

Coming into  
force.

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

### C A P . L X X I I I .

An Act to amend the Act 42-43 Victoria, chapter 43, and to grant further powers to the Corporation of the village of "Côte Saint-Antoine."

[Assented to 9th May, 1885.]

Preamble.

**W**HEREAS the corporation of the village of "Côte Saint-Antoine" has, by petition, represented that it is expedient to amend the act 42-43 Victoria, chapter 43, intituled "An act to change the name of the municipality of Notre-Dame de Grâce, and to extend its powers," and to grant, to the corporation of the village of Côte Saint-Antoine, further powers respecting the establishment and maintenance of water-works, and for other purposes, 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:

42-43 V., c. 43,  
s. 3, amended.

1. Section 3 of the act 42-43 Victoria, chapter 43, intituled: "An act to change the name of the village of Notre-Dame de Grâce and to extend its powers," is amended by striking out the following numbers of sections of the Town Corporations General Clauses Act, by the said section made applicable to the village of Côte Saint-Antoine, to wit: sections 354, 355, 356, 357, 358, 359, 360, 361 and 362.

Id. s. 5, re-  
placed.

Certain sec-  
tions of 40 V.,  
c. 29 to apply  
to village.

2. Section 5 of the said act is repealed, and the following substituted therefor:

"5. All the powers conferred by the preceding section, and by the sections of the Town Corporations General Clauses Act respecting loans, to wit: sections 348, 349, 350, 351, 352, and 353, made applicable to the village of Côte Saint-Antoine, shall be exercised by by-law or by-laws, which shall only have force and effect after having been approved by the majority in number and in value, as shown by the valuation roll in force at the time of voting, of the electors of the said municipality who are proprietors, and by the Lieutenant-Governor in council, in the manner provided by the Municipal Code, and an appeal shall lie to the Superior Court from any such by-law or by-laws, in the manner provided by the Municipal Code, within thirty days of the sanction thereof by the Lieutenant-Governor in council."

3. The total amount of money that the said corporation may borrow, together with the total amount of debt which it may otherwise contract, shall not exceed two hundred and fifty thousand dollars.

Sum that corporation may borrow.

4. The council may, from time to time, make, amend and repeal, by-laws to raise, by special assessment or assessments, money sufficient to open, widen, prolong or alter, macadamize, grade or level any street, road, avenue, boulevard, lane, or alley, public way or place, or any section or sections thereof, in the village of Côte Saint-Antoine, and to acquire and lay water-pipes therein and construct hydrants thereon, as may be necessary to supply the inhabitants with water, and as a protection against fire, and to make enlarge and prolong any common sewer or drain therein, and to construct such bridge or bridges therein as may be necessary, and to fence in such streets, roads, avenues, boulevards, lanes or alleys, public ways or places, or any section or sections thereof, and to make, carry out and complete such other work or works as may affect such supply of water, drainage, sewerage, or any of them, when thereto requested by a petition presented to the council of the village, signed by such number of proprietors as own more than one-half of the aggregate frontage on any of the said streets, roads, avenues, boulevards, lanes or alleys public ways or places, or any section or sections thereof.

Power of council to make by-laws for certain purposes.

5. The council may lay, levy and raise such special assessment or assessments, to pay for the said improvements or any or all of them, when requested by such petition; may determine the mode, method and manner in which the said improvement or improvements are to be made and carried out, and the manner of laying, levying, and collecting such special assessment or assessments.

Council may levy taxes for certain purposes.

6. The council may acquire, make and lay, or cause to be made and laid, all such water-pipes, hydrants, drains and sewers as shall be so petitioned for, and do or cause to be done all such other works as may be necessary to that end.

Council may acquire and lay, &c., water-pipes, &c.

7. The cost of making and carrying out any such improvements 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 and levied upon the said owners of real estate, according and in proportion to the frontage of their properties respectively, saving nevertheless the case of any

Payment of costs of improvements.

such improvement as is more than local, as hereinafter set forth.

Levying of  
such assess-  
ments.

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

Interest may  
be included in  
certain case.

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

Commissioners  
to be named in  
certain cases,  
if improve-  
ments are more  
than local.

9. In the event of the council, by a resolution, declaring that any such improvements are more than local, and that a proportional part of the cost thereof should be borne and paid for by properties interested in and benefited by such improvements, other than the properties situate and fronting on the said street, road, avenue, boulevard, lane or alley, public way or place, or section or sections thereof, three competent and disinterested commissioners shall be named, as follows : one by the council, one by the petitioners, and one, on demand of the said council or the petitioners, by a judge of the Superior Court.

Their duties.

10. The commissioners shall decide and determine who are the parties interested in, and to be specially assessed for, the purpose of the proposed improvements, and decide in what proportion the costs of the said improvements shall be distributed over such area of territory and borne by the proprietors thereof.

Commissioners  
to be sworn.

11. The commissioners, before proceeding, shall be sworn before a justice of the peace for the District of Montreal or the secretary-treasurer of the said council, to faithfully, impartially and diligently execute the duties devolving upon them ; and they shall be entitled to receive a remuneration from the corporation not exceeding ten dollars per day each, during the whole time they shall be, of necessity, occupied in the performance of their duties.

Remuneration  
of commis-  
sioners.

Time, &c.,  
commissioners  
are to proceed.

12. The commissioners shall proceed at the time and place fixed by them and of which they shall have given at least twenty days' public notice

Decision of  
commissioners.

13. The commissioners, after having examined and viewed the lands and properties and heard the parties and their witnesses under oath administered by one of them, and which oath any and all of such commissioners are authorized to administer, shall give their decision, declaring

who are the parties interested in, benefitted by, and the properties to be specially assessed for the purposes of, the proposed improvement, and decide in what proportion the costs thereof shall be borne and distributed over such area of territory, by means of a written report signed by them or by the majority of them which they shall file in the office of the council.

**14.** Such decision shall be final and without appeal, and such report shall form the basis on which the properties declared interested and benefited by the said improvement shall be assessed for the cost thereof. Effect of decision.

**15.** The secretary-treasurer, as soon as the accounts of the cost of making and carrying out any said improvement 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 cost of such improvement. Special assessment to be made for costs of improvements, &c.

**16.** When the improvement is more than local, the cost thereof is assessed and levied in accordance with the terms of the report of the commissioners. Levying such special assessment.

**17.** When an assessment roll shall have been made, the secretary-treasurer shall give special notice thereof, in writing, in the manner provided for the service of special notices by the Municipal Code, to each proprietor assessed, and shall, in such notice, indicate the total cost of the improvement and the amount or rateable proportion to be paid by such proprietor, and notice therein shall, at the same time, be given of the day and hour at which such special assessment roll shall be submitted to the council for homologation. Notice of preparation of roll and of time when to be examined by council. What to contain.

**18.** The council shall, on the day fixed, hear all parties interested who may appear and their witnesses, and may make such amendments to the roll as may be necessary, but without altering in any way the basis of assessment determined by the report of the commissioners, and shall homologate the roll with or without amendments, as the case may be, and such roll shall then be final and not subject to appeal. Examination and amendments of roll by council.

**19.** Such assessment shall be due, exigible and collectible from proprietors in such proportional amounts or instalments as may be fixed by the council, and shall be payable at such time and times as may be ordered by the Payment of amounts due under roll.

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  
need not be  
registered.

**20.** The said assessment shall be a privileged debt, exempt from the formality of registration.

Certain powers  
extended to  
purposes of  
this act.

**21.** The powers conferred on the corporation of the village of Côte Saint-Antoine respecting loans shall apply to all the purposes mentioned in this act, and the corporation may, from time to time, contract such loan or loans as may be necessary to pay for improvements made and carried out under the provisions of this act, on compliance with the provisions of section two of this act.

Redemption of  
debentures.

**22.** The debentures issued for such loans may be redeemable at a period to be fixed by the council or within a delay, to be likewise fixed by the council, by means of annual drawings.

Interest on  
special assess-  
ments.  
Discount for  
prepayments.

**23.** The special assessments shall bear interest at six per centum per annum from the date on which they become due, and discount for prepayments may be allowed.

Power of coun-  
cil to purchase,  
&c., real estate  
for improve-  
ments.

**24.** The council shall have power to purchase, acquire, take and enter into any land, ground or real property whatever, within the limits of the village of Côte Saint-Antoine, necessary for the purposes of the improvements mentioned in this act, either by amicable arrangement entered into between the corporation and the proprietors or other parties interested, or by adopting the provisions and complying with the formalities which the corporation has a right to take respecting expropriation.

Application of  
this act to cer-  
tain streets,&c.

**25.** All the provisions of this act shall apply to existing streets, roads, avenues, boulevards, lanes or alleys, public ways or places, or any section or sections thereof, in the village of Côte Saint-Antoine, including those laid out and determined on the plan of the village of Côte Saint-Antoine, prepared under the provisions of the act 40 Victoria, chapter 39, and duly confirmed and ratified by the Superior Court, on the sixteenth day of June, eighteen hundred and eighty, and also to all streets, roads, avenues, boulevards, lanes or alleys, public ways or places, or any section or sections thereof that may hereafter be opened by the corporation, provided that nothing shall be done incompatible with the law concerning the Montreal turn-pike roads.

**26.** The council may make special agreements for a determinate period with the city of Montreal or with any municipality having a system of water-works, or any person or persons or company for supplying the village or any part thereof with such water supply; and may by by-law fix, from time to time, the price, rate or rent to be paid by consumers for water according to such tariff as it may deem fit, provided however that such price, rate or rent shall not be less than sufficient to cover the cost of procuring and supplying the water and of keeping the water-pipes and all other apparatus connected therewith in good repair, and the cost of collection of such water price, rate or rent, and ten per cent additional to cover contingencies, and for fixing the time and times, which shall be quarterly, when the same shall be payable.

Council may agree with city of Montreal as to water supply, &c.  
Water rate, &c.

**27.** The council have the right to allow a discount for prepayment, and such water price, rate or rent shall bear interest at six per centum per annum at the expiration of the delay at which it ought to be paid; and the council may enforce payment in the manner prescribed for the collection of municipal taxes.

Discount may be allowed on prepayments of water rates and interest charged on sums overdue.  
Levying of water rate.

**28.** The price, rate or rent may be determined by the value of the property, or by meter or by other measuring apparatus on the premises of the consumer, whenever the council may deem it advisable so to do; and the council may erect or place meters or other water measuring apparatus on the premises of the consumer, whenever it deems it advisable so to do, the cost thereof to be borne by such consumer; and the council may cut off the water supply from any person refusing or neglecting to pay therefor, and also from all persons who allow the water to be wasted; and the persons from whom the water shall be cut off shall remain liable for the payment thereof, as fully as if they availed themselves of the water; and the council shall not be bound to warrant the quantity of the water to be supplied, and no person shall refuse, on account of the insufficiency of the water supply, to pay for the use of water supplied.

Manner of determining price of water, &c.

Water supply may be cut off from persons in arrears, &c.

**29.** The officers of the corporation and any person authorized by them for that purpose shall have free access, at proper hours of the day, and upon reasonable notice given, and request made for that purpose, to all parts of every building in which water is delivered; and the council shall have power, from time to time, to make, amend, repeal and enforce all necessary by-laws, rules and regulations for the general maintenance, management and conduct

Officers to have access to property to see that water is properly used and not wasted, &c.  
Power to regulate water-works, &c., by by-law.

Penalty for  
infringing  
such by-laws.

of the water-works officers and others employed ; and any one infringing the provisions of any such by-law shall be liable to a penalty, payable to the corporation for its use, not exceeding twenty dollars and costs, and in default of immediate payment to imprisonment for a period not exceeding twenty days.

Cost of intro-  
duction of  
water, &c., by  
whom paid.

**30.** The introduction of the water into houses, shops or like buildings in the village, and the connection between such houses, shops, and buildings and common drains, or sewers, shall be performed by and at the expense of the proprietors thereof, under the superintendence of and in accordance with specifications to be approved of by the council.

Corporation  
may purchase,  
&c., water  
pipes, &c.,  
from Côte  
Saint Antoine  
Water Com-  
pany, &c.

**31.** The council of the village is authorized and empowered to purchase from the Côte Saint Antoine Water Company, on such terms as the council may deem advisable, the water pipes already laid in the village, as well as any that may be hereafter laid in the said village by the said company, or by any other company, person or persons ; and the corporation is authorized to own and possess the same, and to use the same for the purpose of supplying water to the village and as a protection against fire, in so far as they may be useful.

Streets, &c.,  
may be re-  
corded in a  
book.

**32.** The said council shall have power to cause such of the streets, avenues, and highways in the said village or any part thereof, as shall not have been heretofore recorded or sufficiently described by proces-verbal or otherwise, and shall have been open for public use for ten years, to be ascertained, described and entered of record in a book to be kept for that purpose by the secretary-treasurer of the said village ; and the said streets, roads, avenues and highways, when so entered of record, shall be public streets, roads, avenues and highways, and the record thereof shall, in all cases, be held and taken as evidence for their being such streets, roads, avenues and highways.

Effect of such  
record.

Names of  
streets, &c.,  
may be  
changed.  
Proviso.

**33.** The council shall have power to change the name of any of the streets, roads, avenues, boulevards, lanes or alleys, public ways and places in the village ; provided always that any such change, made by the council in the name of any such streets, roads, avenues, boulevards, lanes or alleys, public ways or places, shall, without delay, be reported in writing by the secretary-treasurer to the registrar of the registration division within which the village of Côte Saint-Antoine lies.

**34.** The council may make special agreements, with the City of Montreal or with any municipality or municipalities, to secure for a determinate period an outlet for the sewerage and drainage of the said village, the compensation therefor to be determined either by amicable arrangement or by arbitration; but, in the event of such outlet being refused, the corporation of the village of Côte Saint Antoine shall have the right to build 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.

Council may agree with municipalities as to outlet for sewerage. Compensation how to be ascertained.

Power to erect a sewer to St. Lawrence in case outlet be refused. Compensation therefor.

**35.** One of such arbitrators shall be appointed by the council, another by the other corporation interested, and a third by the two others; and in case of any such other corporation neglecting to choose and appoint an arbitrator, within thirty days after notice, in writing, to that effect served upon it by or on behalf of the corporation of the village of Côte Saint Antoine, or in case of the arbitrators chosen and appointed not agreeing upon the nomination of such third arbitrator, an arbitrator for such corporation or such third arbitrator shall be appointed by any of the judges of the Superior Court at Montreal; and the arbitrators shall be sworn before any such judge before beginning their proceedings, and they shall hear any witnesses who may be brought before them, in relation to the matter of the arbitration, the witnesses being first sworn before any one of the said arbitrators, each and all of whom are hereby authorized to administer the necessary oath; and the decision of the arbitrators or of any two of them shall be conclusive.

Appointment of arbitrators in such case, and proceedings before them.

Arbitrators to be sworn and proceedings before them.

Decision conclusive.

**36.** The council is authorized and empowered to acquire and lay all such main supply water pipes, and discharge drains and sewers, from the limits of the village to the place or places of connection in other municipalities, or to the river St. Lawrence, as may be necessary to secure to the village such sufficient supply of water and drainage and sewerage; and the cost thereof, or any compensation to be paid as aforesaid therefor, shall be ascertained, laid and collected within the municipality of Côte St-Antoine, as set forth in this act in relation to mains.

Power of council to acquire and lay main supply water pipes, &c.

Levying of costs, &c., thereof.

**37.** The council, when thereto requested by petition, signed by such number of the proprietors as own more than one-half of the property in the village fronting on the boulevard or any street or streets laid out on the plan of

Council may, if petitioned therefor, open or macadamize certain streets &c.



the village, made under the provisions of the act 40 Victoria, chapter 39, as confirmed and ratified by the Superior Court on the sixteenth day of June, one thousand eight hundred and eighty, may, by a by-law or by-laws, if it deem it expedient, cause such boulevard and streets or any of them to be opened or macadamized through their entire length, as shown on such plan.

Costs of such opening, &c. how levied.

**38.** The cost of opening and macadamizing such boulevard, or street or streets, shall be assessed by special assessment for a portion upon the properties fronting on such boulevard or street or streets, and for the balance of such cost upon all such properties as are interested in and benefited by such opening and macadamizing.

Commissioners ascertain proportion to be assessed.

**39.** The proportional amounts of such costs to be assessed on any and all such properties shall be ascertained by commissioners, as above mentioned.

Deposit of plan and estimate.

**40.** A plan of the works for any improvement authorized by this act, together with a sworn estimate of the approximate cost thereof, shall be made and deposited in the office of the secretary-treasurer.

Proviso if it concern a drain, &c.

In the case of common sewers and drains the plan shall show the proposed outlet for such sewerage or drainage.

Notice of deposit of plan, &c.

Public notice shall be given of the deposit of such plan and estimate, at least one month before the day on which the by-law determining the improvement shall be taken into consideration, and such plan and estimate shall be open to the inspection and examination of the parties interested.

Appointment of officers, &c.

**41.** The council shall have power to appoint, dismiss, replace and pay, according to such tariff as it may establish, all officers or servants deemed by it necessary for the due execution of all by-laws and resolutions under the provisions of this act; and it shall be lawful for such officers and servants, upon the order of the council or of one of the committees thereof, to visit and examine, within suitable hours, any lot, house, or building within the village, so as to ascertain whether the by-laws or resolutions are duly conformed to; and it shall be the duty of any owner or occupant of any such lot, house or building, to allow such officers and servants access thereto, under a penalty not exceeding twenty dollars and, in default of immediate payment, an imprisonment not exceeding one month.

Powers of such officers.

Access to be given.

Penalty for refusal.

Discount may be allowed on prepayment of taxes.

**42.** The said council may, by by-laws, at its discretion allow a discount for prepayment on ordinary and annual

taxes paid within such delay after the completion of the collection rolls in each year as the said council shall fix and determine in the said by-law.

**43.** The provisions contained in articles 712 and 713 of the Municipal Code shall be deemed to be incorporated in this act, as far as the community of the sisters of the General Hospital of Montreal, commonly called Gray Nuns, are concerned. Art. 712 and 713 of M. C. incorporated with this act for certain hospital.

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

#### C A P . L X X I V .

An Act to incorporate the Montreal Park and Island Railway Company.

[Assented to 9th May, 1885.]

**W**HEREAS Duncan MacDonald, James O'Brien, Henry Hogan, Honorable Rosaire Thibaudeau, Andrew A. McCulloch, Esprit A. Genereux, J. Moïse Dufresne, Charles Garth, Irénée Boivin, John I. Hannan, Maurice Perrault, all of the city of Montreal, and Joseph Octave Villeneuve of the town of St. Jean Baptiste, have, by petition, prayed that they and all other persons who may become shareholders in the company, be incorporated and authorized to construct and run railways or tramways from a point in the city of Montreal to the summit of Mount Royal Park and to the various parishes on the Island of Montreal, in order to establish cheap and easy means of communication between the city of Montreal and the various parts of the Island, which would permit families to spend the summer season in the country while enabling heads of families to attend to their business in the city, and whereas it is expedient to grant such prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The persons above mentioned and all others who may hereafter unite with them are constituted a corporation under the name of "The Montreal Park and Island Railway Company." Certain persons incorporated. Name.

**2.** The company is authorized to lay out, construct, make, put in operation and run, by means of steam, electricity or otherwise, one or more railways or tramways, either on the General powers.