

## CAP. LXXVIII.

An Act to amend the charter of the city of Montreal (1889).

[Assented to 39th December, 1890.]

## Preamble.

**W**HEREAS it is expedient to extend the powers of the city of Montreal, and to amend the act 52 Victoria, chapter 79, the charter of the said city; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

52 V., c. 79,  
art. 91 amend-  
ed.

**1.** Article 91 of the charter of the city of Montreal (52 Victoria, chapter 79,) is amended by adding the following words thereto:

Separate valuation roll for immoveables, personal taxes and water rates for each ward. Deposit thereof.

"That is to say, that they will first make a valuation roll of all the immoveables for each ward, and a separate and distinct roll of the personal taxes and water rates, also for each ward; all such rolls shall be completed and deposited in the hands of the city treasurer on or before the first of August, in each year.

Powers of assessors.

Two of such assessors may assess the immoveables and prepare the 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 revision by a majority of the assessors as herein prescribed.

Revision of roll.

Supplementary roll.

At any time after such rolls are made, the assessors shall make a supplementary roll, containing the names of all persons omitted from the first rolls or who have become liable to the payment of an assessment tax or other municipal dues whatsoever."

City authorized to:

**2.** The city of Montreal is authorized to make and execute the following improvements:

Widen Notre Dame street from Lacroix street to Papineau Avenue.

**1.** To widen Notre-Dame street from Lacroix street to Papineau Avenue, on the north west side, according to the homologated plan of the city for Ste. Marie and St. James' wards, and in accordance with the formalities prescribed by the said charter.

Cost by whom to be paid.

The cost of such widening shall be paid one-half by the city and the other half by the proprietors of immoveables situated on each side of the said portion of Notre-Dame street to a depth of fifty feet, on an apportionment levied and paid in accordance with article 243 of the charter.

Art. 249 to apply.

The provisions of article 249 of the charter shall apply to the widening of Notre-Dame street as aforesaid;

Widen Bleury street from Craig street to Sherbrooke street.

**2.** To widen Bleury street, between Craig and Sherbrooke streets, according to the lines of the homologated plan of the city, in accordance with the formalities prescribed by the said charter.

The cost of such widening shall be paid as follows: thirty-five thousand dollars by the city and the balance by the proprietors designated by the expropriation commissioners as deriving an advantage or benefit from such widening ;

Cost by whom to be paid.

3. To widen Inspector's street, from St. Stephen's church to St. James street and to continue the same from St. Antoine street to Lagacheletière street, according to the plan marked A, one duplicate whereof is filed in the office of the Clerk of the Legislative Council of this Province, and another in the office of the city surveyor in the City Hall, by observing the formalities prescribed by the charter.

Widen Inspector's street from St. Stephen's church to St. James street and from St. Antoine to Lagacheletière street.

The cost of such widening shall be paid as follows: fifteen thousand dollars by the city and the remainder by the proprietors who shall have been designated by the expropriation commissioners as deriving an advantage or benefit from such widening and continuation ;

Cost how to be paid.

4. To widen Cathedral street, between St Antoine and Osborne streets, according to the plan marked B, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the City Hall, by observing the formalities required by the charter.

Widen Cathedral street between St. Antoine and Osborne streets.

The cost of such widening shall be paid as follows: fifteen thousand dollars by the city, and the balance by the proprietors designated by the expropriation commissioners as deriving an advantage or benefit from such widening.

Cost how to be paid.

The council may also widen the said street, from St. Antoine street to St. James street, and the cost of such widening shall be paid as follows: fifteen thousand dollars by the city, and the balance by the proprietors who have been indicated by the commissioners as aforesaid ;

Same street from St. Antoine street to St. James street and how cost to be paid.

5. To widen Notre-Dame street, from Frontenac street to the corner of Prefontaine street, according to the plan marked C, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the City Hall, by observing the formalities prescribed by the charter.

Widen Notre-Dame street from Frontenac &c., to Prefontaine street.

The total cost of such widening shall be paid by the proprietors who shall have been designated by the expropriation commissioners as deriving an advantage or benefit therefrom ;

Cost by whom to be paid.

6. To widen the same Notre-Dame street, from Déséry street to the eastern limits of the city, according to the homologated plan of the said city for Hochelaga ward, by observing the formalities prescribed by the charter.

Widen Notre-Dame street from Déséry street to eastern limits of city.

The total cost of such widening shall be paid by the proprietors designated by the expropriation commissioners as deriving an advantage or benefit therefrom ;

Cost by whom to be paid.

Open Pantaléon street from Sherbrooke street to St. Jean Baptiste street.

7. To open Pantaléon street from Sherbrooke street to St. Jean-Baptiste street, according to the plan D, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the City Hall, by observing the formalities prescribed in the charter.

Cost by whom to be paid.

The total cost of such improvement shall be paid by the proprietors designated by the expropriation commissioners as deriving a benefit or advantage therefrom,

Extend Viger square east to Campeau street, &c.

8. To extend Viger Square eastwardly as far as Campeau street, and westwardly as far as the south west line of the said square, as shown on the plan marked E, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the City Hall, by observing the formalities prescribed in the charter.

Cost how to be paid.

The cost of such improvement shall be paid as follows : the share of the city shall consist of all the land known under the name of the " Cattle market," estimated at thirty five thousand dollars ; the balance shall be paid by the proprietors designated by the expropriation commissioners as deriving a benefit or advantage from such extension ;

Widen St. James street from Cathedral street to western limits of city.

9. To widen St. James street, from Cathedral street to the western limits of the city, according to the homologated plan of the city for St. Antoine Ward, by observing the formalities prescribed by the charter.

Cost how to be paid.

The cost of such widening shall be paid as follows : twenty-five thousand dollars by the city and the balance by the persons owning property on St. James street, from the west side of McGill street to the western limits of the city, by means of an apportionment made according to the charter.

When proceedings in expropriation to be commenced and indemnity established.

The proceedings in expropriation shall, however, be commenced, carried out and completed during the year 1891,—the amount of the indemnity shall also be established during the year 1891, but shall only be payable on the first of November, 1892 ; the assessments for the expropriation upon the proprietors shall be levied and be exigible also for the first of November, 1892 ;

When assessments to be levied.

Widen St. Antoine street from Craig street to western city limits.

10. To widen St. Antoine street throughout its length, from Craig street to the western limits of the city, according to the homologated plan of the city for St. Antoine ward, by observing the formalities prescribed by the charter.

Cost how to be paid.

The cost of such widening shall be paid as follows : forty-five thousand dollars by the city and the balance by the persons owning property on the said St. Antoine street, by an apportionment made according to the charter.

The proceedings in expropriation shall, however, not be commenced before the year 1892.

When proceedings to be commenced.  
Width of street.

The said street shall have a width of eighty feet, from Craig street to Mountain street, and of sixty feet, from Mountain street to the city limits

The proprietors from Mountain street to the city limits shall not contribute to the cost of the widening from Craig street to Mountain street; and the sum of forty-five thousand dollars, above mentioned, shall be divided and apportioned according to the value of the property situated on the said two sections respectively;

Proviso as to proprietors from Mountain street west.

11. To open Milton street, from University street to St. Lawrence street, according to the homologated plan of the city for St. Antoine and St. Lawrence wards, by observing the formalities prescribed by the charter.

Open Milton street from University street to St. Lawrence street.

The total cost of such improvement shall be paid by the proprietors designated by the expropriation commissioners as benefiting by the opening of such street.

Cost by whom to be paid.

The proceedings in expropriation shall, however, be completed and closed on or before the first of May, 1892;

When proceedings be commenced and closed.

12. In order to establish communication between the city and the port, the council of the said city is authorized to widen and extend St. Lawrence street so as to reach the wharves, to the width mentioned on the plan marked F, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the city hall, by observing the formalities prescribed by the charter; provided that the expropriation proceedings take place from this date to the first of May, 1892, date upon which the city may take over the expropriated property; except as to the property of the Ladies of the Congregation (*Dames de la Congrégation*) of which the city shall not take possession before the first of May, 1893, and the payment of which shall be made by the city only at that date; the assessment for the purposes of the said improvement being made, nevertheless, and the part of the assessment due by the Ladies of the Congregation shall become exigible, only when they shall receive the amount of their indemnity.

Widen St. Lawrence street and extend it so as to reach wharves.

Proviso.

And further to open an underground passage between St. Francis and Craig street, with a high level road along the said underground passage from St. Francis street to Notre-Dame street as shown on the plan marked G, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the city hall, by observing the formalities prescribed by the charter.

Open an underground passage between St Francis and Craig streets.

The homologated plan of the city shall be altered and modified by the city surveyor in accordance with the said plans F and G; and the said city is also authorized to

Modification of homologated city plan.  
Certain agree.

ment with C.  
P. R., autho-  
rized.

make and enter into any agreement with the Canadian Pacific Railway Company which may be necessary for the purposes of the improvement hereinabove secondly mentioned.

Application of  
loan under 53  
V., c. 67, s. 4.

The loan which the city was authorized to effect, to the amount of two hundred thousand dollars, by the act 53 Victoria, chapter 67, section 4, shall be applied to the extension and widening of St. Lawrence street as far as the wharves as aforesaid and to the construction of an underground passage and high level road in Berry street; but the said amount of the loan shall be divided between the said two improvements in proportion to the cost of each respectively, and the balance of the cost of such improvements shall be borne and paid according to an apportionment which shall be made upon the immoveables which shall be designated by the expropriation commissioners as benefiting by the said improvements, to the exclusion, however, of the immoveables which have been assessed for the widening of St. Lawrence street, between Craig and Sherbrooke streets seeing the heavy amounts already levied upon such immoveables for the widening of St. Lawrence street between the said two points ;

Widen Notre  
Dame street  
from Chaboil-  
lez square to  
south west-  
ern city  
limits.

13. To widen Notre Dame street, from Chaboillez Square to the south-western limits of the city, to a width of sixty feet, according to the lines shown on the plan marked H, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the city hall, by observing the formalities prescribed by the charter.

Cost, by  
whom to be  
paid.

The cost of such widening shall be paid one half by the city and the other half by the proprietors of immoveables situated on each side of the said portion of Notre Dame street between Chaboillez Square and the said south-western limits of the city, by an apportionment, to be levied upon the said immoveables, to a depth of fifty feet, by the expropriation commissioners, by following the usual procedure.

Articles 249  
and 253 of  
charter to  
apply to  
widening of  
streets men-  
tioned in this  
section.

The provisions of articles 249 and 253 of the charter, with respect to the widening of St. Lawrence and Notre-Dame streets, from McGill street to Chaboillez Square, shall apply to the improvement governed by this section, but the proceedings for such improvement shall not be commenced before the year 1893.

Right of veto  
under §§ 9, 10  
and 11 of art.  
213 not to ap-  
ply to above  
mentioned  
improvements  
nor to those  
under article  
222.

3. The right to veto or to oppose, granted to the interested parties by sub-sections 9, 10 and 11, of article 213 of the charter, does not in any way apply to the improvements above mentioned and to those which may be made under article 222 of the said charter

1. Tenants affected by the proceedings in expropriation, which may be had for the improvements above described, in cases in which the leases are dated after the date upon which the Road Committee adopted the reports respecting the improvements authorized by this act, shall be compensated only for the year for which the expropriation is carried out.

Compensation to certain tenants.

5. When the interests of public health shall require, the city may order the construction of sewers or drains in any street situated partly in an adjoining municipality, which shall be bound to pay its share of the cost of such sewers or drains, in the same manner as proprietors within the limits of the city.

Construction of drains &c., in interest of public health.

6. The act 53 Victoria, chapter 47, does not apply to "Souvenir" and "Pacific" streets, nor to "Woodstock" and "Brandon" squares, marked and designated on the plan marked F, one duplicate whereof is deposited in the office of the Clerk of the Legislative Council of this Province and the other in the office of the city surveyor in the city hall.

53 V., c. 47 not to apply to certain streets and squares.

7. Article 222 of the charter of the city is repealed and replaced by the following :

Art. 222 of charter replaced.

"222. Every year after 1890, and at any time determined by the council by by-law, the expropriation shall take place of the immoveables or parts of immoveables belonging to proprietors who, after the homologation of the general plan of the city or of the plan of one of the wards thereof, shall offer to cede and shall cede to the city such immoveables and parts of immoveables comprised between the former lines of streets and squares and the new lines as indicated on the said plan.

When expropriations may take place.

The proceedings in expropriation shall be in accordance with the formalities prescribed by the charter.

By what law governed.

However, such proprietors shall not be indemnified by the city, on account of such immoveables or parts of immoveables so ceded to the city, until the city shall have levied and received the amount of the indemnity by means of an apportionment made by the commissioners in the manner prescribed by the charter ; and the deposit, which the city treasurer is bound to make in such cases in the hands of the prothonotary, shall only be so made as the assessment levied upon the proprietors benefited by the improvements, is collected by the city. Provided always that the said indemnity be paid at least within the two years after the expropriation or the cession to the city."

When proprietors to be indemnified.

When deposit to be made.

Proviso as to payment within certain time.

Section 32 of 23 V., c. 72, still in force notwithstanding repeal.

**8.** In order to remove all doubts, it is hereby declared that, notwithstanding the repeal of section 32 of the act 23 Victoria, chapter 72, by article 241 of the act of this Province, 37 Victoria, chapter 51, the said section 32 has not ceased to be in force and shall continue to be in force.

Certain bonuses authorized.

**9.** The city council is authorized to grant the following bonuses or indemnities.

1. Three thousand dollars, to William Patton, formerly chief of the Fire Brigade ;

2. One thousand seven hundred and fifty dollars, to Dame Elizabeth Boyd, widow of the late city treasurer, James F. D. Black ;

3. One thousand seven hundred and fifty dollars, to Dame Elizabeth Troutbeck, widow of the late superintendent of the city water-works, Louis Lesage ;

4. Eight hundred dollars, to Dame Rosalie Desjardins, widow of the late deputy chief of police, C. P. Naaglé ;

5. Nine hundred dollars, to Dame Mary Muir, widow of the late city assessor, A. Hamilton ;

6. Three hundred and fifty dollars, to Dame Josephine Normandin *dit* Beausoleil, widow of the late superintendent of St. Helen's Island Park, D. Soupras ;

7. Three hundred and fifty dollars, to Dame Mathilda Racine, widow of the late clerk of Papineau Market, C. Daunais.

None to be granted in future.

But the said city council is forbidden to grant any such bonuses hereafter, under any consideration.

§ 35 of art. 140 replaced.

**10.** Paragraph 45 of article 140 of the charter is replaced by the following :

Width of wheel-tires of waggons may be regulated, &c.

" 45. To regulate the width of wheel tires of waggons, drays and other vehicles carrying heavy loads, and to or prohibit the use of such vehicles in such streets or sections of streets as the council may see fit."

Provision respecting expropriation. Claims may be in writing.

**11.** In cases of expropriation for the widening of streets or for any other public improvment it is enacted that :

(a) The parties shall have a right to produce before the commissioners their claims in writing as well as a statement of their pretentions.

Depositions of witnesses to be taken by stenography.

(b) The depositions of the witnesses shall be taken by stenography and transcribed if the commissioners require it or if the case is taken into review.

Parties may appear by attorney, &c.

(c) The parties shall have a right to be represented by attorney, to examine the witnesses and to cross-examine the witnesses produced by the other party.

Each claim to be pronounced upon.

(d) The commissioners shall pronounce upon each claim submitted, state which they admit, and which they reject and separately establish the indemnity to be paid for each they admit.

(e) The commissioners shall annex to their report the claims produced, the depositions of the witnesses, and all the documents produced before them. Depositions to be annexed to report.

(f) The parties may appeal to the Court of Review, within the eight days after the homologation by the Superior Court of the report of the commissioners, by a simple inscription (with the usual deposit) ; which court shall summarily and in last resort decide upon the merits of such appeal. Appeal allowed to court of review.

Such cases shall have precedence in the Court of Review. Precedence of such cases.  
 (g) Awaiting the decision of the appeal, the amount of the award shall remain in the hands of the corporation which shall pay interest thereon of the rate of four per cent. Pending review, amount of award to remain with city.

The city may, however, take possession of the immovables expropriated, as soon as the report of the commissioners has been homologated. Property may be taken possession of.

(h) Any act inconsistent with this act is repealed, and this act shall not affect pending cases. Inconsistent acts repealed and pending cases not affected.

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

## CAP. LXXIX.

An Act to amend the various acts affecting the corporation of the city of Three Rivers.

[Assented to 30th December, 1890.]

**W**HEREAS the corporation of the city of Three Rivers have, by their petition, prayed that certain amendments be made to the act 38 Victoria, chapter 76, and the various acts amending the same, and whereas it is expedient to grant the prayer of such petition ; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The following by-laws passed by the council and approved by the municipal electors, to wit : Certain by-laws conferred and legalized.

1. The by-law dated the 24th September, 1885, and its amendments, granting a bonus of twenty-five thousand dollars to the St. Lawrence and Lower Laurentian and Saguenay Railway Company ;

2. The by-law dated the 15th September, 1890, granting a bonus of fifteen thousand dollars to the Lower Laurentian Railway Company, to aid in the construction of that part of the above mentioned railway from the city of Three Rivers to the present point of departure of the said railway on the Piles branch ;