

The only question at issue is to know what procedure the City of Montreal must follow in order to acquire real estate which it needs for purposes of public utility. May the city proceed to purchase by mutual consent on a mere resolution of the council or is it obliged to submit to all the formalities laid down in articles 421 *et seq.* of its charter which indicate the method to be followed on matters of expropriation?

"The facts which gave rise to this litigation are quite simple. The city owns a sewage farm which requires to be increased. On November 18, 1911, the Commissioners of the Board of Control reported to the Council recommending the acquisition of certain lots of land for the purposes of this aggrandizement. The purchase price was fixed at the sum of \$71,680. On November 27, the council, on motion carried by two-thirds of its members, approved this report and authorized the mayor and the clerk of the city to sign the deed of purchase of these lots.

"This is the contract which the appellant seeks to prevent the city from executing.

"He contends that when the city wishes to acquire a parcel of land for purposes of public utility it may do so in two ways only—by agreement or by proceedings in expropriation.

"If it proceeds by agreement or purchase then the price cannot exceed the average value on the valuation and assesment roll for the four previous years, plus twenty per cent thereof. If it does not proceed by purchase or agreement then it must proceed by way of expropriation.

"Articles 422 and following of the Charter of the City of Montreal lay it down, it is true, that the city can proceed in this manner only in matters of expropriation for reasons of general interest.