

Id., s. 486,  
replaced.  
Coercive im-  
prisonment.

**26.** Section 486 of the said act is replaced by the following:

“ **486.** It also has the power to grant coercive imprisonment mentioned in article 834 of the Code of Civil Procedure.”

Coming into  
force.

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

## CHAP. 89

An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city

[Assented to 25th April, 1908]

Preamble.

**W**HEREAS the corporation of the town of Westmount has, by petition, represented that it is necessary to amend and consolidate the several acts constituting its charter, by substituting as a basis the Cities and Towns' Act, 1903, to the law respecting Town Corporations, and to grant it additional powers and incorporate it into a city ;

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

Short title.

**1.** This act may be cited as “ The Charter of the City of Westmount.”

## POWERS

3 Ed. VII, c.  
38, to apply.

**2.** The city of Westmount shall be subject to the provisions of the Cities and Towns' Act, 1903, except in so far as inconsistent with the provisions of this act.

## TRANSITORY

Corporation  
succeeds to  
certain  
rights, &c.

**3.** The corporation shall succeed to all the rights and obligations of the corporation of the town of Westmount.

## CONSTITUTION

Persons in-  
corporated.

**4.** The inhabitants and rate-payers of the town of Westmount and adjoining territory comprised within the limits hereinafter described and set forth, are hereby incorporated into

Name.

a city corporation under the name of “ City of Westmount.”

## BOUNDARIES

**5.** The city of Westmount comprises the territory comprised within the following boundaries : Boundaries of city.

Commencing at a point which is formed by the intersection of the centre line of St. Antoine street produced north-easterly and the centre line of Atwater Avenue produced south-easterly, thence running north-westerly parallel to the north-easterly side of Atwater Avenue for a distance of 600 feet more or less to a point where it bends more westerly, thence for a distance of 530 feet more or less and parallel to the south-westerly side of Atwater Avenue to a point where it intersects the centre line of Dorchester street on the east side of Atwater Avenue produced in a south-westerly direction ; thence in a north-easterly direction along the centre line of Dorchester street east of Atwater Avenue for a distance of 236 feet more or less, said point being 164 feet more or less measured from the east boundary of Atwater Avenue, thence in a north-westerly direction in a straight line through official lot 381 across Atwater Avenue, through official lot 378 across St. Catherine street through official lot 377 across Sherbrooke street, through official lot 376, all of the official plan and book of reference of the parish of Montreal for a distance of 3,695 feet more or less where it intersects part of the south-easterly limit of the village of La Côte des Neiges, said point being at a distance of 400 feet more or less measured along said south-easterly boundary of the village of La Côte des Neiges, measured from the north-easterly side of subdivision 46 of official lot 374 ; thence running in a south-westerly direction along the south-easterly boundary of the village of La Côte des Neiges to a point hereinabove described as being on the north-easterly side of subdivision 46 of official lot 374 of said official plan and book of reference of the parish of Montreal, said point being 98 feet more or less measured north-westerly from the north-west side of Montrose Avenue as shown on the said official plan of the town of Westmount ; thence in a north-westerly direction along the north-easterly limit of sub-divisions 46, 50, 51, 55, 58, 59, 66, 73, of official lot 374 and part of the unsubdivided portion of official lot 374 of the said official plan and book of reference of the parish of Montreal for a distance of 1,490 feet more or less to a point where it intersects the line between official lot 165 and 166 of the official plan and book of reference, said line forming the south-easterly boundary of the Montreal Water and Power Company's reservoir property produced, which also forms a common point of boundary between official lots 165, 166 and 374 of the said official plan and book of reference of the parish of Montreal ; thence in a north-easterly direction along the dividing line of said official lots 165 and 166 to a point 460 feet more or less measured along the said line from the

Côte des Neiges road, which forms the south-westerly corner of the property of the Montreal Water and Power Company ; thence in a north-westerly direction along the south-westerly boundary of the property of the Montreal Water and Power Company for a distance of 500 feet more or less to a point where it intersects the westerly boundary of the property of the Montreal Water and Power Company ; thence in a northerly direction along the westerly boundary of the said Montreal Water and Power Company's property for a distance of 187 feet where it intersects the southerly side of the Côte des Neiges road ; thence along the southerly side of the Côte des Neiges road which is bounded by part of official lots 165, 374 and 283 of the said official plan and book of reference of the parish of Montreal in a north-westerly direction for a distance of 1,100 feet more or less ; thence in a south-westerly direction through part of official lot 283 for a distance of 680 feet more or less to a point 540 feet more or less measured from the south-easterly corner of sub-division 339 of official lot 282 of the said official plan and book of reference of the parish of Montreal ; thence in a north-westerly direction for a distance of 320 feet through official lot 283 to a point 640 feet from the south-easterly corner of sub-division 339 of official lot 282 and 518 feet more or less from the north-easterly corner of sub-division 352 of official lot 282 ; thence in a south-westerly direction across official lot 283 and along the north-westerly boundary of sub-divisions 352, 351, 350, 349, 348, 347, 287 and 286 of official lot 282 and part of the south-easterly boundary of official lot 292 of the official plan and book of reference of the parish of Montreal ; thence in a north-westerly direction for a distance of 942 feet more or less (along the north-easterly boundary of sub-division 292 to 310 inclusive of official lot 282 to a point which forms the extreme north-easterly corner of the corporation of Westmount. ; thence in a south-westerly direction along the north-westerly boundary of sub-division 310 and 333 of official lot 282, and along official lots 239, 237, subdivisions 8 and 17 of official lot 222 for a distance of 1,790 feet more or less to a point where it intersects the line between official lots 221 and 222 ; thence in a southerly direction forming the north-westerly boundary of official lot 221 of the official plan and book of reference of the parish of Montreal, a distance of 330 feet more or less to a point measured 40 feet more or less north-westerly along the south-westerly boundary of said official lot 221 ; thence in a south-easterly direction along the line produced between official lots 218 and 221 of the official plan and book of reference of the parish of Montreal, a distance of 960 feet more or less to a point on the south-westerly boundary of sub-division 113 of official lot 221, said point being 30 feet more or less measured north-westerly from the south-westerly corner of said sub-division ; thence in a south-westerly direction along

the north-westerly boundary of sub-divisions 214, 160, 55, 53, of official lot 218 and sub-divisions 56 and 54 of official lot 217 to a point which forms the north-west corner of sub-division 54 of official lot 217 of the official plan and book of reference of the parish of Montreal, a total distance of 875 feet more or less ; thence in a south-easterly direction along the rear of sub-divisions 54 to 26 inclusive and part of 25 of official lot 217, a distance of 1,475 feet more or less to a point 20 feet more or less measured from the south-westerly corner of sub-division 25 of official lot 217 in a north-westerly direction ; thence in a south-westerly direction for a distance of 880 feet more or less across the north-westerly boundary of official lots 213, 212, 203 and the northerly boundary of Claremont Avenue as presently existing and official lot 204 and terminating at the north-westerly corner of said official lot 204 as indicated on the official plan of the town of Westmount where it forms a common intersection between the municipalities of Notre-Dame de Grâces and Côte des Neiges and the corporation of Westmount ; thence in a south-westerly direction through or along official lots 204, 205, 206, 207 to a point 110 feet more or less measured along said official boundary southerly from where it intersects the south-easterly side of Sherbrooke street having a total distance of 2,730 feet more or less ; thence in a north-easterly direction for a distance of 187 feet more or less to a point where it intersects the south-westerly boundary of Claremont Avenue, said point being at a distance of 90 feet more or less measured along the said south-westerly boundary of Claremont Avenue from the north-east corner of Sherbrooke street and Claremont Avenue ; thence along the south-westerly boundary of Claremont Avenue produced southerly to a point 825 feet more or less measured along said production from the south-easterly side of York Avenue having a total distance of 1,980 feet more or less ; thence in a north-easterly by easterly direction through or forming the south-easterly boundary of official lots 1657, 1634 and 1632 of the official plan and book of reference of the parish of Montreal where it intersects the south-westerly side of Bethune street and continuing in the same direction along the south-easterly side of sub-division 154 of official lot 1,434, south-easterly and along the boundary line of sub-divisions 153 to 143 inclusive of official lot 1,434 of said official plan and book of reference of the parish of Montreal and along the southerly boundaries of sub-division 6 of official lot 142, sub-division 5 of official lot 141, sub-division 6 of official lot 140, sub-division 139 of official lot 1,434, sub-division 6 of official lot 133, sub-division 5 of official lot 138, sub-division 5 of official lot 137, sub-division 5 of official lot 136, sub-division 8 of official lot 135, sub-division 3 of official lot 134, sub-division 3 of official lot 133, sub-division 3 of official lot 132, sub-division 3 of official lot 131, sub-division 3 of official lot 130, sub-division 3 of

official lot 129, sub-division 3 of official lot 128, sub-division 4 of official lot 127, sub-division 4 of official lot 126, sub-division 4 of official lot 125, sub-division 3 of official lot 124, sub-division 3 of official lot 123, sub-division 3 of official lot 122, sub-division 3 of official lot 121, sub-division 3 of official lot 120, sub-division 5 of official lot 120, sub-division 5 of official lot 119, sub-division 5 of official lot 118, sub-division 5 of official lot 117, sub-division 6 of official lot 116, sub-division 115 of official lot 1,434, re-subdivision 2 of sub-division 114 of official lot 1,434, re-subdivision 1 of sub-division 114 of official lot 1,434, sub-division 5 of official lot 1,408, sub-division 6 of official lot 1,408, official lots 1409, 1410, 1411, 1412, 1413, 1414 and sub-divisions 9 to 17 inclusive of official lot 1,414 and sub-divisions 27 to 46 of official lot 1,415 and terminating at a point where it intersects the centre line of Hallowell street, said point being 87 feet more or less from the south-easterly side of Selby street measured along centre line of Hallowell street ; thence south-easterly along centre line of Hallowell street, a distance of 300 feet more or less to the centre line of St. Antoine street ; thence in a north-easterly direction along the centre line of St. Antoine street, a distance of 1,665 feet more or less to the place of beginning, being the intersection of centre line of St. Antoine street with the centre line of Atwater Avenue produced southerly.

All measures are English measures and more or less.

#### WARDS

**Wards.**        **6.** The city shall be divided into four wards known as numbers 1, 2, 3, 4, bounded as follows :

**First ward.**

*First ward.*—Bounded towards the north-west, north-east and south-east by the city limits, to the south-west by the centre line of Hallowell street, from the south-east limit to the centre line of St. Catherine street ; thence eastwards along the line of said St. Catherine street to the centre line of Olivier Avenue to the centre line of Sherbrooke street ; thence westward along the centre line of said Sherbrooke street to the centre line of Mountain Avenue ; thence northwards along the centre line of the said Mountain Avenue to the Boulevard ; thence continuing still in the same direction along the north-east limit of lot official number 322 and of lot official number 323 and along the division line between lots official numbers 284 and 324 produced up to the north-west limit of the city.

**Second ward.**

*Second ward.*—Bounded towards the north-west and south-east, by the city limits, towards the north-east by the preceding wards, and towards the south-west by the centre line of Metcalfe Avenue as projected from the south-east limits of the city to Hillside Avenue ; thence along the centre line of

said Metcalfe Avenue as now existing from Dorchester street to the centre line of Côte St. Antoine road ; thence eastwards along the centre line of said Côte St. Antoine road to the south-west side of Churchill Avenue; thence northwards along the south-west side of said Churchill Avenue and the division line between lots official numbers 239 and 282 up to the north-west limit of the city.

*Third ward.*—Bounded towards the north-west and south-east by the city limits, towards the north-east by the preceding ward and towards the south-west by the centre line of Bethune street and Lansdowne Avenue, from the south-east limit northwards to the centre line of Côte St. Antoine road to the south-west side of Belmont Avenue ; thence northwards along the south-west side of the said Belmont Avenue to the Boulevard ; thence still continuing in the same direction along the north-east boundary of lot official number 221 up to the north-west limits of the city. Third ward.

*Fourth ward.*—Bounded towards the north-west, south-east and south-west by the city limits and towards the north-east by the preceding ward. Fourth ward

#### ANNEXATION

**7.** Article 32 of the Cities and Towns' Act 1903 is replaced, 3 Ed. VII, c. 38, s. 32, for the city, by the following : replaced for city.

**" 32.** It shall be lawful for the council of the municipality by the affirmative vote of the absolute majority of its members, to make by-laws to extend the limits of the municipality, by annexing thereto for municipal purposes any contiguous city, town, village or municipality or part thereof. Annexation by-laws.

Every such by-law shall contain a complete description of the territory to be annexed, set forth the terms and conditions upon which it shall be so annexed, and determine whether the territory so annexed shall form a ward by itself, or be wholly or in part annexed to any existing ward or wards of the municipality. Contents thereof.

Every such by-law must be sanctioned by the electors who are proprietors in the manner set forth for loan by-laws." Sanction thereof.

**8.** Article 33 of the Cities and Towns' Act, 1903, is replaced, Id., s. 33, for the city, by the following : replaced for city.

**" 33. 1.** Before the third reading and final passing thereof by the city council, such by-law must be approved of by the council of the municipality affected thereby, and be sanctioned by the electors who are proprietors in the said municipality or part of a municipality, as the case may be, in the manner set forth in the following provisions. Approval by council of other municipality, &c.

Submission  
to rate-  
payers of  
other muni-  
cipality in  
certain cases.

2. If the council of the municipality interested refuses or fails within one month after the second reading of such by-law to approve or disapprove the same, or if it disapproves the same, then the city council may nevertheless at the request of at least one-fifth of the proprietors who are electors in said municipality, order by resolution that the by-law be submitted to the electors of the said municipality who are proprietors so that it may be taken into consideration as indicated in the following provisions.

Application  
therefor, how  
made.

3. Such application shall be made by a petition signed by the aforesaid number of proprietors who are electors in the presence of a witness who shall, by his affidavit, attest the authenticity of each of said signatures."

#### COUNCIL

Aldermen.

9. The number of aldermen shall be two for each ward.

First council.

10. The present mayor and councillors of the town of Westmount shall constitute the first council of the city of Westmount.

Term of  
office of first  
council.

11. The members of the above described first council of the city of Westmount shall remain in office until the third Monday of January 1909 or the following day should Monday be a non-judicial day, when the first general election shall be held.

First meeting  
of first elect-  
ed council.

12. The first meeting of the council so elected shall be held in the city hall.

#### CITY SURVEYOR

City sur-  
veyor.

13. The city shall have an officer to superintend the construction and maintenance of sewers, roads and sidewalks, parks and buildings and municipal work generally, and make plans and maps showing the same, styled "city surveyor," whose office shall be in the building where the sessions of council are held or any other place fixed by resolution of council.

Exercises  
functions of  
building, &c.,  
inspector, &c.

14. He may also exercise with the approval of council, the functions of building and plumbing inspector and exercise the powers which the council may delegate to him by by-law or resolution respecting buildings and plumbing.

Is custodian  
of municipal  
plans, &c.

15. Notwithstanding section 83 of the Cities and Towns' Act, 1903, he shall have the custody of all municipal plans, maps, books and registers and other documents and papers prepared or kept by him or required in the discharge of his office

and shall have the right of signing all plans, maps, documents and papers prepared by him, and all copies and extracts of plans, maps, books, registers and other documents and papers certified by him shall be evidence of their contents.

**16.** Paragraph 2 of article 107 of the Cities and Towns' Act, Id., s. 107, 1903, is replaced, for the city, by the following :

" 2. Minors and interdicted persons to whom a curator or judicial adviser has been appointed." par. 2, replaced for city.

**17.** Article 157 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 157, replaced for city.

" **157.** The general elections for mayor and aldermen of the municipality are held every two years, on the third Monday of January, or the following day should such Monday be a non-judicial day in accordance with the provisions hereinafter contained." Date of general elections.

**18.** Article 159 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 159, replaced for city.

" **159.** Ten days at least before the second Monday in January, at noon, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form E, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk." Appointment of election clerk, &c.

**19.** The first paragraph of article 163 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 163, amended for city.

" **163.** Eight days at least before the second Monday of January in the year in which a general election is to be held, the returning-officer shall give public notice, in the form G under his signature setting forth:" Public notice of general election.

**20.** Article 165 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 165, replaced for city.

" **165.** The nomination of candidates at a general election is held on the second Monday of January, from noon to two o'clock in the afternoon. If such day be a holiday, it is held on the first juridical day following such date, also from noon to two of the clock in the afternoon." Nomination of candidates.

**21.** Article 178 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 178, replaced for city.

" **178.** If more candidates are nominated for any of the said offices than are required, it shall be the duty of the re-Poll.



turning-officer to grant a poll, but no person shall be elected who shall not have been nominated in the manner hereinafter provided.

Poll where held.

The poll shall be held at the city hall, unless the council has previously to the notices of election resolved to have a polling station or stations in each ward.

3 Ed. VII, c. 38, not to apply to polls.

Unless the council so decides, the provisions of the Cities and Towns' Act, 1903, respecting polls in each voting division shall not apply."

Id., s. 195, replaced for city.  
Hours for polling.

**22.** Article 195 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

"**195.** The polls shall be opened from eight o'clock in the morning and kept open until eight o'clock in the afternoon of the same day, and during that time the officer in charge of any poll is obliged to receive in the manner hereinafter set forth the votes of any electors entitled to vote at such poll."

Id., s. 310, replaced for city.  
Mayor presides over council, &c.

**23.** Article 310 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

"**310.** The mayor presides over all sessions of council and has the casting vote in case of equality of votes except when the vote of the absolute majority or a given proportion of the council is required, when he shall vote with the councillors besides giving his casting vote if need be. Should the mayor and acting mayor be absent from any session, the council chooses another of its members to preside.

President when mayor absent, &c.

The acting mayor or any member presiding over a session of the council, has the right to vote and may also give the casting vote in addition thereto."

Id., s. 319, replaced for city.  
Certificate of publication of notice, &c.

**24.** Article 319 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

"**319.** The original of every notice is accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Filing of notices, &c.

The original of such notice and the certificate which accompanies it are filed in the office of the council, by the person who has given the notice, to form part of the municipal archives.

Special notice how addressed.

A special notice may be addressed to several persons and a certificate of service may refer to more than one service and in no case shall a separate certificate of service be required for each service."

Id., s. 360, replaced for city.

**25.** Article 360 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

" **360.** The poll is held during one day between the hours of 8 a.m., and 8 p.m., and the clerk may appoint and swear in a sufficient number of assistants to help him in receiving the votes."

**26.** Article 363 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

" **363.** No one is allowed to vote, unless his name appears on the valuation roll in force or on the list of electors if there be one, as a municipal elector as owner of immoveable property. In this case, it is not necessary that such electors have paid their school and municipal taxes."

Nevertheless, tutors, curators, institutes under substitution, administrators or duly authorized agents of estates, corporations, or non-resident proprietors who are seized, possessed or in charge of any immoveables in the city, shall have the right to vote provided they possess the other qualifications to be municipal electors. Such voters, however, shall exhibit before voting the documents establishing the office which qualifies them under this paragraph or the authorization of the person whom they represent ; provided that when the property is represented by more than one administrator, trustee, agent or person acting in a fiduciary capacity the authority of the voter to act for the majority, shall be established by documents and in the case of corporations and joint stock companies by a resolution of the administrative council or board."

**27.** Article 382 of the Cities and Towns' Act, 1903, is amended, for the city, by adding thereto the following paragraph :

" 3. To authorize the officers of the council upon the establishment by a competent court of the contravention and its authorization to thus act to demolish or undo at the expense of the contravening party any construction, erection or thing erected or done in contravention of any by-law,"

**28.** Paragraph 1, of article 383, of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

" **383.** 1. To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures ; to prevent the construction of such as are not of the required stability, and provide for their summary abatement or destruction ; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partition and outside walls, the size

and materials of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus ; to regulate the architecture, dimensions and symmetry of buildings in certain streets ; to determine the kind of buildings, whether stores or houses, detached, semi-detached, flat, tenement or apartment houses, solid stone or brick veneered buildings to be erected on certain streets and prevent the erection thereon of any building of a different class ; to compel the proprietors to submit the plans thereof to, and previously obtain a certificate in writing from the building inspector or any other officer ; to prohibit the construction of buildings and structures not conforming to such by-laws, and to direct the suspension at any time of the erection of any such building as does not conform to such regulations, and to cause the demolition of any buildings not conforming to such by-laws, if necessary."

Id., s. 383, amended for city. **29.** Paragraph 13 of article 383 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following:

Licensing of dogs, &c. "13. To license and regulate the keeping of dogs ; to muzzle dogs ; to prevent dogs from running at large, and to authorize the summary destruction thereof ;

Additional dogs. Such license may be on an increasing scale for each additional dog kept in any household".

Id., s. 385, amended for city. **30.** Article 385 of the Cities and Towns' Act, 1903, is amended, for the city by adding thereto the following paragraph :

Prohibition &c., of liquor selling. "13. To prohibit or to restrict and regulate the sale of any malt, spirituous, vinous, alcoholic, or intoxicating liquors within the limits of the city, and to fix a sum of not more than \$200.00 for the granting of each certificate to obtain a license authorizing the sale of the same in the city."

Id., s. 386, amended for city. **31.** Article 386 of the Cities and Towns' Act, 1903, is amended, for the city, by adding thereto the following paragraphs:

Closing streets, &c. "33. To close any street or section of street or public square and to sell the land for the benefit of the city ; provided always that if any person suffers damage thereby he shall receive compensation to be settled by arbitration.

Sweeping streets, &c. "34. To have the streets and sidewalks swept, watered and kept in good order and to have the snow removed therefrom at the expense of the corporation.

Keeping lanes, &c., clean, &c. "35. To make any regulations that may be necessary to compel the proprietors of private lanes in the city to keep the same clean and in a good sanitary state and in proper repair, and assess the owners or occupants of such lanes with the cost thereof if done by the council in their default ; and

to provide for the paving with stone or asphalt or other permanent material of any private lane in the city and assess the same on each proprietor in each lane according to frontage,—the assessment roll in such cases to be prepared by the secretary-treasurer and the amounts to be collected in the same manner as other special assessments are collected.

“36. To prevent the erection of terraces or rows of houses in the city above the level of Montrose Avenue, in order to preserve the natural beauties of the situation, and regulate the class of houses to be erected in that locality.”

Preventing  
erection of  
terraces, &c.,  
above Mont-  
rose Ave.

**32.** The city may open to the public any new street, highway, public place or square shown on the homologated plan or maps of the city, and also may widen any of the streets, public places or squares thereon indicated as to be widened, after having adopted the formalities and procedure relative to expropriation and the levying of special assessments ; and the said city shall be bound so to do, within one year from being thereto requested by a petition presented to the council, signed by such number of proprietors as own more than one half of the aggregate frontage on any of such new streets, highways, public places or squares, or section or sections thereof, as shown on the said plans, places or maps, or by those representing, administering or being interested in the said aggregate frontage, whether as tutors, administrators, guardians, institutes under substitution, curators, trustees or the like, and, in any event, the corporation shall be bound to expropriate the property within three years from the homologation of the plan, otherwise the proprietor shall not be bound by the plan.

Opening, &c.,  
of streets, &c.

**33.** Article 423 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

Id., s. 423,  
replaced for  
city.

“ **423.** 1. To establish, regulate and manage public abattoirs either within or without the limits of the municipality ; provided in the latter case, that the municipality obtains the consent of the council of the municipality in which it wishes to establish such abattoirs ; and to prohibit the establishment of private abattoirs in the municipality, and to regulate and inspect the same ;

Establishing,  
&c., public  
abattoirs, &c.

2. To regulate the manner and route in and by which horned cattle and other animals shall be driven in the municipality and the destination of cattle intended for slaughter ;

Regulating  
driving of  
cattle, &c.

3. To restrain, regulate and prohibit any person from maintaining, using or keeping a slaughter-house in the city.”

Regulating,  
&c., slaugh-  
ter-houses.

**34.** Article 426 of the Cities and Towns' Act, 1903, is

Id., s. 426,

amended for city. amended, for the city, by adding thereto the following paragraph :

Registration of births, &c. " 9. To compel the registration of births by such person and at such place and time and with such particulars and details as the council may determine."

Id., s. 410, amended for city. **35.** Article 410 of the Cities and Towns' Act, 1903, is amended for the city, by adding thereto the following paragraphs:

Certain agreements with certain company authorized, &c. "The council may enter into such agreements with the Montreal Water and Power Company, its successors or assigns, as it may, think necessary in the public interest, for the purpose of performing the works and supplying the materials which may be required for extending the water-works of the company, and supplying water to residents in the new streets of the city, and in such parts thereof where there is at present no water supply, in such manner and under such conditions as it may deem fit, and the corporation shall remain the owner thereof; and such works shall not be deemed to form part of the company's general system of water-works with respect to the said company and to its privileged hypothecary or chirographic creditors.

Special arrangements with city of Montreal, &c. The council of the city may make special arrangements for a determined period with the city of Montreal, or with any other municipality or municipalities on the Island of Montreal, or any company or companies, person or persons, for the supply of water for the city, or any part thereof; and such special agreements may be validly entered into by the city and by the said municipalities, or any of them, whether or not the works done for that purpose are so done at the joint expense or become the joint property of two or more of the parties to said agreement.

Assistance to contractor : The city and the said municipalities, or any of them, may assist the contractor in any agreement for the supply of water as aforesaid:

By exemption from taxes. 1. By exempting the said company from the payment of municipal assessments and dues, for such time as the councils of such municipalities may determine;

By acquiring existing water-works system, &c. 2. By acquiring on such terms as the council of the said city, or the councils of the said municipalities respectively or any of them, may deem advisable, the water-works or water systems already existing in the said municipalities, or any of them, or any part or parts thereof, as well as any extensions thereof which may thereafter be made in the said municipalities or any of them. And the said corporations, and any one or more thereof, are authorized to so acquire, own and possess the said water-works or systems or any portions thereof, whether the same be within the limits of the municipality

so acquiring the said water-works or not and to use the same for the purpose or supplying water to the said municipalities, or any of them and to the inhabitants thereof respectively;

3. The provisions governing loan by-laws shall apply to any by-law to be passed in connection with the supply of water referred to in the present section or whenever the agreement is for a period exceeding nine years or contains any provisions affecting the interest of the city or its inhabitants for more than nine years, Provisions re loan by-laws to apply in certain cases.

The provisions governing loan by-laws shall also apply to any agreement respecting street railways, telephones, the supply of light, power or any other public utility whatever, whenever such agreement is for a period exceeding nine years or contains any provisions affecting the interest of the city or its inhabitants for more than nine years." And in certain other cases.

**36.** The council may make, amend and repeal by-laws : By-laws :

1. To license, regulate and inspect plumbing and determine the materials and appliances to be used and the way the work shall be done in connection with said branch of sanitary engineering. To license, &c., plumbing, &c.

2. To license, control and regulate the collection of rags and waste material and to prohibit the storage thereof. License, &c., rag collecting, &c.

3. To determine the way the signature of the city's officials including the mayor, the clerk, the treasurer or secretary-treasurer shall be affixed to certificates and notices and all documents generally requiring their signature, and to authorize the affixing of any such signature by means of a stamp or a lithographed *fac-simile* ; Signature of mayor, &c.

4. To control and regulate the locality in which any hospital or other like institution may be erected or kept; to require a special permit for the erection or keeping thereof, and, in special cases to be determined by resolution of three-fourths of the whole council, to prohibit the erection or keeping of any particular hospital or other like institution. Locality of hospitals, &c.

**37.** The council may by a vote of three-fourths of its members make, amend and repeal by-laws; Further by-laws.

1. To prohibit or regulate hereafter the erection, use or employment of steam-engines or boilers in the city, or in any particular locality thereof. Prohibition, &c., of steam-engines.

The power to prohibit granted in this paragraph shall not apply to railway, water-works or electric companies.

2. To regulate or restrict the posting, painting, erection or other display and maintenance of advertisements of any description on the fences, buildings or otherwise within the city and to prohibit them, except those made by a trader at his Regulation, &c., of posting, &c.

place of business and for the purposes of his business, and those made for leasing and selling real estate, and those that the Montreal Baseball Association may allow on its fence under the above restrictions during the term of their present lease.

Establishment of building lines, &c.

3. To establish building lines on the lands abutting on any street, road, avenue, alley, park or lane within the said city, between which lines and such street, road, avenue, highway, alley, park or lane, no building or part of a building or construction or erection of any kind (saving such exceptions as the by-law may permit, for particular streets for which local conditions may render the same necessary) shall be set up or erected.

Id., s. 440, replaced for city.

**38.** Article 440 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

Valuation by assessors.

**" 440.** It is the duty of the assessors annually to make, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality, according to the real value.

Valuation roll every three years, &c.

The council may, by resolution, relieve the assessors from the duty of making a valuation roll of the taxable property oftener than every three years; and, in such case, the council shall revise the roll every year or cause it to be revised by the assessors as it deems expedient, with the same notices and delays as for the making of the yearly valuation roll.

Estimate of annual value.

The assessors shall also make the valuation of the annual value of such property, and enter it in the roll in a separate column.

Names of tenants, &c., in rolls.

They shall also enter in the roll the names of tenants and the amount of the yearly rent paid by each of them.

Valuation of lands, irrespective of buildings, &c.

The valuator shall annually, when making the valuation roll, make a valuation of the taxable immoveable property, irrespective of the buildings thereon erected, and enter the same in a separate column; and such valuation shall be the basis on which any special tax ordered to be levied on such valuation shall be made."

Id., s. 445, replaced for city.

**39.** Article 445 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

Valuation of undivided property, &c.

**" 445.** When the assessors assess immoveable property possessed in undivided shares or the partition whereof has not been registered in the registry office, it shall be lawful for them to designate such property as belonging to "the estate of " mentioning the name of the predecessor of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession, or co-proprietor, so named, as the case may be, shall be held

to pay the tax, saving their or his recourse against any other Valuation of person liable therefor; and when they assess flats or super- flats, &c. imposed dwellings, separately owned but built upon one lot or parcel of land, and constructions in or upon streets or other public property, it shall not be necessary for the assessors to mention the cadastral number of lands occupied thereby.

**40.** Article 471 of the Cities and Towns' Act, 1903, is Id., s. 471, replaced, for the city, by the following : replaced for city.

" **471.** Municipal taxes and the compensation due the city Taxes, &c., for water, light and meters and interest due thereon, are pri- privileged. vileged claims exempt from the formality of registration."

**41.** Section 2 of article 473 of the Cities and Towns' Act, Id., s. 473, 1903, is replaced, for the city, by the following : par. 2, re- placed for city.

" 2. The proprietors, lessees and occupants of the prop- city. erty mentioned in paragraphs *c*, *d* and *e* shall nevertheless Liability for certain works, &c. be subject to the works required for the opening and main- tenance of streets, and water-courses, the construction and main- tenance of sewers and sidewalks and public lighting under the by-laws, and shall be liable for the payment of any special tax or assessment made for that purpose, as well as for the payment for the use of water."

**42.** Article 482 of the Cities and Towns' Act, 1903, is Id., s. 482, replaced, for the city, by the following : replaced for city.

" **482.** Every tax imposed by virtue of the foregoing pro- Taxes pay- visions is payable annually and at the time fixed by the by- able annual- laws. And a discount may be allowed for the prepayment ly, &c. thereof and of the price of anything sold by the corporation."

**43.** Article 487 of the Cities and Towns' Act, 1903, is Id., s. 487, replaced, for the city, by the following : replaced for city.

" **487.** Municipal taxes, imposed on any immoveable may Collection of taxes from tenant, &c. be collected from the tenant, occupant or other possessor of such immoveable as well as from the owner thereof, or from any subsequent acquirer of such immoveable, even when such tenant, occupant, possessor or acquirer is not entered on the valuation roll."

**44.** Article 518 of the Cities and Towns' Act, 1903, is Id., s. 518, replaced, for the city, by the following : replaced for city.

" **518.** Subject to articles 4643*d* and following of the Exemption from taxes, &c. Revised Statutes, the council may, by a resolution, exempt from municipal taxes, for a period not exceeding twenty years, any person who carries on any industry, trade or enterprise whatsoever, or agree with such person for a fixed sum of money,



payable annually, for any period not exceeding twenty years in commutation of all municipal taxes.

Exemption  
of poor.

It may exempt the poor of the municipality from the payment of taxes.

Restriction  
of exemp-  
tions, &c.

The exemption or agreements authorized by this article shall not extend to work upon water-courses, boundary ditches, fences, drains, sidewalks, or roads connected with taxable property so exempted or commuted.

Exemption  
of certain  
property.

Nevertheless when a proprietor cedes, gratuitously, to the city any land for a street traversing his property, the remainder of the property fronting on the new street may be, by resolution of the council, exempted, in whole or in part, from the apportionment necessitated by the opening of such street ; provided that the part so exempted has a depth of not more than one hundred and fifty feet."

Proviso.

Id., s. 521,  
replaced for  
city.

Investment  
of sinking  
fund.

Proviso.

**45.** Article 521 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

" **521.** The sinking fund must be invested in the public funds of the Dominion or of the Province, or on first hypothec to an amount not exceeding one-half the value of the property mortgaged as appears by the municipal valuation roll ; provided that provision be made for the insurance of the property so mortgaged, to be taken in the name of the municipality and at the expense of the borrower to an amount of not less than one-half of the value of the property so insured, or be employed in the redemption of bonds issued by the corporation, or pledged or authorized to be issued by by-laws approved and sanctioned according to law, in which case the bonds so redeemed shall be destroyed and a *procès-verbal* of the operation entered in the books of the corporation, or be deposited in an incorporated bank.

Deposit of  
sinking fund.

The council may, if the lenders consent to or require it, deposit in their hands the sums intended for the sinking funds.

Receipt  
therefor.

In such case, the receipts given to the council shall be so drawn as to define what amount has been paid for interest, and what amount for the sinking fund."

Id., s. 522,  
replaced  
for city.

Borrowing,  
bonds, &c.

**46.** Article 522, of the Cities and Towns' Act, 1903, is replaced, for the city, by the following :

" **522.** The council may borrow by an issue of bonds, obligations or debentures signed by the mayor, and counter-signed by the clerk and bearing the seal of the corporation.

Bonds, &c.,  
how payable.

Such bonds, obligations or debentures shall be made payable to bearer, at the periods fixed by the council, with interest payable on the first days of the months of May and November in each year, at any rate of interest not exceeding the legal rate, and may, until disposed of finally, be pledged and repledged should

the market be deemed unfavorable, without their validity being affected thereby. This provision shall apply to debentures of the heretofore town of Westmount."

**47.** Article 533 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 533,  
replaced for  
city.

" **533.** The council may also, by complying with the provisions of this act respecting expropriations, expropriate the whole or any part of any macadamized or stoned road in the municipality belonging to one or more companies, or make any agreements with such companies or with trustees of turn-pike roads, concerning roads belonging to or maintained by them, either by allowing an annual grant or upon other terms and conditions as the council may by by-law determine ; and all such companies or trustees, notwithstanding any law or statutes to the contrary, may validly enter into such agreements with the city. All the powers of the city respecting roads and the levying of the amounts expended thereon shall apply to all roads of which the city may acquire control as above, just as if they had been purchased outright." Expropriation of certain roads,

**48.** Article 538 of the Cities and Towns' Act, 1903, is replaced, for the city, by the following : Id., s. 538,  
replaced for  
city.

" **538.** In case one of the parties after five days notice fails to agree upon a price or to name his arbitrator, a judge of the Superior Court, upon petition to that effect, of which five days has been given to the party in default, names one person who acts as sole arbitrator to determine the amount of the indemnity." Sole arbitrator appointed by court.

**49.** The following articles are added for the city after article 542 of the Cities and Towns' Act, 1903: Id., ss added  
after s. 542.

" **542a.** Before proceeding, the arbitrators shall be sworn before a justice of the peace for the district of Montreal or the secretary-treasurer of the council, to faithfully and impartially perform the duties of their office. Swearing of arbitrators.

" **542b.** At their first meeting, the arbitrators, or sole arbitrator, may name a secretary, whose duties shall be to keep a record of the minutes of all the proceedings, which shall be signed by the arbitrators at the end of each sitting or at the following sitting. Secretary of arbitrators.

" **542c.** The emoluments of such secretary are fixed by the arbitrators, and shall form part of the costs of the arbitration. His emoluments.

" **542d.** No defect of form shall annul the award of the arbitrators, if all the requirements of the law have been fulfilled. Award not void for de-

fect of form, filled, and if the award determined, clearly and concisely, the  
&c. amount awarded and the lands, rights, buildings and other things for which such an amount is an indemnity.

Beneficiary need not be named. “ **542e.** It is not necessary that the person to whom the amount should be paid be named in the award.

Payment of costs of arbitration. “ **542f.** The arbitrators may decide which party shall pay the costs or a proportion of the costs of the arbitration, and also on the amount of remuneration each arbitrator shall receive, which remuneration shall not exceed ten dollars per day.

Replacing of arbitrator, &c. “ **542g.** In case any arbitrator appointed under any of the provisions of this act, or any commissioner appointed previous to the passing of this act, dies or is disqualified, refuses or is unable to act, the Superior Court, or any one of the judges of the court, as the case may be, shall, upon a summary petition to that effect, to be presented by the city council, replace such arbitrator or commissioner by another competent and disinterested arbitrator or commissioner, upon whom the said office shall be binding, in the same manner as upon his predecessor.

Expropriation notices. “ **542h.** Any notice to be given in connection with expropriation proceedings shall be served in the manner provided for special notices.”

#### IMPROVEMENTS

Special assessments for improvements. **50.** Notwithstanding anything contained in the Cities and Towns’ Act, 1903, the council may, from time to time, make, amend and repeal by-laws to raise, by special assessment or assessments or otherwise, money sufficient to defray the cost of improvements and works mentioned in paragraphs 21, 22, 23, 26 and 29 of article 384 and in articles 386, 391, 392 and 429 of the said act, and to carry out and complete the said works or any or all of them, provided that any such by-law is approved by the vote of the absolute majority of the whole council. But every such by-law involving an estimated expense of over five thousand dollars, except by-laws respecting the construction of drains or sewers and the paving or macadamising of streets or roads, must be approved by the majority in number and value of the proprietors subject to be assessed for such improvement, and who at the time fixed actually cast their votes for or against any such by-law, and such votes shall be taken in the manner and subject to the procedure for the approval of loans.

**51.** In and by any by-law passed in virtue of the foregoing section it may be declared and ordered that the costs of any such improvements and works shall be borne and paid by the owners of real estate, situate on each side of such street, road, avenue, boulevard, lane or alley, public way or place, or any section or sections thereof, by means of a special assessment made, laid or levied upon the said owners of real estate according to the frontage of such properties, when such improvements are made, saving nevertheless the council declaring by resolution passed by two-thirds of the members of the whole council, that the said fronting properties shall be assessed only for a certain proportion or percentage of the cost of any such improvements, in the manner hereinafter set forth.

Costs of im-  
provements  
by whom  
borne.

Assessment  
therefor, &c.,

Such frontage rate may be greater or less upon one side of the street, avenue, boulevard, lane, alley, public way or place, than upon the other side and may be imposed either at a uniform or varying rate and either upon the properties fronting upon the improved portion or upon the whole or part of the length of the existing street, avenue, or road.

Frontage  
rate, &c.

**52.** The council may by vote of the absolute majority of its members declare and order in any such by-law or by resolution that only a proportion or percentage of the costs of such improvements, or any or all of them, shall be borne and paid for by the properties situated and fronting on the said streets, roads, avenues, boulevards, lanes, alleys, public ways or places, or any section or sections thereof, and in that event the secretary-treasurer or clerk shall give special notice, addressed by registered letter through the post office, to each person in whose name any of such fronting properties were last assessed, to his actual or last known domicile, and shall in such notice indicate the nature of the improvement, and the amount or percentage of the cost thereof to be assessed on the fronting properties, within ten days from the passing of such by-law or resolution.

By-laws to  
relieve front-  
ing properties  
from part of  
costs, &c.

Notice  
thereof, &c.

**53.** In the event of a petition, objecting to the whole or such proportion or percentage of the costs being assessed on such fronting properties, being presented to the council within thirty days of the passing of such by-law or resolution, signed by the majority of the proprietors, tutors, administrators, guardians, curators, institutes under substitution, trustees and the like, assessed for, possessed of, interested in, or owning such fronting properties on any of the said streets, roads, avenues, boulevards, lanes, alleys, public ways or places, or any section or sections thereof, then the amount or percentage of the costs of any of such improvements to be borne and assessed by such fronting properties shall be determined by arbitration ; the

Arbitration  
as to part of  
cost to be  
borne by  
fronting  
properties,  
&c.

arbitrators to be appointed in the manner and according to the procedure herein prescribed for expropriation, as far as can be made applicable, save and except that the petitioners shall be bound to name and appoint, in and by their petition, one arbitrator to act on their joint behalf in the said arbitration.

Award of arbitrators, final, &c.

**54.** The award of the arbitrator or arbitrators or a majority of them shall be final and not subject to appeal, and shall form the basis of the assessment to be levied on such fronting properties.

Costs of arbitration, &c.

**55.** If the whole amount or a proportion or percentage to be assessed on the fronting properties is not diminished by the award of the arbitrators, the cost of the arbitration shall be assessed on the fronting properties, the owners whereof have made objection as aforesaid, at a uniform rate per frontage by addition thereof to their frontage charge; otherwise the cost of the arbitration shall form part of the costs of such improvements.

Proceedings pending appeal.

**56.** Pending the decision of the arbitrators, the council may proceed with the said improvements or any or all of them.

Certain costs to be borne by city, &c.

**57.** The balance or remainder of the cost of all or any of such improvements, over and above the proportion to be borne, as aforesaid, by the fronting proprietors according to frontage, shall be borne by the city and paid for from the moneys provided by the sale of the bonds or debentures of the city, that have been or may be issued, from time to time, for the purposes of such improvements and, to enable the city to meet the payment of interest and sinking fund upon the portion of its loans so used, a special annual tax sufficient to provide for said payments, may be imposed and levied by the council; and said tax shall be based on the valuation of the lands only, irrespective of the buildings thereon erected.

Mode of carrying out improvements, &c.

**58.** The council may determine the mode, method and manner in which the said improvements, or all or any of them, are to be made and carried out, and the manner of laying, levying and collecting such special assessment or assessments, making the award of the arbitrators the basis of assessing fronting properties, in the event of their proportion of the costs of any such improvements being diminished as aforesaid.

Making of assessments &c

**59.** Such assessment shall be made, levied and collected at such time or times as may be ordered by the council, and it may order that the costs incurred in making any such improvements be levied and collected at once or by instalments during a certain number of years.

Such assessment, if the total costs of the improvements be spread over a certain number of years, may include interest on forborne payments.

Assessment to include certain interest.

**60.** The secretary-treasurer or clerk as soon as the accounts of the costs of making and carrying out the improvements and all expenses connected therewith shall have been sent in and approved by the council, shall himself, within a delay to be fixed by the council, make a special roll for the assessment and apportionment of the costs of such improvements.

Special assessment roll, &c.

**61.** All the special assessments to be levied for improvements in different street, avenues and boulevards, lanes alleys, public ways or places, may be levied by means of one single special roll, provided the amount to be levied for the cost of any improvement in any given street or section of street forms a separate part therein.

Single special roll.

**62.** As far as the city's share or proportion of the costs of improvements past and present is concerned, the same may be levied upon the taxable property exclusive of the buildings by one roll only which may be called special general roll notwithstanding the fact that such costs have been incurred in virtue of different by-laws.

Special general roll.

**63.** When the special assessment roll or rolls shall have been made, the secretary-treasurer or clerk shall give public notice in one English and one French daily newspaper, published in the city of Montreal, to be inserted for a period of at least three days, stating the date and hour when such roll or rolls shall be submitted to the council for homologation.

Notice of special assessment roll.

**64.** The council shall, on the date fixed, hear all parties interested, and may adjourn its meetings from time to time when necessary, and, after examination of any complaints or objections that may be made, may maintain, modify and amend, in their discretion, such assessment roll, but without interfering with the basis of assessment on fronting properties when determined by arbitrators as aforesaid, and may homologate the said roll, with or without amendments as the case may be; such roll shall then be final and not subject to appeal.

Hearing of parties, and maintaining, &c., of roll, &c.

In case the first assessment proves insufficient, the council may make or cause to be made a second in the same manner and so on until sufficient money be realised to pay for such improvements or works.

Second roll in certain case.

**65.** Such assessment shall be due, exigible and collectable from proprietors in such proportional amounts or instalments

Instalments of assessments, &c.

as may be fixed by the council, and shall be payable at such time or times as may be ordered by the council, and the secretary-treasurer, when so ordered, shall collect the instalments or amounts from the proprietors in the manner in which municipal taxes are collected.

Assessment  
privileged  
debt, &c.

**66.** The said assessment shall be a privileged debt, exempt from the formality of registration, and shall bear interest at six per cent per annum from the date on which it becomes due, and discounts for prepayments may be allowed.

Acquisition  
of land, &c.

**67.** The council shall have power to purchase, acquire, take and enter into any land, ground or real property whatever within the limits of the city, necessary for the purpose of the improvements, or for any purposes whatever mentioned in this act, either by amicable arrangements entered into between the corporation and the proprietors or other persons interested, or by adopting the provisions and complying with the formalities respecting expropriations.

Contribution  
by council to  
cost of im-  
provement,  
&c.

**68.** The council may contribute to the cost of any improvements ordered by it out of the revenues of the corporation, or it may borrow moneys required to pay for such share of any such improvements by complying with the formalities and procedure prescribed respecting loans.

Completion  
of certain im-  
provements,  
&c.

**69.** Notwithstanding anything in this act as well as the methods of assessment therein contained, all improvements, actually commenced previous to the coming into force of this act as well as the methods of assessments thereof may be continued, carried out and completed under the provisions of the present by-laws and the acts authorizing the same.

Certain im-  
provements  
at expense of  
municipality,  
&c.

**70.** In case of a special assessment for any improvements the council, if they think fit, may, by by-law or resolution provide for constructing, at the expense of the general funds of the municipality, such part of the said improvements as is situate upon or in that part of any street, lane, alley, public place or square which is intersected by any other street, lane, alley, public place or square, or as would otherwise fall on property exempted from assessment.

Mode of as-  
sessment in  
certain cases.

**71.** The council of the city may, by any such by-law or resolution, provide an equitable mode of assessment for any improvements ordered or to be ordered for works and services on corner lots, triangular or other irregular shaped pieces of land situate at the intersection or junctions of streets, roads, and squares, having due regard to the situation, value and superficial area of such lots as compared with adjoining lots

and pieces of land assessable for such works, improvements and services, and may add the cost of such improvements or of a specified portion thereof to the total cost to be paid by the owners of fronting properties in whole or in part as provided by sections 51 and 52 of the present act.

#### MISCELLANEOUS

**72.** The council may acquire and purchase any land for the Acquisition use, and required in the interest of the city, either within or of land, &c. without the limits of the municipality and may provide for the lease, purchase, or erection of any building that the city may require and, in the event of its being necessary or advisable, for the purpose of such improvements, it may acquire any larger tract of land or parcel of land than may be ultimately required for the purposes of such improvements.

**73.** The council may sell any portion or portions of the Sale of cer- land so acquired and not ultimately required for such purpose, tain land, &c. and shall apply the proceeds thereof in part payment for such improvements, and, if a special assessment be levied for the same, the balance of such costs shall alone be assessed for.

**74.** The council may make special agreements with the Special agree- city of Montreal or with any municipality or municipalities ment with to secure for a determinate period an outlet for the sewerage Montreal, &c, and drainage of the city, the compensation therefor to be deter- re sewerage, &c. mined either by amicable arrangement or by arbitration, but whenever any such outlet shall have been refused the city shall have the right to build alone or jointly with any other municipality, person, company or commission, a main sewer to conduct the sewerage and drainage to the nearest and most convenient point in the river St. Lawrence through any municipality or municipalities by paying therefor such reasonable compensation as may be awarded by arbitrators.

Nothing in this act contained shall be interpreted as confer- 1 Ed. VII, c. ring upon the city of Westmount the power to withdraw itself 19, s. 42, not from the effect of article 42 of the Quebec Public Health affected. Act 1901.

**75.** In case there should, at the passing of this act or Rectification thereafter, exist any clerical error, omission or informality of clerical in any proceedings in expropriation or in the making out of errors, &c. of any reports of arbitrators or commissioners, or of any roll of assessment prepared in respect of the costs of any improvements or in any by-law, whether such error, omission, or informality be committed by the arbitrators or commissioners, or any of them, or by those who are by law entrusted with



such proceedings, the Superior Court or any judge thereof may, upon petition to that effect, permit, in its discretion, the rectification, of such error, omission or informality upon such conditions as to costs as the court or judge may order.

Preparation  
of roll in  
place of an-  
nulled roll.

**76.** If any special assessment roll is annulled by competent authority, the secretary-treasurer shall make another special assessment roll for the same purpose, in the manner by law provided, and the same, when completed according to the formalities prescribed, shall have full force and effect.

Recourse in  
warranty in  
certain cases,  
&c.

**77.** If, for the purpose of any improvement any immoveable property is charged with any special assessment by any report or special assessment roll, which is subsequently annulled by competent authority, and a new report and special assessment roll are made for the recovery of such special assessment, and, if any change has taken place in the ownership of such property between the date of the first report and the date of the completion of the new special assessment roll, the new proprietor of such immoveable property, upon payment or demand of the amount thereof, shall have the same right in warranty against his vendor, in respect of such demand or payment, as if such property had become charged with a valid hypothec for such amount at the date of the homologation of the first mentioned special assessment roll.

Payments  
under an-  
nulled roll  
not invali-  
dated, &c.

**78.** Whenever a report of arbitrators or commissioners, or special assessment roll, for any street or other improvement, shall be annulled or set aside, the payments made under the authority of the same shall not be thereby invalidated, but such payments, with interest at the rate of six per cent added, shall go to the discharge of the respective amounts to be fixed by the new report and assessment roll, subject, on the part of the ratepayer, to make good any deficiency or to receive back any surplus according to the difference that may eventually exist between the old and the new reports and assessment rolls.

Act to gov-  
ern existing  
rolls, &c.

The present provisions shall apply as well to reports and special assessments rolls heretofore made as to those which may hereafter be made.

Vested  
rights, &c.,  
not affected.

**79.** Nothing in this act contained shall affect vested rights nor existing contracts nor serve to interpret such contracts. Nothing in this act shall effect the commutation of the ordinary taxes payable by the Montreal Amateur Athletic Association as confirmed by the act 51-52 Victoria, chapter 111, or the exemption from taxation granted to the Montreal Water and Power Company.

**80.** The acts 56 Victoria, chapter 54; 58 Victoria, chapter 54; 59 Victoria, chapter 54; 60 Victoria, chapter 63, and 7 Edward VII, chapter 69, forming the charter of the heretofore town of Westmount, as amended from time to time, are hereby repealed. Certain acts repealed.

All *procès-verbaux*, and by-laws governing water-courses and streets, all rolls, accounts for taxes and dues, by-laws, orders, lists, plans, resolutions, ordinances and all municipal acts whatsoever passed and consented by the mayor and council of the town of Westmount, their predecessors or successors shall continue to have their full effect until cancelled, amended, repealed, set aside or fulfilled. *Procès-verbaux, &c., to remain in force.*

All notes, bonds, debentures or obligations and all securities or undertakings whatsoever subscribed, accepted, endorsed, issued or contracted by the council of the said town until the coming into force of this act, shall continue to have their full legal effect. Notes, &c., to remain in force.

**81.** By-laws No. 149 and No. 175 of the town of Westmount for the purpose of borrowing each \$250,000, and hereto annexed, are hereby ratified and confirmed to all intents and purposes. Certain by-laws ratified.

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

## ANNEX A

### BY-LAW 149

PROVINCE OF QUEBEC, { MUNICIPALITY OF THE TOWN OF  
District of Montreal. } WESTMOUNT

At an adjourned general session of the municipal council of the town of Westmount held at the ordinary place of sessions of said council in said town in conformity to law on the seventeenth day of April 1905, at which were present :—C. A. Duclos, mayor ; councillors J. W. Knox, W. L. Lee, R. Cunningham, W. H. Trenholme, John Rogers, Wm. Galbraith, A. G. Cross, forming a quorum of the said council, the mayor presiding.

It is ordained and enacted by said council and the said council doth hereby ordain and enact by its by-law number 149 intituled “by-law to authorize the town of Westmount to effect a loan of \$250,000 and for other purposes.”

Whereas it is now in the interests of the town to effect a loan of \$250,000, the proceeds thereof to be applied to disbursements

for the construction of granolithic or other permanent pavements or sidewalks, street crossings of stone or brick or other material, drains and main sewers; the macadamizing or otherwise paving of streets; the opening, widening, grading, prolonging and making of streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof in the town and for other purposes.

1. The town of Westmount may, by its council, effect a loan of \$250,000 on the credit of the town, payable in forty years as hereinafter mentioned.

2. The proceeds of said loan shall be applied to disbursements for the following special improvements :

a. Disbursements made and to be made for the construction in the town of granolithic or other permanent pavements or sidewalks and street crossings of brick or stone or other material.....	\$100,000 00
b. Disbursements made and to be made for the construction of drains and main sewers or any section or sections thereof.....	60,000 00
c. Disbursements made and to be made for macadamizing or otherwise paving streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof.....	42,000 00
d. Disbursements made and to be made for the opening, widening, prolonging, altering and making of streets, roads, avenues, boulevards, lanes, alleys, public ways or places, or any section or sections thereof in the town.....	35,000 00
e. Contingencies.....	12,000 00
f. Cost of floating loan, legal and other expenses.	1,000 00

Total..... \$250,000 00

3. That the amount of \$100,000 mentioned in item (a) of section 2 of the present by-law is the amount disbursed and to be disbursed for the construction of granolithic or other permanent pavements or sidewalks and street crossings of brick or stone or other material ; the cost whereof, when completed, shall be levied and assessed on the immoveable property of the whole town, irrespective of the buildings thereon erected ; the whole as ordered and determined by by-laws, resolutions and orders of said council.

The amount of \$60,000 mentioned in item (b) of section 2 of the present by-law is the amount disbursed and to be disbursed for the construction of drains and main sewers or any section or sections thereof in the town.

The amount of \$42,000 mentioned in item (c) of section 2 of the present by-law is the amount disbursed and to be disbursed for macadamizing or otherwise paving streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof in the town.

And the said amounts disbursed or to be disbursed for the construction of drains and main sewers or any section or sections thereof and for macadamizing or otherwise paving any street, road, alley, boulevard, lane, avenue, public way or place or any section or sections thereof, as detailed in items (b) and (c) of section 2 of the present by-law, shall be levied and assessed on the fronting properties where such improvement is made according to frontage, except as regards the town's share of cross-sections of streets, roads, avenues, boulevards, lanes, alleys, public ways or places, or any section or sections thereof, or exemptions, which shall be levied and assessed on the immoveable property of the whole town, irrespective of the buildings thereon erected, the whole as provided by by-laws, resolutions and orders of said council.

The amount of \$35,000 mentioned in item (d) of section 2 of the present by-law, is the amount disbursed and to be disbursed for the opening, widening, altering and making of streets, roads, avenues, boulevards, lanes, alleys, public ways or places, or any section or sections thereof in the town.

The amount of \$12,000 mentioned in item (e) of section 2 of the present by-law, is the amount required for contingencies, incidental and other expenses.

The amount of \$1,000 mentioned in item (f) of section 2 of the present by-law, is the amount required for the cost of floating the present loan and legal and other sundry and incidental expenses connected therewith.

4. The council is authorized to use the proceeds of the present loan as above provided and to assess the amount disbursed and to be disbursed for the construction of granolithic or other permanent pavements or sidewalks, drains and main sewers, or any section or sections thereof and for macadamizing or otherwise paving streets, roads, avenues, boulevards, lanes, alleys, public ways or places, or any section or sections thereof in the town as above provided; and to assess the other amounts above detailed, including the amount disbursed or to be disbursed for the construction of street crossings of stone or brick or any material and the opening, widening, altering and making of streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof in the town, on the taxable immoveable property of the whole town irrespective of the buildings thereon erected, unless otherwise ordered by by-laws, resolutions or orders of council, the whole as provided by by-laws, resolutions and orders of said council as respects said class of special improvements.

5. It shall be lawful for the town of Westmount by its council, for the purpose of borrowing money for the above mentioned purposes, to issue bonds or debentures from time to time as may be ordered by the council, to an amount not exceeding \$250,000 payable in forty years and bearing interest at the rate of four per centum per annum, said interest payable on the first day of May and November in each year during the currency of said bonds or debentures, at the office of the Royal Bank of Canada in Montreal, or at such other place or places as may be ordered by the council. Said bonds or debentures shall be signed by the mayor and secretary-treasurer and shall be for the sum of \$1,000 (one thousand dollars) each and they may have coupons attached to them for the half yearly interest payable on them.

6. In order to pay the interest on said bonds or debentures and to provide a sinking fund of one per centum per annum on the amount of said bonds or debentures over and above said interest or on such proportion thereof as may be issued under the provisions of this by-law, a special annual tax or assessment for the purposes aforesaid is imposed by the present by-law as follows, to wit :

a. The proportion of said annual tax or assessment sufficient to meet the payments of interest and sinking fund on the proceeds of said loan, to repay the percentage of the amount disbursed and to be disbursed for the construction of drains and main sewers or any section or sections thereof and for macadamizing or otherwise paving any streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof and chargeable to frontage, as well as to repay the percentage of the amount disbursed or to be disbursed for any other of the purposes above detailed when so declared and ordered by the council, shall be levied and assessed on the immoveable property fronting on said improvements, according to frontage, at such times and in such manner as may be determined by resolution of council.

b. The proportion of the said annual tax or assessment sufficient to meet the payments of interest and sinking fund on the proceeds of said loan, to repay the percentage of the amount disbursed and to be disbursed for any other of the purposes above mentioned and detailed, including the amount disbursed and to be disbursed for the construction of street crossings of brick, stone or other material as well as the amount disbursed or to be disbursed for the construction of granolithic or other permanent pavements or sidewalks, drains, main sewers or any section or sections thereof, and for macadamizing or otherwise paving, streets, roads, avenues, boulevards, lanes, alleys, public ways or places in the town or any section or sections thereof, or for the opening, widening, altering, prolonging

or making of streets, roads, avenues, boulevards, lanes, alleys, public ways or places in the town or any section or sections thereof and assessable on the land values of the whole town as above provided, shall be levied and assessed on the taxable immoveable property of the whole town irrespective of the buildings thereon erected according to the valuation roll then in force, by the secretary-treasurer of the council, at such time and times as may be ordered by the council and in such manner as it may determine.

7. The sinking fund, may at any time, if the council or any purchaser so desire it, be employed in the repurchase of such bonds or debentures and such bonds or debentures so repurchased shall be forthwith cancelled and no other bonds or debentures issued in consequence of such repurchase.

8. The said sum of two hundred and fifty thousand dollars (\$250,000) may be borrowed in one amount or in different amounts at different dates as the council may deem most expedient in the interests of the town.

9. The proceeds of the loan authorized by the present by-law shall be devoted exclusively to the purposes mentioned in section 2 of the present by-law, and shall not be used for any other purposes than specified in said section.

10. The present by-law before taking force and effect, shall be approved by the municipal electors of the municipality who are proprietors as by law provided.

(Signed) CHAS. A. DUCLOS,  
*Mayor.*

“ WM. MINTO,  
*Secretary-treasurer.*

Certified a true copy.

A. D. SHIBLEY,  
*Asst-Sec.-Treasurer.*

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## ANNEX B

PROVINCE OF QUEBEC }  
DISTRICT OF MONTREAL }

MUNICIPALITY OF THE TOWN  
OF WESTMOUNT

## BY-LAW No. 175

At a general session of the municipal council of the town of Westmount, held at the ordinary place and hour in conformity to law, on the 3rd September, 1907, at which were presents : Wm. Galbraith, mayor, and councillors A. D. Gall; A. H. Scott ; Thos. Brady ; J. Fred. Fetherston ; A. McA. Murphy ; A. McGoun ; and W. H. Trenholme forming a quorum under the presidency of the mayor.

It is ordained and enacted by said council by by-law bearing No. 175, as follows :

Whereas the development of the town calls for further laying of drains, macadamizing of streets and laying of sidewalks for which money is required as well as for the completion and equipment of the Electric Light and Garbage Destructor Plant ;

Whereas the amounts required according to the estimates prepared by the town officials are as follows :

1. Acquiring, grading and macadamizing of roads.....	\$75,000 00
2. Construction of drains and sewers....	50,000 00
3. Construction of granolithic sidewalks, curbs and street crossings of brick and stone..	50,000 00
4. Completion and equipment of electric light plant and garbage destructor.....	65,000 00
5. Contingencies.....	10,000 00
	<hr/>
	\$250,000 00

Section 1.—The town of Westmount may effect a loan of \$250,000.00 by means of debentures redeemable in forty (40) years, and bearing interest at four and one half per centum (4½%) per annum, payable semi-annually on the first day of May and November in each year ;

Section 2.—The said debentures shall be of the denomination of one thousand dollars (\$1000.00) each and numbered from one to two hundred and fifty inclusively and dated from the 1st November 1907, and shall have attached thereto coupons bearing the number of the debenture to which they will be so attached to represent each and every payment of

interest. They shall be made payable in capital and interest at the head office of the Bank of Montreal and to bearer, and shall be signed by the mayor and the secretary-treasurer. The coupons shall bear the *fac-simile* signatures of the mayor and secretary-treasurer.

Section 3.—The said debentures may be sold all together or from time to time as the council may decide and order by resolution, and, pending the final disposal thereof upon favorable terms, the council may make all necessary arrangements, with the town's bankers by over draft note or pledge of the said debentures or both at current rates of interest, to procure the funds required to meet the cost of improvements and works covered by this by-law.

Section 4.—The proceeds of said loan shall be used exclusively to defray the expenses incurred and to be incurred in connection with the improvements and works hereinbefore mentioned and in the above stated proportions.

Section 5.—In order to pay the interest on said bonds or debentures and to provide a sinking fund of one per centum per annum on the amount of said bonds or debentures over and above said interest or on such proportion thereof as may be issued under the provisions of this by-law, a special annual tax or assessment for the purposes aforesaid is imposed by the present by-law as follows, to wit :

a. The proportion of said annual tax or assessment sufficient to meet the payments to interest and sinking fund on the proceeds of said loan, to repay the percentage of the amount disbursed for the construction of drains and main sewers or any section or sections thereof, and for the macadamizing or otherwise paving any streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof, and chargeable to frontage, as well as to repay the percentage of the amount disbursed for any other of the purposes above detailed when so declared and ordered by the council, shall be levied and assessed on the immoveable property fronting on said improvements, according to frontage, at such times and in such manner as may be determined by resolution of council and in accordance with the town's charter and by-laws.

b. The proportion of the said annual tax or assessment sufficient to meet the payments to interest and sinking fund on the proceeds of said loan, to repay the percentage of the amount disbursed and to be disbursed for any other of the purposes above mentioned and detailed, including the amount disbursed and to be disbursed for the construction of granolithic or other permanent pavements or sidewalks, drains, main sewers or any section or sections thereof, and for the macadamizing or otherwise paving streets, roads, avenues,



boulevards, lanes, alleys, public ways or places in the town or any section or sections thereof, and assessable on the land values of the whole town as provided by its charter and by-laws, shall be levied and assessed on the taxable immoveable property of the whole town irrespective of the buildings thereon erected according to the valuation roll then in force, by the secretary-treasurer of the council, at such time and times as may be ordered by the council and in such manner as it may determine and in accordance with the town's charter and by-laws.

(Signed) WM. GALBRAITH,  
*Mayor.*

(Signed) WM. MINTO,  
*Secretary-treasurer.*

Certified a true copy.

A. D. SHIBLEY,  
*Asst.-Sec.-Treasurer.*

## CHAP. 90

An Act to amend the charter of the town of St. Johns

[Assented to 25th April, 1908]

Preamble.

**W**HEREAS the corporation of the town of St. Johns has, by its petition, represented that it is in the interest of the proper administration of the said town that certain amendments be made to its charter, the act 53 Victoria, chapter 71, and whereas it is expedient to grant the prayer of such petition; Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

53 V., c. 71,  
s. 297, re-  
placed.

Publication  
of certain by-  
laws.

And of cer-  
tain other by-  
laws.

**1.** Article 297 of the act 53 Victoria, chapter 71, is replaced by the following :

**" 297.** If the council so orders, the publication of by-laws for the imposing of taxes under articles 494 and following, may be effected merely by a public notice published and posted up.

The publication of by-laws that have not to be submitted for the approval of the municipal electors, may also be effected in the manner indicated in this article, by inserting a summary or synopsis of such provisions in the public notice."