty-two, (762) seven hundred and sixty-three (763), seven hundred and sixty-four (764), seven hundred and sixty-five (765),

seven hundred and sixty-six (766), seven hundred and sixty-seven (767), seven hundred and sixty-eight (768), seven hundred and sixty-nine (769), seven hundred and seventy (770), seven hundred and seventy-one (771), seven hundred and seventy-two (772), seven hundred and seventy-three (773), seven hundred and seventy-four (774), seven hundred and seventy-five (775), seven hundred and seventy-six (776), seven hundred and seventy-seven (777), seven hundred and seventy-eight (778), seven hundred and seventy-nine (779), seven hundred and eighty (780), (being a lane), seven hundred and ninety-one (791), seven hundred and ninety-two (792), (being Sherbrooke street), eight hundred and three (803), eight hundred and four (804), (being a lane), eight hundred and twenty-three (823), eight hundred and twenty-four (824), eight hundred and twenty-five (825), eight hundred and twenty-six (826), eight hundred and twenty-seven (827), eight hundred and twenty-eight (828), eight hundred and twenty-nine (829), eight hundred and thirty (830), eight hundred and thirty-one (831), eight hundred and thirty-two (832), eight hundred and thirty-three (833), eight hundred and thirty-four (834), eight hundred and thirty-five (835), eight hundred and thirty-six (836), eight hundred and thirty-seven (837), and eight hundred and thirty-eight (838) upon the subdivision plan and book of reference thereof of lot number twenty-three (23), on the official plan and book of reference of the said incorporated village of Hochelaga, and by lot subdivisions numbers thirteen hundred and fifteen (1315), thirteen hundred and sixteen (1316), thirteen hundred and seventeen (1317), thirteen hundred and eighteen (1318), thirteen hundred and nineteen (1319), thirteen hundred and twenty (1320), thirteen hundred and twenty-one (1321), thirteen hundred and twenty-two (1322), thirteen hundred and twenty-three (1323), (being a lane), and thirteen hundred and thirty-four (1334), upon the subdivision plan and book of reference thereof, of lot number twenty-nine (No. 29), upon the said official plan and book of reference of the incorporated village of Hochelaga, and to the northwest by the prolongation in a northeasterly direction across said Nicolet street of the northwest side line of said lot number thirteen hundred and thirty-four, forming part of Nolan street and measuring said parcel of land twenty-five feet in width by three thousand five hundred and seventy-eight feet and six-tenths of a foot in length and containing in area eighty-nine thousand four hundred and sixty-five feet (89,465), English measure.

The said two parcels of land containing together a total area of ninety-two thousand five hundred and ninety feet (92,590), English measure, and forming the southwesterly half of that portion of Nicolet Street, extending from Ontario

street to Nolan street as shown on a plan made by J. R. Barlow, city surveyor, dated in the month of August last (1903), a blue print copy whereof is hereto annexed identified by the signatures of the parties hereto and the undersigned notary.

The said party of the first part expressly declares that the said property is free of all hypothecs, charges and hindrances whatsoever and that it has a clear and absolute title thereto, having acquired the same from the Montreal Land and Improvement Company under deed of sale passed before G. R. W. Kittson, notary, the eighteenth day of September, (1903), duly registered.

The city of Montreal aforesaid, shall use and dispose of the said strip of land presently ceded with immediate possession, for the opening and maintenance of said portion of Nicolet street.

The present cession has been thus made gratuitously and unconditionally save as hereinafter mentioned by the party of the first part to the party of the second part, with this understanding however, that the city of Montreal shall use the said strip of land for the opening of Nicolet street at the place above mentioned but under reserve by the said city of Montreal of the right of doing the works necessary for that purpose only as and when the city council shall deem it advisable.

This cession has been made subject to the following conditions, namely :

1. That the Montreal Land and Improvement Company shall not be charged any interest for a period of five years from the date of completion thereof of the said company's share of the cost of a proposed two feet by three feet sewer pipe constructed in said street.

2. That the said Montreal Land and Improvement Company and the purchasers of the lots on the eastern part of said portion of Nicolet street hereinbefore described affected by said proposed sewer shall be given ten years in which to pay their share of the cost of such sewer, said ten years to date from and after the expiry of the five years above mentioned.

3. That the said city shall respect the rights granted by the said Montreal Land and Improvement Company to William J. Poupore, of Montreal, contractor, and the W. J. Poupore Company to operate a tramway on the said southwest side of Nicolet street from the northwest side of Notre-Dame street to the south side of Hochelaga street for the purpose of carrying stone, for a period of three years from the first of October last, (1903).

4. The said city shall pay the costs of this deed and the registration thereof and of a copy for the said Montreal Land and Improvement Company.

The present cession has been thus executed by the said city in conformity with a resolution passed at a meeting of the city council, held on the tenth day of August last, (1903), adopting a resolution of the road committee, dated the eighth of August last, (1903), a copy of which resolution shall remain annexed to these presents identified by the signature of the undersigned notary.

THUS DONE AND PASSED at the city of Montreal, on the day and year first written under the number twenty-two thousand one hundred and sixty-seven of the original minutes of the said Mtre Dunton, and after due reading hereof, the said parties have signed these presents and Honourable Laurent O. David, of the city of Montreal, Esquire, city clerk, has countersigned the same and affixed thereto the seal of the corporation of the city of Montreal, the whole in the presence of said notary, who has also signed.

	(Signed)	THE CANADIAN PACIFIC RAILWAY COMPANY.
	"	T. G. SHAUGHNESSY, <i>President</i> ,
	"	A. R. G. HEWARD, <i>Assistant-Secretary</i> ,
	"	JAMES COCHRANE, <i>Mayor</i> ,
	"	L. O. DAVID, <i>City Clerk</i> ,
[Seal]	"	R. A. DUNTON, <i>N. P.</i>

A true copy of the original hereof remaining of record in my office.

R. A. DUNTON, N.-P.

SCHEDULE B.

On this seventh day of January, one thousand nine hundred and four.

Before ROBERT A. DUNTON, the undersigned notary public for the Province of Quebec, residing and practising in the city of Montreal.

APPEARED :

THE MONTREAL LAND AND IMPROVEMENT COMPANY, a body corporate, duly incorporated having its head office and principal place of business in the said city of Montreal, herein acting and represented by HERBERT S. HOLT, Esquire, the president, and JOHN S. NORRIS, the secretary of said company, both of Montreal, duly authorized for

the purposes hereof by a resolution passed at a meeting of the directors of said company, duly called and held on the tenth day of May, 1894, a certified copy of which resolution is hereto annexed identified by the signature of the undersigned notary.

Of the first part ;

AND

THE CITY OF MONTREAL, a body politic and corporate, having its office and principal place of business in the city hall, in the east ward of the said city of Montreal, herein acting by His Worship the Mayor JAMES COCHRANE, Esquire, Member of the Provincial Legislature, residing in said city of Montreal.

Of the second part ;

Which said parties declared to said notary, as follows :

The said party of the first part has ceded and by these presents does cede, transfer and convey with legal warranty unto the city of Montreal aforesaid, thereof accepting :

That portion or strip of land required for the opening or extension of Nicolet street in the Hochelaga ward, of the city of Montreal, from Ontario street on the southeast to Nolan street, on the northwest, and being the eastern half of Nicolet street at said locality belonging to said party of the first part, and which said strip of land may be described as follows :

1. A parcel of land forming part of subdivision lot number two hundred and ninety-nine of lot number twenty-two on the official plan and book of reference of the incorporated village of Hochelaga, containing twenty-five feet in width by one hundred and twenty-five feet in length and bounded as follows : Towards the southwest by another part of said subdivision number two hundred and ninety-nine also forming part of Nicolet street ceded by The Canadian Pacific Railway Company to said city; towards the northeast by part of subdivision two hundred and ninety-seven, and subdivision two hundred and ninety-eight of said lot number twenty-two; on one side to the southeast by Ontario street, and on the other side to the northwest by part of subdivision three hundred of said lot number twenty-two, also forming part of Nicolet street, as hereinafter described.

And 2. A parcel or strip of land forming part of subdivision lot number three hundred of said lot number twenty-two on the official plan and book of reference of the incorporated village of Hochelaga, measuring twenty-five feet in width by three

thousand five hundred and seventy-eight feet and six-tenths of a foot in length and bounded as follows : Towards the south-east by the parcel of land above described (part of 22-299), towards the northwest by Nolan street or the projection in a straight line of the northwest side line of subdivision number five hundred and sixty-nine of said lot number twenty-two, on one side to the southwest by another part of said subdivision number three hundred also forming part of Nicolet street, ceded to the said city by The Canadian Pacific Railway Company and on the other side, to the northeast, by subdivisions three hundred and one to three hundred and twenty-six inclusive, three hundred and fifty-four (being a lane), three hundred and fifty-five, three hundred and sixty-four, (part of Forsyth street), three hundred and sixty-five by subdivisions three hundred and seventy-four to three hundred and ninety-six inclusive, subdivisions four hundred and twenty and four hundred and twenty-one, subdivision four hundred and thirty, (part of Hochelaga street,) subdivision four hundred and thirty-one, subdivisions four hundred and forty to four hundred and sixty-eight inclusive, four hundred and ninety-eight, (being a lane), subdivision four hundred and ninety-nine, subdivision five hundred and eight, (part of Sherbrooke street,) subdivision five hundred and nine and subdivisions five hundred and eighteen to five hundred and forty-two inclusive, subdivisions five hundred and sixty-eight and five hundred and sixty-nine all on the subdivision plan of, said lot number twenty-two, the whole forming the south-westerly half of that portion of Nicolet street, situate between Ontario street and Nolan street, as shown on a plan thereof made by John R. Barlow, city surveyor, in the month of August, nineteen hundred and three, a blue print copy whereof is annexed to the deed of cession from the Canadian Pacific Railway Company to the city of Montreal, executed before the undersigned notary, this day.

The said party of the first part expressly declares that the said property is free of all hypothecs, charges and hindrances whatsoever and that it has a clear and absolute title thereto, having acquired the same from Thomas G. Shaughnessy, Knight *et al* by deed of sale passed before C. E. Leclerc, notary, the twenty-fourth of June, eighteen hundred and ninety-two, and registered in the registry office for the counties of Hochelaga and Jacques-Cartier, the same day under No. 42,893.

The city of Montreal aforesaid, shall use and dispose of the said strip of land presently ceded with immediate possession for the opening and maintenance of said portion of Nicolet street.

The present cession has been thus made gratuitously and

unconditionally save as hereinafter mentioned by the party of the first part to the party of the second part, with this understanding, however, that the city of Montreal, shall use the said strip of land for the opening of Nicolet street at the place above mentioned but under reserve by the said city of Montreal of the right of doing the works necessary for that purpose only as and when the city council shall deem it advisable.

This cession has been made subject to the following conditions, namely :

1. That the said vendor shall not be charged any interest for a period of five years from the date of completion thereof of the said company's share of the cost of a proposed two feet by three feet sewer pipe constructed in said street.

2. That the said vendor and the purchasers of the lots on the eastern part of said portion of Nicolet street hereinbefore described, affected by said proposed sewer, shall be given ten years in which to pay their share of the costs of such sewer said ten years to date from and after the expiry of the five years above mentioned.

3. That the said city shall respect the rights granted by said vendors to William J. Poupore, of Montreal, contractor and the W. J. Poupore Company, to operate a tramway on the southwest side of Nicolet street from the northwest side of Notre Dame street, to the south side of Hochelaga street for the purpose of carrying stone, for a period of three years from the first of October last, (1903).

4. The said city shall pay the costs of this deed and the registration thereof and of a copy for the said vendor.

The present cession has been thus executed by the said city in conformity with a resolution passed at a meeting of the city council, held on the tenth day of August last, (1903), adopting a resolution of the road committee, dated the eighth of August last, (1903), a copy of which resolution shall remain annexed to these presents identified by the signature of the undersigned notary.

THUS DONE AND PASSED at the city of Montreal, on the day and year, first written under the number twenty-two thousand one hundred and sixty-six of the original minutes of said Mtre Dunton and after due reading hereof, the said parties have signed these presents and Honourable Laurent O. David, of the city of Montreal, Esquire, city clerk, has countersigned the same and affixed thereto, the seal of the corporation of the

city of Montreal, the whole in the presence of said notary, who has also signed.

	(Signed)	THE MONTREAL LAND AND IMPROVEMENT CO.
	"	H. S. HOLT, <i>President</i> ,
	"	J. S. NORRIS, <i>Secretary</i> ,
[Seal]	"	JAMES COCHRANE, <i>Mayor</i> ,
	"	L. O. DAVID, <i>City Clerk</i> ,
	"	R. A. DUNTON, <i>N. P.</i>

A true copy of the original hereof remaining of record in my office.

R. A. DUNTON,
N. P.

SCHEDULE C.

No. 384

By-Law to establish a high pressure water system in District No. 1 of the city.

(Adopted the 21st October 1908)

Whereas a petition signed by the majority in number and value of the real estate owners of the West ward of the city, has been sent to the council of the said city, asking that, as provided by the act 7 Edward VII, chapter 63, a high pressure water system be established in said West ward, and that the said ward be, for that purpose, constituted into a district :

At an adjourned special meeting of the council of the city of Montreal, held in the city hall, this twenty-first day of October, one thousand nine hundred and eight, after the observance of the formalities prescribed in and by the act of incorporation of the said city, at which meeting a majority of the member, of the whole council are present, viz : His Worship the Mayor Louis Payette, Esquire, Aldermen L. A. Lapointe, Larivière, Proulx, Yates, Clearihue, M. Martin, Dagenais, Robillard, L'Espérance, Turner, Sadler, Bumbray, Gallery, Laval-lée, Stearns, N. Lapointe, Leclair, O'Connell, Couture, Laviolette, Gadbois, Ward, J. B. A. Martin, Nault, Séguin, Marin, Duquette, Lévesque, Major, Guay, David, Roy, Mount, Fraser, Carter, Lamoureux, Prud'homme.

It was ordained and enacted by the said council as follows :

Section 1.—The West ward of the city of Montreal is hereby constituted into a district for the purpose of establishing therein

a high pressure water system in order to protect the same against fire, and shall be designated and known as " District No. 1."

Section 2.—The said high pressure water system shall be established in the said West ward or district No. 1 by means of a special system of force mains and pumping engines, supplied with water from the river opposite the city, the whole as per plans and specifications deposited in the Water Department.

Section 3.—In order to meet the expenditure required for the establishment of said high pressure water system, according to the said plans and specifications, a loan not exceeding \$500,000 shall be effected by the issue of debentures, bonds or registered stock, payable at the end of 40 years from the date thereof, at a rate of interest not exceeding 4 p.c., and shall be redeemable by means of a sinking fund sufficient to refund the capital at the expiration of said term.

Section 4.—The cost of establishing said system and all expenses incurred for such purpose shall be apportioned on the proprietors of immoveables situated in said district No. 1, according to an assessment roll prepared by the city surveyor as provided by article 450 of the charter, *mutatis mutandis*.

Section 5.—This by-law shall only come into force after being ratified and confirmed by the Legislature, with a proviso that such tax shall not be cleared off even by sheriff's sale or by prescription.

[Certified]

J. CRÉPEAU

Assistant City Clerk.

SCHEDULE D.

Monday, 16th November, 1908.

The order of day being read for the consideration of a notice of motion by Alderman Yates for the granting of a year's salary to Chief Benoit.

Alderman Yates, moved, seconded by Alderman Robillard:

" That, whereas Chief Benoit has served the city, as chief of the fire-brigade for over twenty years, the council do grant him one year's salary, such grant, however, to be subject to ratification by the Legislature."

The motion being put to the vote, the council divided as follows :

YEAS :—Proulx, Yates, Levy, Robillard, Gallery, Lavallée, Mercier, O'Connell, Couture, Laviolette, Gadbois, J. B. A. Martin, Séguin, Duquette, Major, Guay, David, Roy, Prud'homme, McKenna.—20.

NAYS :—L. A. Lapointe, Larivière, M. Martin, Dagenais, Turner, Bumbray, N. Lapointe, Leclaire, Robinson, Ward, Mount, Lamoureux.—12.

C H A P . 8 2

An Act to amend the charter of the city of Montreal, with the view of reducing the number of aldermen and of establishing a board of commissioners

[Assented to 29th May, 1909]

Preamble.

WHEREAS Farquhar Robertson, merchant ; Charles Chabut, merchant ; Victor Morin, notary, and S. D. Vallières, burgess, all of Montreal, have, by their petition, represented that public opinion is manifestly favourable to the reduction of the number of aldermen and to the appointment of a board of commissioners to superintend the administration of the municipal affairs of the city of Montreal ;

Whereas the said petitioners have prayed for the passing of an act to that effect, and it is expedient to grant the prayer of the said petition ;

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

62 V., c. 58,
s. 21, re-
placed.

1. Subject to the provisions of section 4 of this act, article 21 of the act 62 Victoria, chapter 58, is replaced by the following :

Mayor and
Council.

“ **21.** The city of Montreal shall from and after the next general elections of its council be governed by a council consisting of a mayor and of one alderman for each ward, who shall be elected every second year.

Id., s. 21a,
enacted.

2. Subject to the provisions of section 4 of this act the following articles are added after article 21 of the act 62 Victoria, chapter 58.

Board of
commis-
sioners.

“ **21a.** The affairs of the city shall be managed by a board of commissioners consisting of the mayor and of four commissioners elected by the people.