

"Article 421 speaks of expropriation for the purpose of carrying out an improvement, and article 423 (a) states that the purchase price agreed upon must be apportioned amongst the proprietors whose lots border on the street to be widened or extended.

"In the case submitted to us the purchase price is payable from the loan fund. There can be no question of apportioning it among the neighboring proprietors.

"It is, therefore, evident that the case is totally different from that covered by articles 421, and the following.

"No mode of acquisition of such a property is indicated in the charter. The only restriction imposed by law on the powers of the council in this connection is that which orders the expenses to be approved of and recommended by the Board of Commissioners.

"As already stated, this recommendation has been made in this case. The council acted on the report of the Board of Commissioners recommending the purchase of the immovable in question, and fixing the purchase price thereof.

"For these reasons we are of opinion that the judgment of the Superior Court is well founded, and it is, therefore, affirmed."

*Pelissier, Wilson et St-Pierre, avocats de l'appelant.*

*Ethier, Archambault, Lavallée, Damphouse, Jarry et Butler, avocats de l'intimée.*

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