

Costs of arbitration. **537.** The costs of the said arbitrators and of the said arbitration shall be paid by the city.

If company refuses to sign deed after award. **538.** If the company or companies, after the award has been accepted by the city, refuse to sign a deed of transfer of the said portion or portions of road, a judge of the Superior Court for the district of Ottawa or the court, on application to that effect by the council, may appoint a person to sign the said contract for and in the name of the said company or companies or render a judgment equivalent to such contract.

Repeal of inconsistent provisions. **539.** All provisions of law inconsistent with the provisions of this act shall be and are hereby repealed.

Coming into force. **540.** This act shall come into force on the day of its sanction.

CAP. LIII.

An Act to amend the various acts respecting the city of Ste. Cunégonde of Montreal.

[Assented to 27th February, 1893].

Preamble. **WHEREAS** the city of Ste. Cunégonde of Montreal has, by its petition, prayed for certain amendments to the act 53 Victoria, chapter 70, and the various acts amending the same, and whereas it is expedient to grant its prayer ;
Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

53 V., c. 70, art. 2, replaced. **1.** Article 2 of the act 53 Victoria, chapter 70, is replaced by the following :

Interpretation : **" 2.** The following words in this act shall, unless the context otherwise requires, be understood to have the meaning given by this article :

Council. **1.** The word " council " shall mean the council of the corporation of the city of Ste. Cunégonde of Montreal ;

Mayor, &c. **2.** The words " mayor," and " aldermen," " city surveyor " shall mean the mayor, aldermen and city surveyor of the corporation of the city of Ste. Cunégonde of Montreal, respectively ;

Secretary-treasurer, &c. **3.** The words " secretary-treasurer," " assistant secretary-treasurer," " clerk," and " assistant clerk " shall mean the secretary-treasurer, assistant secretary-treasurer, clerk and assistant clerk of the city of Ste. Cunégonde of Montreal ;

Corporation. **4.** The word " corporation " shall mean the city of Ste. Cunégonde of Montreal, as hereby constituted ;

5. The words "Superior Court" shall mean the Superior Court for the district of Montreal; Superior Court.
6. The words "Recorder's Court" shall mean the Recorder's Court of the city of Ste. Cunégonde of Montreal, and the word "recorder," the recorder of the said city; Recorder's Court.
Recorder.
7. The word "rate-payer" shall mean any person liable to the payment to the corporation of any assessment or tax of any nature whatsoever; Rate-payer.
8. The word "city" shall mean the city of Ste. Cunégonde of Montreal; City.
9. The word "elector" means any municipal elector of the city of Ste. Cunégonde of Montreal, who is qualified to vote when he exercises his right as elector; Elector.
10. The expression "electors who are proprietors" means those who are entered on the valuation roll of the city, in force at the time they exercise their right as such electors and who are, at the same time, proprietors or usufructuaries in possession, in virtue of *bonâ fide* titles. Electors who are proprietors.
11. The expression "municipal dues" means all taxes, whether general or special, imposts, dues, assessments, apportionments, licenses, special assessments, fines or penalties, as well as all debts due the corporation, whether they form part of its revenue or not; Municipal dues.
12. The words "assessors" and "valuators" are synonymous; Assessors.
13. The words "police officers," "policemen" and "constables" are synonymous; Police officers.
14. The words "valuation roll" and "assessment roll" are synonymous; Valuation roll.
15. The words "bonds" and "debentures" are synonymous, and mean the bonds which the council is empowered to issue. Bonds.
16. The French expressions "*maire adjoint*," "*maire suppléant*" and "*pro-maire*" are synonymous and mean the pro-mayor. Maire adjoint, &c.
17. The word "assessment" means the rates annually levied upon immoveable property in the city generally; Assessment.
18. The words "special assessment" and "apportionment" mean the assessment levied, from time to time, upon certain proprietors for local improvements; Special assessment, &c.
19. The word "tax" means the personal duty or license fee levied upon trades, business, professions or occupations generally; Tax.
20. The word "person" means any individual, company, association, commercial firm or corporation, unless such interpretation shall be inconsistent with the context." Person.

2. Article 89 of the said act is replaced by the following: 53 V., c. 70, art. 89, re-

"89. Whosoever refuses to allow any person, appointed to effect the seizure or sale of moveable property or effects placed.
Rébellion à justice.

contained in a house, to enter the same, is guilty of resistance to justice (*rébellion à la justice*), and may be condemned by the mayor, the recorder or any justice of the peace to a fine not exceeding forty dollars and costs, and, in default of the immediate payment of such fine and costs, to an imprisonment in the common gaol for a period not exceeding thirty days."

Certain articles of same statute repealed.

Id. art. 106, replaced.

Persons disqualified for office of mayor or alderman.

3. Articles 101, 102, 103, 201, 426, 427, 483 and 542 of the said act are repealed.

4. Article 106 of the said act is replaced by the following :

"**106.** The following persons cannot be elected mayor or alderman, nor perform the duties thereof, nor be nominated :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges or magistrates receiving emoluments from the Federal or Local Governments or from the city ;
5. Officers on full pay of Her Majesty's Army and Navy, and the officers or men of the police force ;
6. Keepers of taverns, hotels or houses of public entertainment, and persons who have acted as such within the preceding twelve months ;
7. Whosoever has no domicile or place of business in the city for at least one year previous to the nomination ;
8. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or who has, directly or indirectly, by himself or his partner, any contract with the corporation ;
Nevertheless, a shareholder in any incorporated company, which has any contract or agreement with the corporation, or which receives a bonus therefrom, is not disqualified from acting as a member of the council ; but he shall be deemed to be interested, if any discussion should arise before the council or a committee with reference to any measure relating to such company ;
9. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up, owing to involuntary error or omission ;
10. Whosoever cannot read or write fluently ; it shall not suffice that he can read print or write his name, or even do both ;
11. Aliens ;
12. The officer presiding at the election, or any person employed by the council or by such presiding officer in connection with an election ;

13. Any person convicted of treason or felony by any court of justice ;

14. Persons who are responsible for moneys belonging to the city, or who are sureties, in favor of the corporation, for any employee of the council.”

5. Article 107 of the said act is replaced by the following : Id. art. 107, replaced.

“**107.** No one can be elected or appointed alderman or valuator, nor act as such unless, he possess in the city for at least twelve months, as owner, under registered title deeds, real estate to the value of at least one thousand dollars for the office of alderman, and five hundred dollars for that of valuator, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll in force. Qualification of alderman and valuator.

The production of the registrar's certificate shall be sufficient proof of the existence of such hypothecary charges.” Proof of existence of charges.

6. Article 145 of the said act is replaced by the following : Id. art. 145, replaced.

“**145.** Every application for striking a name from the lists shall be served upon the party interested by a bailiff or constable, or be sent by mail by registered letter to his last known address, and a return of the service or of the posting, as the case may be, shall be filed with the complaint before the revisors, and shall mention the day and hour when and the place where the revisors shall consider such application.” Service of notice of application to strike name from list.

7. The following article is added after article 160 of the said act : Art. added after id. art. 160.

“**160a.** Every candidate for the office of alderman shall deposit, with his nomination paper, in the hands of the clerk, a certificate of qualification duly attested and containing a description of the real estate by virtue of which he is qualified to be elected alderman.” Deposit of certificate of qualification.

8. Article 303 of the said act is replaced by the following : Id. art. 303, replaced.

“**303.** Six electors, who are real estate owners and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not. Poll by whom to be required.

Upon such requisition, the mayor or other person presiding shall, at once, grant such poll, which shall thereupon be opened and held until the hour of four in the afternoon of the same day, and on the following day from ten in the morning until four of the afternoon. Duty of presiding officer and duration of poll.

Poll to be closed before, in certain event.

If, after the votes have commenced to be registered, either on the first or on the second day, an hour elapses without a vote being registered, the presiding officer shall close the poll."

Id. art. 323, replaced.

9. Article 323 of the said act is replaced by the following :

Posting, &c., of bills, &c.

" 323. To license and regulate the posting of bills and placards in the streets by persons authorized by the council to the exclusion of all others ; to prohibit the posting or exhibiting of indecent or offensive placards, paintings, drawings, statues, or inscriptions, in any street or public place, or in any store, or any place visible from such street, or public square."

Id. art. 326, replaced.

10. Article 326 of the said act is replaced by the following :

Board of Health, and health generally.

" 326. To establish a board of health, with such privileges, power and authority as the council may deem fit ; to take means to promote the health of the city ; to provide precautionary measures against the introduction of diseases ; to make regulations for preventing contagion or infection therefrom, and for diminishing the danger thereof ; to compel proprietors or occupants of houses or buildings of all kinds, to burn or remove all rubbish, offal, waste, garbage, sweepings or other filth whatsoever, to force them to do so, even to contract for the removal thereof at the expense of the city ; to build incinerators within and without the limits of the city, provided permission therefor be previously obtained from the council of the municipality where such incinerator or incinerators are to be built, and to define and regulate the duties, powers and attributions of health officers.

Application to town of St. Henri.

This article, as well as article 250, shall apply *mutatis mutandis* to the town of St. Henri."

Id. art. 365, replaced.

11. Article 365 of the said act is replaced by the following :

Street railway and other tracks in streets.

" 365. To sanction and permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city ; to regulate the amount of the fare and number of passengers to be carried in each car or vehicle used by such street railway."

Id. art. 372, replaced.

12. Article 372 of the said act is replaced by the following :

“ **372.** To regulate the sweeping of chimneys by sweeps Chimneys. licensed, to the exclusion of all others, by the council, and to establish a tariff of rates therefor.”

13. Article 383 of the said act is replaced by the follow- Id. art. 383,
ing : replaced.

“ **383.** To regulate the lighting of the city, and of the Lighting. buildings of its inhabitants, by gas, electricity or otherwise ; to protect the lamps and lamp-posts in the streets and public squares, and compel owners or occupants of houses, buildings or lots in the city to allow the necessary pipes, lamps, wires and poles to be laid or placed in and upon their houses, buildings or lots, provided that the damages, if any, be paid for.”

14. Article 407 of the said act is replaced by the follow- Id. art. 407,
ing : replaced.

“ **407.** All and every such police officers or constables Powers of may arrest, on view and without a warrant, any person police as to they may find breaking the public peace, or lying or arrests. loitering, either during the night or day time, in any highway, field, yard or other place, or lodging or sleeping in any barn, outhouse or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing, loitering, or causing tumult on the public roads or highways, wharves, bridges or on any part of the Lachine Canal, or in any vessel, within the limits of the city, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any by-law of the city.

They may also arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence.”

15. Article 412 of the said act is replaced by the follow- Id. art 412,
ing : replaced.

“ **412.** The constables have power and authority to serve Service of all special notices and to publish all public notices, in ac- notices, &c. cordance with the various provisions of this act, and to act as bailiffs of the Recorder's Court, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.”

16. Articles 449, 451, 452 and 479 of the said act are re- Id. arts. 449,
placed by the following : 451, 452 and
479, replaced.

Effect of the confirmation of plans.

“ **449.** Every plan or map of a ward, already made or which may hereafter be made, when confirmed by the Superior Court, is binding upon the corporation, the proprietors therein interested, and upon all other persons whomsoever ; and no indemnity or damage can be claimed or granted, at the time of the opening of any of the new streets, lanes, public places or squares, shewn on the said plan, or at the time of the widening of any of the streets, lanes, public places, or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whosoever may have made, or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, lanes, public places or squares, or for the widening of any of the streets, public places, or squares of the city.

Proviso.

Provided that nothing contained in this act shall be construed as depriving the corporation of the right of widening or extending any of the streets, lanes, public places, or squares designated in such plan, after its confirmation, or of abandoning the opening of any new street, lane, or the widening or extending of any existing street or lane, as shown on the said plan.

Proviso.

But no such modification or alteration shall be made, unless it be resolved upon at a meeting of the council, at which the majority of the members are present, upon a petition to that effect from a majority of the proprietors in the street, lane, or part thereof proposed to be changed ; and thereupon any of the judges of the Superior Court may, upon the petition of the corporation, order that the duplicates of said plan, deposited as hereinafter provided, be modified or altered accordingly.”

Opening of new streets according to plan, &c.

“ **451.** The city may open to the public any new street, lane, highway, public place, or square, shewn on the said plans or maps ; and also may widen any of the streets, lanes, public places or squares thereon indicated as to be widened, after having adopted, however, the formalities and procedure hereinafter prescribed, relative to the mode of expropriation and the levying of special assessments ; and may also open, extend or widen any street, lane, public highway, place or square, or acquire property for the establishment of markets, police stations, or for any other municipal purpose ; and may also, at the same time, determine that such improvements shall be made out of the city funds, or that the cost thereof shall be assessed, in whole or in part, upon the immoveables belonging to parties interested in, or benefited by such improvement ; and, for that purpose, the city may acquire, take and enter upon any land, ground or immoveable property in the city, in the manner hereinafter provided.”

“ **452.** The city may also open, fix the grade and level, or widen streets, lanes or highways, and extend the same, and may establish public abattoirs, parks, squares or hospitals, beyond the city limits, and may acquire any land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed, in and by this act, for the acquisition of land for similar improvements in the city ; but, before exercising any of the powers hereby conferred upon it, the city shall obtain the consent of the municipality within the limits of which such powers are to be exercised.”

Opening of streets, &c., establishing abattoirs, &c.

Proviso.

“ **479.** Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts remaining unexpended, and to the available amount of any loan authorized by this act and its amendments, but the city may levy, by temporary obligations, the proportion of the contribution payable by the proprietors in connection with such improvements, until a special apportionment for that purpose has been collected.”

Appropriations not to exceed certain sums.

17. Article 516 of the said act is replaced by the following :

Id. art. 516, replaced

“ **516.** The assessors, every year, value and assess all immoveable property in the city, and make return also of the names of all persons liable to pay any tax or assessment, specifying the amount payable by every rate-payer, according to law.

Duty of assessors each year.

They may, in the discretion of the council, prepare a separate and distinct roll of the special assessments, personal taxes and water rates.

Separate roll in certain cases.

All these rolls shall be completed and deposited in the hands of the treasurer, on or before the first of August in each year.

Deposit of roll.

Two of such assessors may value the immoveables and make a roll for each ward, and a single assessor may make the roll of personal taxes and water rates for each ward ; but such roll shall be subject to the revision of the majority of the said assessors, as hereby prescribed.

Who to value immoveables and who, moveables.

At any time after the making of the said rolls, the assessors shall make and draw up a supplementary roll, containing the names of all persons omitted from the first roll, or who have become liable to the payment of any assessments, taxes, or other municipal dues.”

Supplementary roll.

18. Article 568 of the said act is replaced by the following :

Id. art. 568, replaced.

“ **568.** In all cases where, upon the projected opening of any street, lane, square, market-place, or other public

Power to appropriate greater extent

of land than that required for streets, in certain cases.

place, or the projected extension or widening of such street, lane, square, market-place, or other public place, or the projected acquisition or extension of a site for any public building, the council deem it advantageous to acquire a larger tract of land than is required for the intended improvement or enlargement, and the property, part of which is to be expropriated for such improvement, does not extend back more than one hundred feet from the projected line of such improvement, the city may also expropriate the remainder of such property; such extent of property may be taken on one or both sides of such street, lane, square, market-place, or site, in case the proposed improvement applies to both sides thereof."

Id. art. 611, amended.

19. Article 611 of the said act is amended by replacing subsection 1 thereof by the following :

Jurisdiction in suits for taxes.

" 1. Any action brought for the recovery of any sum of money due to the corporation for any tax, special assessment, apportionment or other municipal dues, or assessment, imposed by any by-law or resolution of the council."

Id. arts. 534, 537 and 538, replaced.

20. Articles 534, 537 and 538 of the said act are replaced by the following :

Schedule prepared by city treasurer.

" **534.** It is the duty of the city treasurer to prepare before the first day of May, every year, a schedule containing :

Contents of schedule.

A legal description of each immovable in the city, on which at least two years arrears of taxes, assessments or municipal dues have accrued at the time of the passing of this act, or may hereafter become due, or on which any such taxes, assessments or municipal dues have been in arrear for one year, with the names of the proprietors, as they appear on the different rolls of assessment, or with a declaration that such proprietors are unknown; also with a statement of the amount due, in each case, of the interest accrued thereon, and of the costs incurred in respect thereof."

Delivery of schedule to sheriff, if tax not paid within certain time.

" **537.** If the amount due upon any immovable for taxes, assessments or municipal dues, is not paid at the expiration of the said period of ten days, as aforesaid, the city treasurer shall deliver such statement, duly certified under his signature, to the sheriff of the district of Montreal, who shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of the properties described therein, after having published a notice thereof, as provided in the following article.

Notice to be given by sheriff.

" **538.** The notice to be given, as aforesaid, by the sheriff may be in the form N; it shall comprise as many im-

moveable properties as the sheriff has been required to sell, under the provisions hereof, for the levying of taxes, assessments and municipal dues in arrears, with costs and interest.

Such notice shall be published three times during two months, reckoning from the first publication, and before the day fixed for the sale, in the *Quebec Official Gazette*, and also in one English newspaper and one French newspaper published daily in the city of Montreal; it shall also be posted, one month at least before the day fixed for the sale, outside the portico of the city hall and on the property to be sold.”

Publication of such notice.

21. Articles 544 and 546 of the said act are replaced by the following :

Id. arts. 544 and 546, replaced.

“ **544.** All moneys which, from and after the passing of this act, become due to the city, for any taxes, assessments or municipal dues, are privileged debts, and are collocated, without registration, upon the proceeds of the moveable or immoveable property in respect of which such debt is due, in the order fixed and determined in articles 1994 and 2009 of the Civil Code; provided, always, that such privilege does not extend beyond the amount due for five years, that is to say, for the year when such claim is made, and for the five years next preceding that year.”

Privilege for taxes.

Proviso.

“ **546.** The right to recover any tax, assessment, special assessment, apportionment or municipal dues, under this act, is prescribed and extinguished, unless the city, within five years, in addition to the current year, to be counted from the time at which such tax, assessment, special assessment, apportionment or municipal dues, became due, has commenced an action for the recovery thereof, or initiated legal proceedings for the same purpose under the provisions of this act; the privilege, securing such tax, assessment, special assessment, apportionment or municipal dues, avails to the city, notwithstanding any lapse of time, for the recovery of any sum which may, by any judgment, be awarded to the city, for such tax, assessment, special assessment, apportionment or municipal dues; provided that, in case any special assessment is made payable by annual instalments, the prescription runs only from the expiry of each such instalment.”

Prescription of taxes.

22 Article 567 of the said act is replaced by the following :

Id. art. 567, replaced.

“ **567.** On the day specified in such notice, the city shall submit to the Superior Court, or to one of the judges thereof, the report containing the appraisement of the

Homologation of report of commissioners.

commissioners, for confirmation and homologation ; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the report.

This confirmation and homologation of the said report shall be obtained on or before the thirty-first of August of each year."

Id. art. 570,
replaced.

23. Article 570 of the said act is replaced by the following :

Deposit of
amount after
homologation
of commis-
sioners' report.

" **570.** Within thirty days from and after the confirmation and homologation of the report of the commissioners, the city shall deposit the amount of the price or compensation and damages, settled and determined in and by the said report, in the hands of the prothonotary of the Superior Court ; but when the amount of the indemnity allowed does not exceed two hundred dollars, the city may deposit it in any incorporated bank of the district, and the prothonotary or bank manager, as the case may be, shall give an acknowledgment in writing for such deposit.

Effect of de-
posit, &c.

Such deposit and acknowledgment shall constitute, on behalf of the city, a legal title to the property of each of the immoveables expropriated ; and thenceforth all proprietors of, or other persons interested in, such immoveable property shall be divested of all rights or claims thereto, and the city shall be vested with such immoveables, and may, of right and without any further formality, enter upon possession of, and use the same for any of the purposes authorized in and by this act, on the first day of May following.

Proviso.

Nevertheless, any proprietor may, at any time, between the first of January and the first of May following, compel the said city to remove any building or obstruction of any kind from the expropriated land, within fifteen days from a written notice to that effect given to the city, provided such proprietor warrants the city against all claims."

Id. arts. 571
and 572, re-
placed.

24. Articles 571 and 572 of the said act are replaced by the following :

Effect of ex-
propriation.

" **571.** Any expropriation made in virtue of this act shall have the effect of cancelling all mortgages, privileges and encumbrances whatsoever with which such immoveables may be charged at the time ; but the price or compensation, deposited in the hands of the prothonotary, or in an incorporated bank, as aforesaid, shall be held to represent such immoveables as regards such mortgages, privileges and encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the money deposited conformably to this act."

“ **572.** Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of, or interested in any immoveable, subject to expropriation, may (not only for themselves, but for and on behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert* or other persons) contract for, sell and convey such immoveable to the city; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever; and all corporations and persons whatsoever, contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation for such sales or conveyances. Who may sell and contract.”

But, in such case, the price shall not be paid to the vendor until the authority of the proper court or judge shall have been obtained for such payment; and, if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility, in respect of such price, by paying the same into the hands of the prothonotary of the Superior Court, or to an incorporated bank, as the case may be, for the benefit of whom it may concern. Proviso.”

25. When a proprietor gratuitously makes over a lot of land to the city for a street through his property, the remainder of the property facing on the new street may, by a resolution of the council, be wholly or partially exempted from the apportionment necessitated by the opening of such street, provided the part exempted does not exceed one hundred and fifty feet in depth. Exemption of certain property from apportionment for opening, &c., streets.

26. The last paragraph of article 573 of the said act is replaced by the following : Id. art. 573, amended.

“ If, however, the amount of indemnity does not exceed two hundred dollars, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party, if the amount has been deposited in his hands; but if it has been deposited in an incorporated bank as aforesaid, the bank, in which the amount has been so deposited, shall forthwith deliver it to the expropriated party. Proviso, if indemnity does not exceed two hundred dollars.”

27. Article 575 of the said act is replaced by the following : Id. art. 575, replaced.

Suspension of the right of opposition in certain cases. “ **575.** When the council, by a resolution adopted by vote of a majority of its members, determines to carry out an improvement and to contribute, from the city funds, to an extent not to exceed one third of the cost thereof, the right of opposition, conferred in and by articles 558 and 559 upon the proprietors benefited, shall be suspended, in so far as it relates to such improvement; provided, however, that the council, before adopting any such resolution, shall give ten days' notice thereof, in at least two English and two French newspapers published in the city of Montreal. ”

Proviso.

Id. arts. 579 and 581, replaced. **28.** Articles 579 and 581 of the said act are replaced by the following :

Deposit of indemnity in certain cases. “ **579.** Within twenty days after such assessment and apportionment are made, revised and completed, as aforesaid, the city shall deposit, in the hands of the prothonotary of the Superior Court, or in an incorporated bank, as the case may be, the price or indemnity determined by the commissioners for each and every immoveable expropriated, after deducting therefrom the amount charged in such assessment and apportionment to each of the proprietors expropriated; and the prothonotary, or the bank, as the case may be, shall grant a written acknowledgment to the city of such deposit, which shall have the same effect as the acknowledgment provided for in article 570.”

Provisions applicable, in cases of changing levels of sidewalks, &c. “ **581.** The provisions contained in articles 549 and following, with regard to the appointment of commissioners and the mode of ascertaining the value of immoveables taken by the city, apply to cases in which it becomes necessary to ascertain the amount of compensation to be paid by the city, for any damage caused by reason of any alteration in the level of any sidewalk, or by reason of any other act of the corporation for which it is bound to make compensation, where the city and the claimant are unable to agree as to the amount of such compensation.

Payment of compensation. The amount of such compensation, when determined upon, shall be forthwith paid by the city to the claimant; provided, always, that any person who erects any building whatever upon any established or contemplated street, public place, or square in the city, without having previously obtained from the city surveyor the level of the sidewalk of such street, public place or square, and without conforming himself to such level, shall have no claim for compensation for damages caused by any subsequent change of level in such sidewalk.”

Proviso.

29. The corporate name of the school commissioners of the municipality of Ste. Cunégonde, in the county of Hochelaga, is hereby changed to that of: "The school municipality of the city of Ste. Cunégonde of Montreal." Corporate name of school commissioners.

30. The corporation of the said school municipality, under its corporate name, has perpetual succession, and it may : Powers as such.

Subscribe, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, in the execution of all the powers, rights and attributions conferred upon it, by this charter and by law ; provided that it cannot oblige itself for an amount exceeding fifteen thousand dollars.

31. The said school municipality is, further, hereby authorized to acquire real estate within its limits, to construct thereon and enlarge one or more educational establishments, and to establish any school which the school commissioners of the said municipality may deem proper, and to pay the sum aforesaid, and, for that purpose, to levy a sum, not exceeding fifty thousand dollars, at a rate of interest not exceeding five per cent, and to issue bonds and debentures to that amount. School commissioners may acquire certain property, Levy a certain sum, and issue debentures.

These debentures shall rank with the debentures of the city of Ste. Cunégonde of Montreal, and they shall be signed by the president and secretary-treasurer of the said school municipality. Rank and form of debentures.

They shall be issued subject to the provisions of title 14 of the act 53 Victoria, chapter 70, as amended, in so far as they are not inconsistent with the provisions of this act. Under what provisions issued, &c.

32. It shall be lawful for the said school commissioners to exact from the parents or tutors of the children attending their schools (except from those exempt on account of poverty) the payment of a monthly contribution not exceeding one dollar, according to the rules and regulations which shall, from time to time, be made by the said commissioners ; and, in their half-yearly reports, they shall mention the number of children educated gratuitously and the number of those who pay a contribution ; and the said contribution may be recovered from the parents or tutors, by suit before the recorder, or before any other competent court, but no such suit shall be brought for more than one year's arrears, or for a sum due for more than one year. Monthly contributions and recovery thereof.

33. The provisions of articles 544, 545 and 546 of the said act shall apply to the taxes imposed by the said school commissioners. Certain articles to apply to school tax.

MISCELLANEOUS PROVISIONS RESPECTING EXPROPRIATIONS
AND THE WIDENING OF NOTRE-DAME STREET.Widening of
Notre-Dame
street.

34. The city of Ste. Cunégonde of Montreal is authorized to widen Notre-Dame street, throughout its whole length, from the eastern to the western limits, to a width of from sixty feet to eighty feet, and according to the formalities prescribed by the charter.

Payment of
such improve-
ment.

The costs of such improvement shall be paid as follows :

One half by the owners of real estate situated on each side of the said Notre-Dame street, by means of a special apportionment, which shall be levied upon the immoveables on both sides of the street, in ten yearly instalments, the first of which shall become due on the first day of May following the confirmation and homologation of the report, to be made by the commissioners appointed to make the valuation, as hereinabove set forth, and so continue, from year to year, with interest at six per cent per annum, payable at the same date.

Such apportionment shall be made according to the frontage of their respective properties on the said Notre-Dame street independently of the buildings thereon erected, and shall be governed by the rules affecting apportionments generally ;

The other half by the city, which, in addition to the powers conferred upon it by article 502 of the said act, is authorized for the purpose of paying the said half, in whole or in part, to levy yearly upon taxable immoveables, or upon proprietors or occupants thereof, a tax not exceeding one per cent of the annual value of every taxable immovable in the said city, until full payment of the sums required to complete the total payment of such half of the cost of the said improvement, including interest.

The proprietors of the said immoveables may pay their respective share of the cost of such improvement, at any time before the expiration of the above delays.

Loan for such
purpose.

35. The city of Ste. Cunégonde of Montreal is authorized, any law to the contrary notwithstanding, to effect the loan of an amount equivalent to the costs of the expropriation of Notre-Dame street, the said loan to be paid by the apportionments to be levied upon owners of real estate, as stipulated in the preceding section.

Right of veto
under art. 558
to 560 not to
apply, &c.

36. The right of veto or opposition, granted by articles 558, 559 and 560 of the charter, shall in no wise apply to the aforesaid improvements, nor to those which may be made under articles 576 of the said charter.

37. Tenants, affected by the proceedings in expropriation, which shall be had for the improvements aforesaid, in cases when the leases are dated after the first of January, 1892, shall not be indemnified for the year in which the expropriation is effected, nor for the future, if they have received one year's notice. Tenants who are not to be indemnified.

38. The council may, as regards the said Notre-Dame street, determine and regulate the manner in which rain water shall be conveyed from the roofs to the ground, and also prohibit the use of any wooden building or part of a building, now situated on the line of such street. Drainage of roofs on Notre Dame street.

39. In cases of expropriation for widening streets or for any other public improvement : Proceedings in expropriation :

a. The parties shall be entitled to produce their claims in writing, as well as a summary of their pretensions before the commissioner ; Production of claims, &c ;

b. The parties may be represented by an attorney, who shall be paid by the party employing him, to hear witnesses, and to cross-examine the witnesses produced by the other party ; Attorneys ;

c. The commissioners shall pronounce upon each of the claims submitted, state which they admit and which they reject, and separately determine the indemnity to be paid for each of those they admit ; Claims to be decided ;

d. The commissioners shall annex to their report the claims filed, the documents produced and notes of the evidence ; What to be annexed to report ;

e. The parties may appeal within eight days following the homologation of the report of the commissioners by the Superior Court, by means of a simple inscription to the Court of Review (with the ordinary deposit), which shall summarily and in final resort decide upon the merits of such appeal ; Appeal and delay therefor ;

These cases shall have precedence in the Court of Review ; Precedence for hearing ;
f. Pending the decision on the appeal, the amount of the award shall remain in the hands of the corporation, who shall pay interest thereon at the rate of four per cent ; City to retain money pending appeal ;

The city may, however, take possession of the immovables expropriated, as soon as the report of the commissioners is homologated ; May take possession of property ;

g. The commissioners shall themselves take or cause their secretary to take notes of the evidence given. Notes of evidence.

2. Every act inconsistent with the present section is repealed, and this section shall not affect pending cases. Repeal of inconsistent acts, &c.

MISCELLANEOUS PROVISIONS.

40. Without prejudice to vested rights as to costs in pending cases, the following by-laws are hereby confirmed and legalized to all intents and purposes, to wit : Certain by-laws approved.

No. 53. *a.* By-law number 53, passed on the fourth day of September, one thousand eight hundred and ninety-one, and intituled: "By-law for supplying water, for public and domestic use of the city of Ste. Cunégonde of Montreal, and its inhabitants, by the Montreal Water and Power Company, or its assigns;"

No. 56. *b.* By-law number 56, passed on the twenty-third day of October, one thousand eight hundred and ninety-one, and intituled: "By-law ordering the paving of certain streets of the said city of Ste. Cunégonde of Montreal;"

No. 66. *c.* By-law number 66, passed on the thirtieth day of November, one thousand eight hundred and ninety-two, approved by the municipal electors, and intituled: "By-law authorizing the council to sell the whole or part of the two hundred and twenty-five debentures of one thousand dollars each from the sale of the water-works of the city to the Montreal Water and Power Company, and to continue the paving of the streets and to make such improvements as it may deem necessary and of a nature to increase the value of property."

Nos. 58, 59
and 60.

2. Nothing in this act contained shall be deemed to affect by-laws numbers 58, 59 and 60, passed on the eighteenth of December, eighteen hundred and ninety-one, relative to tramways and lighting privileges in the said city of Ste. Cunégonde of Montreal, and the said by-laws are ratified and confirmed."

Registration
of by-laws.

41. The original of every by-law shall be registered at length in a special book entitled: "Book of the by-laws of the city council." Such entries shall be signed by the mayor and countersigned by the clerk. The clerk shall also enter in the said book, after each by-law so registered, a copy certified by him of the notice of publication of such by-law.

Regulation of
wheel tires,
&c.

42. The council may make by-laws for regulating the width of the wheel tires of wagons, trucks, and other vehicles for heavy loads, and for prohibiting the use of such vehicles in the streets or parts of streets, as the council may deem expedient.

Further powers
to make
by-laws:

43. Apart from the objects for which the city council is already authorized to make by-laws, it is empowered to adopt others for the following purposes:

Carters;

1. To prohibit carters from soliciting fares off their stands;

Runners.

2. To prohibit any person from soliciting fares for licensed carters or hotel drivers, and any person from acting as agent or runner for licensed carters within the city limits.

44. The council may determine the materials, dimensions, Materials, &c., and mode of construction to be followed and adopted for for buildings on widened, buildings which shall be erected on both sides of the streets &c., streets, which shall be widened or lengthened. &c.

45. Atwater Avenue is a public street from Lachine Atwater Avenue, &c., canal to St. Antoine street, which street shall be under the public street. joint control of the said city and of the town of St. Henri.

2. The city of Montreal shall, however, have the right Proviso as to certain rights of city of Montreal. that effect, to open the street for the works required for laying, repairing, protecting or making additions to its pipes in the said street, and it shall not be called upon to pay any municipal tax, assessment or rate whatever for the said street, either for the past or for the future.

The city of Montreal shall be subject to the by-laws of Certain duties of said city. the city as to the widening and to the care of these excavations, and shall be responsible for all damages and accidents which such works may occasion.

3. The Grand Trunk Railway Company shall be bound Gates where Grand Trunk crosses. to put gates where its road crosses the said Atwater Avenue, as soon as it is ordered so to do by the said city council; provided that the towns of St. Henri and Côte St. Antoine and the city of Ste. Cunégonde, or any of them, undertake to pay the company one half the cost of putting up such gates; and one half the cost of the maintenance, care and repairing of such gates; and the said three municipalities, any law to the contrary notwithstanding, are hereby authorized to make the necessary arrangements and to pay the necessary sums for carrying out the present provisions. Proviso.

46. Article 134 of the said act is replaced by the fol- Id. art. 134, lowing: replaced.

“**134.** No person, qualified to vote, shall vote at any election of alderman, unless he has, when he so exercises Payment of taxes before voting. his right as elector, paid the amount of all taxes, assessments or municipal dues.”

47. This act shall come into force on the day of its sanc- Coming into force. tion.