

PARC MONT-ROYAL, Expropriation

Succession Redpath

1876 Acquisition par la Ville de terrain de la succession
à Redpath
1908

*Propriété Redpath**(au nord de l'emplacement appelé "Redpath Crescent")**Cad. p. 1755**Achat par la Ville le 19 nov. 1875**Contrats, vol. 9, page 307**(ex. Atlas des propriétés de la Ville
service des Dessinateurs)*

PARCS ET TRAVERSESES, COMM.
RAPPORTS ADOPTES

5
150, 106 ✓
246,
432,
495,
586,
611,
953,
2284,

Finances, Commission
Rapports & dossiers
2286 ✓

2286

Forme CK 1219 La P.

RAPPORT

DU

Comité des Finances,

Faisant certaines suggestions
à la Commission des Parcs et
Traverses re Expropriation de
la propriété Redpath pour agran-
dir le Parc Mont Royal.

Parcs et Traverses
Rapports
Présenté le 15 Juin 1908.

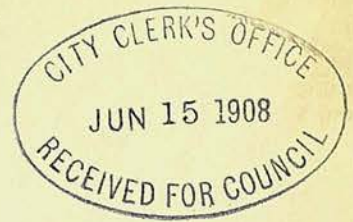
Adopté même jour. 1908

Entré vol. 664 page 61

et page 21^u du vol. 14 des Rapports

CITY OF MONTREAL

The FINANCE Committee

*Respectfully Report*

That they have considered the report hereunto annexed from the Parks & Ferries Committee, recommending to expropriate the Redpath property for the purpose of enlarging Mount Royal Park;

Your Committee beg to recommend that said report be referred back to the Parks & Ferries Committee, with a suggestion that said Committee secure from the proprietors of said land an option on the best possible conditions, and that the matter be then laid before the Legislation Committee.

A large, elegant handwritten signature in cursive script, reading "L. Lapointe".

The whole, etc.

Committee Room,

City Hall,

Montreal, 12th June 1908.

Three handwritten signatures in cursive script, stacked vertically. The top signature is "Arsime Gauthier", the middle is "J. B. Gauthier", and the bottom is "E. Gauthier".

RAPPORT

DE LA

Commission des Parcs et Traver-
ses.

Pour exproprier le morceau de
terrain appartenant à la Suc.
Redpath, contigue au Parc Mont
Royal.

Présenté..... 18 Mai 1908

Financiel
15 juin 1908

Financiel
Adopté..... 15 juin 1908

Entré vol. page

et page..... du vol..... des Rapports.

EXTRACT from the minutes of the City Council of Montreal, special meeting, held on Monday the 15th. day of June 1908.

Submitted and read the annexed report of the Finance Committee making certain suggestions in connection with the report of the Parks & Ferries Committee recommending to purchase the Redpath property to enlarge Mt. Royal Park.

The Finance Committee,
Respectfully Report,

That they have considered the report hereunto annexed from the Parks & Ferries Committee, recommending to expropriate the Redpath Property for the purpose of enlarging Mount Royal Park.

Your Committee beg to recommend that said report be referred back to the Parks & Ferries Committee, with a suggestion that said Committee secure from the proprietors of said land an option on the best possible conditions, and that the matter be then laid before the Legislation Committee.

The whole, nevertheless, respectfully submitted.

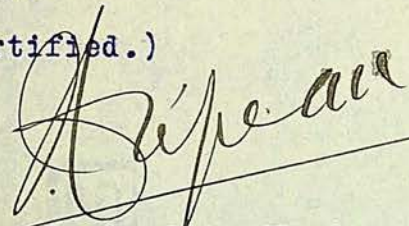
Committee Room,	(Signed.) L.A.Lapointe.
City Hall,	do Arsene Lavalée.
Montreal, 12th. June 1908.	do J.B.A.Martin.
	do Eugene Guay.

On motion of Alderman L.A.Lapointe,
Seconded by Alderman Lavalée,

it was

RESOLVED :--That the report of the Finance Committee be received and adopted.

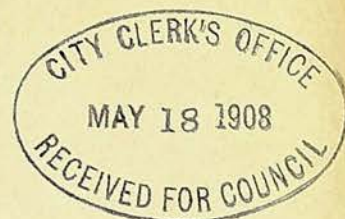
(Certified.)



Asst. City Clerk.

M. Crepeau.

CITÉ DE MONTRÉAL



La Commission des Parcs et Traverses.

a l'honneur de faire rapport

Qu'elle a pris en considération une offre faite par la Succession Redpath, de vendre à la Cité le morceau de terrain appartenant à ladite succession, et contigue au Parc Mont Royal, mesurant à peu près 583,800 pieds.

Après mûre délibération Votre Commission recommande au Conseil de prendre les mesures nécessaires pour exproprier, conformément à la loi, le terrain en question afin d'agrandir le Parc Mont Royal.

Le tout respectueusement soumis.

Chambre de la Commission,

Hôtel de Ville,

Montréal, 14 mai 1908.

J. Robillard
C. Major
J. H. Steurus
J. Carter

VM44-4-2-2_03-008

VM44-4-2-2_03-009

EXTRAIT

Des Minutes d'une Assemblée de la Commission
des Parcs & Travaux

Tenue le 6 Juin 1902.

Présentée & lue une lettre de
Mm. McIntosh & Hyde, Agents
de la Suc. Redpath, déclarant
qu'ils sont prêts à faire à payer
la clôture qui sépare le terrain de
ladite succession, du Parc Mont
Royal, pourvu que le coût de ce
travail soit défrayé moitié par
la ville et moitié par la Suc.
Redpath.

Resolu: - De donner instruction
au Surintendant de préparer un
estime du coût de la refectio
de cette clôture.

Certifié
Lévesque
Sec. Com. des Parcs

MACINTOSH & HYDE,

LATE

COURT MACINTOSH & HYDE,
Chartered Accountants.

JOHN MACINTOSH, GEORGE HYDE,
PREBLE MACINTOSH.

Cable Address:

"COURT," MONTREAL.

Standard Building,

157 ST. JAMES STREET,

Montreal, 31st May, 1902.

J. Crepeau Esq.,

Secretary,

Parks & Ferries Committee.

Dear Sir:-

We duly received your favour of the 2nd instant and have been looking into the matter of the fencing between the property of the City and that of the Redpath Estate, and so far as we can learn, the fence, except on the front, should be ^{repaired} ~~done~~ at the joint expense of the City and the Redpath Estate, as the fences are common ~~as~~ to both.

Mr. Henderson, the Park Ranger, has been interviewed on the subject and he says that he is not aware as to how matters stand in this respect, but that the matter will be brought up at a meeting of the Committee on Tuesday next, when he will doubtless get instructions. We shall therefore leave the matter until it has been brought before your Committee and we shall be pleased to hear with what result.

We enclose you a copy of a letter addressed to Mr. St. George, City Surveyor, on the 24th October, 1896 with reference to fencing done at the sole expense of the Redpath Estate, for which we were then advised, the City was responsible.

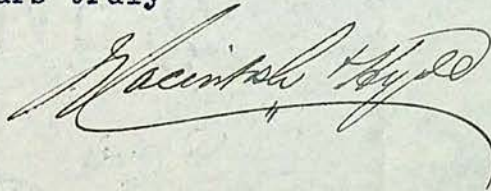
We wrote Mr. St. George again on the subject, but up to this

J. Crepeau Esq.

-2-

time we have never been able to get any satisfaction from the City Surveyors' Department and we shall therefore thank you to bring this matter before your Committee, which, it would appear, has to do with such matters.

Yours truly

A handwritten signature in cursive script, appearing to read "J. Crepeau". The signature is written in dark ink and is positioned to the right of the typed phrase "Yours truly".

Copy.

Montreal, 24th October, 1896.

Percival W. St. George Esq.,

City Surveyor.

Dear Sir:-

The fence above Pine Avenue in the Mountain Park dividing the City Property from that belonging to the Estate late John Redpath was blown down last Spring and the necessary repairs were made by Messrs. Forde & Casey at the cost of \$142.94 to the Redpath Estate.

We have since learned that the City is bound to maintain this fence. We shall therefore be pleased if you will have the enclosed receipted Account of Messrs. Forde & Casey passed by the Committee and a cheque for \$142.94 forwarded us to cover same.

Yours truly

(Signed), Macintosh & Hyde,

Agents.

M. J. Taylor & Hyde
& fence around
Bedpat Estate
property

31 May 1907

The fence above the Avenue in the Mountain Park Division

1897 2111-

City Surveyor.

Resident W. B. George Esq.

Montreal, 31st October, 1907.

Yours truly

(Signed) Macintosh & Hyde

Agents.

Notes
entirely
at cost
of City
will have
quested
of City
of 1907

Subject

Boundaries Estate Redpath.

*Percival W. H. George, Surveyor
J. R. Barlow, Deputy ..
Alfred Brittain, Assst. ..*

*City Surveyors Office
Montreal*

May 11th. 1898.

TO THE CHAIRMAN AND MEMBERS

PARKS & FERRIES COMMITTEE.

GENTLEMEN; ,

I beg to inform you that I have had the boundaries staked out on the boundary of the Estate Redpath. This is the second time that we have had this boundary staked out.

Yours truly,

Percival W. H. George

City Surveyor.

611

P. W. St George
Boundary
affairs.

11th May, 1898

TO THE HONORABLE

MEMBER OF PARLIAMENT

FOR THE DISTRICT OF MONTREAL

PARLIAMENTS BUILDINGS, OTTAWA

DEAR SIR,

RE: BOUNDARY AFFAIRS

BOUNDARY AFFAIRS

MACINTOSH & HYDE,
LATE
COURT, MACINTOSH & HYDE,
Accountants.
JOHN MACINTOSH. GEORGE HYDE,
PREBLE MACINTOSH.
Cable Address:
"COURT." MONTREAL.

Standard Building,

157 ST. JAMES STREET,

Montreal, 15th June 1897.

To the Chairman
of the Park Committee
Montreal

Dear Sir

From the enclosed copies of correspondence you will see that we have applied for a settlement of an amount expended by the Executors Estate late Mrs Redpath for repairs to fences in the Park and as we have not been favored with a reply to our letter of 24th December last to Mr McIlbom, we should be pleased if you would kindly give the matter your attention and much oblige.

Yours truly

Macintosh & Hyde

Agents
Executors Estate late Mrs Redpath

MACINTOSH & HYDE,

TELEPHONE No 752.

LATE

Standard Building,

COURT, MACINTOSH & HYDE,

157 St. James Street,

Accountants.

JOHN MACINTOSH, GEORGE HYDE.

PREBLE MACINTOSH.

Montreal, 24th Dec. 1896

Copy

Mr Wm Mc Gillbon
Mount Royal Park
Dear Sir

Mr P. W. St George wrote us on 28th October last, that our letter of the 24th of the same month with reference to some repairs which were made to the fence dividing the City's Property from that belonging to the Estate late Jno Redpath had been referred to you.

We should be pleased to hear from you, as to our chances of an early settlement and oblige

Your Truly
(Signed) Macintosh & Hyde

P. O. Box 828
City

Pulvérisation de
la succession Redpath
re réparation de
clôtures dans le
parc Mt. Royal.

— " —

15 Juin 1897

MACINTOSH & HYDE,
LATE
COURT, MACINTOSH & HYDE,
Accountants.
JOHN MACINTOSH. GEORGE HYDE,
PREBLE MACINTOSH.
Cable Address:
"COURT." MONTREAL.

Standard Building,

157 ST. JAMES STREET,

Montreal, Dec ~~22nd~~ 23rd 1896

Messrs Macintosh & Hyde
157 St James St City

Dear Sirs

I am in receipt of your letter of the 18th instant. In my letter to you of the 28th October last, I informed you that I had referred your letter to the Superintendent of Mount Royal Park, Mr W. Mc Gibbon, as the matter in question is out of my jurisdiction. I think it would be well for you to write Mr Mc Gibbon and find out what he has done in the matter.

Yours truly
(Signed) Percival W. St George
City Surveyor

MACINTOSH & HYDE,

TELEPHONE NO. 752.

LATE

COURT, MACINTOSH & HYDE,

Standard Building,

157 St. James Street,

Accountants.

JOHN MACINTOSH, GEORGE HYDE,

PREBLE MACINTOSH.

Montreal, 18th Dec. 1896

Copy

P. W. St George Esq
City Surveyor

Dear Sir

re Fence on Pine Ave

We shall be pleased to hear from
you with reference your letter of 28th October
last

Yours truly
(Signed) Macintosh & Hyde

MACINTOSH & HYDE,
LATE
COURT, MACINTOSH & HYDE,
Accountants.
JOHN MACINTOSH. GEORGE HYDE,
PREBLE MACINTOSH.
Cable Address:
"COURT." MONTREAL.

Standard Building,

157 ST. JAMES STREET,

Montreal, October 28th 1896

Messrs Macintosh & Hyde

157 St James Street

re fence on Pine Ave. blown down

Dear Sirs:

I am receipt of your letter of the 24th, instant re
fence on Pine Ave, being blown down. I beg to inform you that I
have forwarded your letter and account from Forde & Casey to
Mr Mc Gillon Superintendent of Mount Royal Park.

Yours truly
(Signed) Percival W. St George
City Surveyor

MACINTOSH & HYDE,
LATE
COURT, MACINTOSH & HYDE,
Accountants.
JOHN MACINTOSH. GEORGE HYDE,
PREBLE MACINTOSH.
Cable Address:
"COURT." MONTREAL.

Copy

Standard Building,
157 ST. JAMES STREET,

Montreal, 24th October 1896

Percival W. St George Esq
City Surveyor

Dear Sir

The fence above Pine Avenue in the Mountain Park dividing the City Property from that belonging to the Estate late John Redpath was blown down last Spring and the necessary repairs were made by Messrs Forde & Casey at the cost of \$142.90 to the Redpath Estate.

We have since learned that the City is bound to maintain the fence, we shall therefore be pleased if you will have the enclosed receipted Account of Messrs Forde & Casey passed by the Committee and a cheque for \$142.90 forwarded to us to cover same.

Yours truly
(Signed) Macintosh & Hyde
Agents

Subject

Claim of the Est. Redpath,

Percival W. St. George, Surveyor.

John R. Barlow, Deputy "

Alfred Brittain, Asst "

City Surveyor's Office,

Montreal May 2nd. 1894.,

To the Chairman & Members,

Parks & Ferries, *Commissioners*

Gentlemen /

I beg to enclose you correspondence, Re Estate Redpath's claim for encroachment on their property,

I beg to inform you that there is a portion of the fence which encroaches on the Estate Redpath, and I am ready any time to *give you the line* ~~do my share~~ when you remove the fence,

Yours truly,

Percival W. St. George

City Surveyor.

on behalf of the Estate Redpath
about an action (en-barrage).
I had promised with your
consent sometimes ago
that the said encroachment
would disappear entirely
without any further costs.

Will you be kind enough
to see again if it is not im-
possible for us to keep our
promise & give immediate
satisfaction to the com-
plainant.

Yours truly,
Léon Desjardins
Joint City Attorney.



CITY SURVEYOR,
MONTREAL.
APR 28 1894
RECEIVED.
MONTREAL, 27 April 1894.

10292

H. W. St. Georges Esq.
City Surveyor.

Re Estate Redpath.
Encroachment on the Property.

Dear Sir,
Please take com-
munication of accompany-
ing letters from Messrs
Laylar & Buchanan advocates.

Wages
see me about this
Puh



TAYLOR & BUCHAN,

Attorneys, &c.

A. D. TAYLOR.

J. S. BUCHAN.

CABLE ADDRESS "TRYLAN," MONTREAL.

TELEPHONE No. 663.

TEMPLE BUILDING,
ST. JAMES STREET,

Montreal, April 26th., 1894

Dear Sirs:-

When we last communicated with you in reference to the action by the Estate Redpath, en bornage, you referred us to the City Surveyor. We wrote to him with the result that we received the letters of which we enclose copies. We have since mentioned this to you verbally, but as it would appear from the City Surveyor's letters, that the matter has been fully placed in your hands, we would be obliged if you would let us know definitely what the City purpose to do. We must have the matter settled by the City desisting from all encroachment and paying the costs, as you have already intimated they were ready to do. We shall be glad to hear from you.

Yours truly,

Encs.



Messrs Roy & Ethier,

City Attorneys,

City Hall.

(Dict.)

TAYLOR & BUCHAN,

Attorneys, & Co.

A. D. TAYLOR,

J. S. BUCHAN,

CABLE ADDRESS "TRYLAN," MONTREAL.

TELEPHONE NO. 663.

TEMPLE BUILDING,
ST. JAMES STREET,

City *Montreal,* March 20th., 1894

Messrs Taylor & Buchan,
Temple Building,
City.

Gentlemen:-

In reply to your letter of the 17th., inst.,
I beg to enclose you copy of Mr. Lesage's report upon the claim of
the Redpath Estate for encroaching on their property.

I beg to inform you that I sent all papers
to the City Attorney on February 2nd., 1894, I presume the matter
is in his hands at present.

Yours truly,

(Sgd) Percival W. St. George,

City Surveyor.

Enclos.

TAYLOR & BUCHAN,

Associates, & Co.

A. D. TAYLOR.

J. S. BUCHAN.

CABLE ADDRESS "TRYLAN," MONTREAL.

TELEPHONE No. 663.

TEMPLE BUILDING,
ST. JAMES STREET,

Montreal, March 20th., 1894
City

P. W. St. George, Esq.

City Surveyor.

Sir:-

Referring to the case of the Redpath Estate against the City for encroachment and to Mr. Ethier's letter attached, I beg to state that I have made the accompanying sketch which explains the case and shows the encroachment.

This whole matter, I believe should be referred to the Park Commissioners. In December last, I wrote Mr. McGibbon about the matter, I said I would be pleased to meet him on the ground at any time and point out the encroachment.

I have not heard from him since.

Your obedient Servant.

(Signed) T.W.Lesage,

Asst. Engineer.

Examined and approved,

(Signed) Percival W. St. George,

City Surveyor.

Copy.

495

Claim of Estate
Redpath
encroachment on
their property.

2 May 1894

0.7450
0.92
0.005
0.005

Subject Fence encroaching on Mt. Royal Ave.,

Perceval W. St. George, Surveyor
F. B. LaVallee, Deputy
Alfred Brittain, Asst

City Surveyor's Office,

Montreal June 4th. 1891., 188

To Chairman & Members,
Mount Royal Park.,

Gentlemen:-

I beg to report upon the claim of the estate
Redpath, for not having followed the boundary line between the estate
and the City, and enclose you report from Mr. Lesage, Assistant
Engineer, who laid out the line of the fence for the Park Superin-
tendent last year.

Yours truly,

Perceval W. St. George

City Surveyor.

Enclos.

Subject Encroachment of new fence in Mount Royal park, on
the Redpath Estate. -

Percival W. St. George, Surveyor.
F. B. LaFallee, Deputy "
Alfred Brittain, Asst "

City Surveyor's Office,

Montreal June 11th 1891

44441

Percival W. St. George Esq.
City Surveyor,



Dear Sir,

Referring to the attached letter and plan from Mr. Rielle, showing encroachment on the Redpath estate of the fence recently built by the Park commissioners; I beg to report as follows:

Last fall Mr. McGibbow the Park Supt. made application to this dept, for the line for the new fence. I examined the various park plans in the office and I found that though there was definite indication of a straightening of the old fence at the north west corner of the Redpath Estate, there was nothing to guide me as to that portion of the boundary shown on Mr. Rielle's plan, so I told Mr. McGibbow he might follow the line of the old fence, which he did.

Since then, I have seen the deed at the notary's, and I find that the boundary fence should have been straightened at that point, as shown by Mr. Rielle.

I find Mr. Rielle's plan agrees with the deed.

I remain
Your obedient servant

J. W. Heagy
Asst Surveyor

JOS. NIELLE,
LAND SURVEYOR.

NEW YORK LIFE BUILDING,
PLACE D'ARMES,

Montreal, 26th May, 1891

Percival W St. George, Esq:
City Surveyor.

CITY SURVEYOR,
MONTREAL.
MAY 26 1891
RECEIVED

Dear Sir :-

I have had an interview with your Mr. Lesage concerning the division fence which separates the property of the Estate Redpath from Mount Royal Park. Mr. Lesage has examined the title deeds of the Corporation and agrees with me that the fence, as it now stands, is not on the true boundary. I have laid down the correct line on the ground and have prepared a plan, a copy of which I now enclose, which shows colored yellow, the encroachments by the Corporation on the property of the Estate. There are two pieces, one containing 5950 feet and the other 1246 feet in superficies. The plan also shows colored red, a small strip containing 843 feet which is occupied by the Estate, but which belongs to Mount Royal Park.

I am authorized by the Estate to deal with you for the sale of the land colored yellow on the plan, if the Corporation think fit to retain possession. I will be glad to have an interview with you on the subject at your earliest convenience.

Yours truly,

J. Nielle

Redpath Estate
Fence encroaching
On Mount Royal
Ave,

Jan 21st 1891

Yours truly,





Law Department. *Montreal,* 2nd January 1891. 188

To the Chairman and Members
of the Finance Committee.

Gentlemen,

In the year 1883, Dame Jane Drummond, widow of the late John Redpath, Esq., brought an action against the City, wherein it was alleged that the City had trespassed upon Plaintiff's property, situate on or near the line of Pine street on the mountain, by laying across the whole width, i-e: 1400 feet, of said property, a water main from its reservoir, - and for that purpose had dug a deep trench, leaving the entire line of said trench in a most disordered, rough and unsightly condition;

That said trespass had been committed seven years previous to the institution of the action, and the Defendant ever since had its said water main and pipes across said property, without the permission or consent of Plaintiff;

That in laying said main, the City cut off the supply of water which Plaintiff had, at great cost, conducted from natural springs in the vicinity, to supply the residence of Terrace Bank;

That the damage, up to the institution of the
action,

action, amounts to \$2000.00, and if the said main continues to remain across said lot, the Plaintiff is entitled to a further sum of \$5000.00, subject moreover to further damages;

That Plaintiff is willing to permit said main to remain, by the City paying the sum of \$5000.00 as indemnity to Plaintiff;-

And the conclusions of the action are, that the City be condemned to remove said water main, unless it prefers to pay \$5000.00 as indemnity, and \$2000.00 for past damages.

The laying of the pipe through Plaintiff's property cannot be denied, and if it was not authorized by the proprietor, such laying was a decided trespass.

By a report dated the first of May 1883, which I hereby submit with my opinion, Mr Lesage, the then Superintendent of the Water Works, gives the following information on the subject;- on the 21st of August 1875 he, the Superintendent, was authorized to enter into a notarial agreement with the Redpath Estate, for obtaining the right of way through said property for the laying of water mains; for one reason or another, no such arrangement was carried out, but several interviews took place between Mr Joseph Rielle, representing the Estate, and the Water Committee, who requested the Superintendent to get the necessary papers prepared, in order to

complete



Law Department.

Montreal,

188

complete the negotiations.

On the 2nd of October following, it appears by the minutes of said Committee that, the Redpath Estate having verbally consented to the laying of the pipes, it was resolved that the Superintendent do proceed to execute the work; - now, on the 16th of October, Alderman McCord reported to the Committee that the Estate Redpath protested against the resolution of the Committee of the 2nd of October, and opposed any work being made on their property; - after which a sub-Committee, composed of Aldermen McCord and Stephens, was formed to try and come to an understanding with the Estate.

Nothing further is to be seen in the minutes concerning the matter.

Under these circumstances, and in the absence of any arrangement between the Redpath Estate and the City, the latter, in the case now pending, can only be considered by the Court as a trespasser and therefore responsible for all damages which may be suffered by the Estate; but as, at present, the portion of the land where the pipes have been laid is converted into Pine avenue, the Estate could claim an indemnity only for the past.

After several interviews with the representatives of the Estate, I think that the whole matter could be compromised, on the City paying a sum of \$250.00 with costs; the amount seems to me to be very moderate, compared to what the Court would probably allow, if the case was carried to the end, - when it is considered that the trespass was without any justification whatever, and that such condition of things lasted for a number of years up till now.

Should the Committee adopt this view of the case, I shall close the matter without any further delay.

I have the honor to be, Gentlemen,

Your most obedient and humble servant,

Favier Foy
City Attorney.

Opinion
re Estate Redpelt's
claim

Your most obedient and

I have the honor to be, Gentl^y

case. I shall close the matter without any further

should the committee report

new.

1 May

Convent

des Pains, avec

of the House, I

After several interviews



Bureau du Surintendant de l'Acqueduc

Hôtel-de-ville.

Montréal

187

tendant de l'Acqueduc de l'Acqueduc de prendre la question en considération afin de préparer les papiers nécessaires pour baser la conclusion des négociations. Rien n'est indiqué par les minutes le résultat de ces négociations, seulement au 2^o Octobre suivant il est rapporté dans les minutes que la succession Redpath ayant consenti verbalement que la Cité soit permise de poser ses tuyaux dans une ligne désignée à travers la propriété des demandeurs d'une largeur de dix pieds elle soit autorisée à poser ses tuyaux à l'eau. Cependant au 16 Octobre suivant l'Échevin Mc Cord un des membres du Comité de l'eau fait rapport que les représentants de la succession Redpath protestent contre le passage de la résolution du Comité de l'eau du 2^o Octobre et s'opposent au pose des tuyaux à travers leur propriétés. Il fut dès lors résolu que les Échevins, Mc Cord & Stephens forment un sous Comité pour s'entendre avec les propriétaires pour la pose des tuyaux.

Ceci termine la mention de cette affaire



Bureau du Surintendant de l'Aqueduc

Hôtel-de-ville.

Montréal _____ 1877 _____

dans les minutes du Comité de l'Eau.

Durant cette période les tuyaux ont été posés dans la propriété Redpath sans autre formalité - Mais en Mars 1877 l'Avenue Pine des Pins fut homologuée et ^{dans} cette Avenue se trouve la ligne des tuyaux en question.

Voilà en aussi peu de mots que possible tout ce que je connais de l'affaire, et dans l'espoir que ceci puisse vous être utile,

je me soussis
votre obéissant serv^r

Louis Lesage
Surintendant de l'Aqueduc

Rapport de Mr Louis Desage,
Surintendant de l'Acqueduc.

[Faint, mostly illegible handwritten text in cursive script, likely bleed-through from the reverse side of the page.]



Bureau du Surintendant de l'Agueduc

Hôtel-de-ville.

Montréal May 1st 1883

L. J. Ethier Es-

Avocat de la Cité

Monsieur,

En réponse à votre demande de
vous faire un ~~arrangement~~ ^{arrangement} en ce qui concerne
vs & la Cité. J'ai eu l'honneur de vous informer qu'après
toutes les recherches raisonnables qui étoient en
mon pouvoir de faire, je n'ai trouvé aucun
acte notarié ou autres documents publiés qui
autorise la Cité de poser ^{des tuyaux} ~~des tuyaux~~ à l'eau
sur la propriété des ^{de Redpath} ~~de Redpath~~ seulement
je vois par les minutes du Comité de l'Eau
en date du 21 août 1875, que le Surintendant de
l'Agueduc est autorisé à faire un arrangement
par devant notaire avec la mess^{rs} Redpath
pour acquérir le droit de passage pour sur
sa propriété pour les tuyaux à l'eau - soit
par la faute du Surintendant n'ayant pas les
données nécessaires pour faire cet arrangement
ou par tout autre cause, rien n'a été fait, seule-
ment des ententes ont eu lieu entre Mr^s Jos-
phelle A.P. représentant la succession Redpath
et le Comité de l'Eau qui ordonna au Surin

On this Fourth day of November
in the year of our Lord One thousand
Eight hundred and Eighty.

J. O'Hara Paynes Notary
Public, duly commissioned and
sworn in and for the Province of
Quebec, in the Dominion of Canada,
residing & practising in the City of
Montreal, in the said Province.

At the special instance
and request of Dame Jane Drum-
mond, of Montreal aforesaid,
widow of the late John Redpath,
in his lifetime of Montreal aforesaid,
Sugar Refiner, and Frank
Robert Redpath, & Peter Redpath,
both of the said City of Montreal,
Sugar Refiners, in their capacity
of Executors of the last will of
the said late John Redpath, made
the twenty third day of February
One thousand eight hundred and
Sixty eight, went to the City Hall
in the said City of Montreal,
where being speaking to Mr. Charles
MacMurray City Clerk I signified and
declared unto the Mayor, Alder-
men & Citizens of the said City of
Montreal, speaking as aforesaid
as follows to wit:

Whereas they the said
Executors sold to the said City of
Montreal certain tracts and
parcels of land forming part of
the Estate of the said late John
Redpath, part situate at Cote
St. Catherine in the Parish of
Montreal, known as lot

number

number Two (2) of said Parish,
and part situate within the
limits of the said City known as
the North Western portion of lot
number One thousand Seven hun-
-dred and fifty five Antoine Park,
under deed of sale bearing date
bearing date & executed before J.G.
Papineau Notary Public the nine-
-teenth day of November One thou-
-sands eight hundred & Seventy five,
and registered in the then Regis-
-tration Division of Montreal
on the Eleventh day of December of
the same year 1875 under the N^o 89.
859 G. N. B. for the consideration and
upon the terms & conditions set
forth in said deed.

Whereas among other con-
-ditions the said City under the
said deed agreed & bound them-
-selves in the following terms to wit:

"It is specially agreed by and
"between the said parties that the
"City of Montreal shall pay the
"cost of a line fence Six feet high
"of board and Cedar posts, to be
"erected between the points marked
"A. & B. & C. on the said hereto annexed
"plan in the line dividing partly
"the said hereto sold property from
"that portion of the same property
"marked N^o 2 (two) in red figure
"and colored yellow on the said
"hereto annexed plan, and which
"is left as aforesaid by the City
"of Montreal aforesaid under
"and by virtue of the hereto above
"quoted

"quoted section of its charter,
and which is therefore remaining
to the Estate of the said *John*
Redpath."

And Whereas Notwithstanding
the above Agreement & having
being constantly notified by the
said Executors, nevertheless the
said City of Montreal have entirely
failed to erect such a fence,
but on the contrary have erected
a fence along a very small por-
tion of the line above specified,
and the posts of which are not
of Cedar as agreed, but far inferior
and less durable material.

Wherefore I the said Notary
at the request aforesaid did call
upon and notify the said City
of Montreal immediately to erect
or cause to be erected a fence
such as they are bound to erect,
and between the points specified
in the said deed of Sale, and at
the same time did notify them
that should they fail to do so
before the fifteenth day of May
next (1884), the said Executors
will themselves erect such
a fence and hold the said
City of Montreal liable for the
costs of the same.

And further I the said
Notary at the request aforesaid
& speaking as aforesaid, did
declare to protest, and by these
presents I do most solemnly
protest against the City of Montreal
in

in its Corporate capacity, and
against the Mayor, Aldermen, &
Citizens of said City for all costs,
losses, hurts, damages, & injuries
already suffered and sustained,
and that hereafter may be suffered
& sustained by the said Executor,
and the said Estate of the said
late John Redpath for and on
account of the persistent refusal
and neglect on the part of the
said City to erect said fence
according to the terms above spe-
cified, and for other the premises
and also for all that I the said
Notary can, may, or ought to pro-
test.

And to the end that the
said Mayor, Aldermen & Citizens,
may not have cause to plead
ignorance in the premises I have
served them with a duly certified
copy of these presents speaking
as aforesaid.

Thus Done, Notified, and
Protested at the City of Montreal,
on the day, month, & year first here-
in before written.

In faith & testimony whereof
I the said Notary have signed
these presents, the original whereof
remains of record in my office
under the number Five thousand
Six hundred and ninety

Signed/Obair Payne C.T.
A true copy of the ori-
ginal minute remain-
ing of record in my
office

office

Barat Jayne
N.S.

N^o 5690 246

4^e Novembre 1880

Notification Protest
at the request of
The Executors of the
Estate of the late
John Redpath
On
The Mayor Aldermen
& Citizens of the
City of Montreal

Copy
relating to the violation
of fences between the
property of the said Estate
and the said property
Parties

J. O'Hara Baynes et P.

REPORT

FROM THE

Mount Royal Park Commissioners
for an appropriation
for fencing —

Redpath

Presented

14 August 1876

To Finance

Adopted

25 August

1876

Entered vol 2

pages 164, 165

H 237

TO THE CITY OF MONTREAL.

THE FINANCE COMMITTEE,

Respectfully Report,

That, as directed by the Council, they have considered the accompanying Report of the *M. N. Park* Commissioners

for an appropriation of \$225
for paving

and that they *concur* in the recommendation therein made.

The whole nevertheless respectfully submitted.

Committee Room, City-Hall,
Montreal, ~~24~~ August 1876 }

H. A. Nelson
H. Smith

Joseph H. H. H.
Thomas Wilson

J. G. G.

To the City of Montreal

The Mount Royal Park Commissioners

Respectfully Report,

That, in the agreement entered into with the Heirs Redpath for the acquisition of a certain portion of their property for the Park, it was stipulated that the City should erect a fence along the division line of said property, as more fully shown on the plan annexed to said deed of agreement.

Your Commission suggest also the propriety of ~~an~~ erecting a similar fence between the Park property and that of Mr R. Cambell.

They therefore recommend that they be authorized to proceed at once with the erection of said fences and that an appropriation of \$225.00 be granted to them for that purpose.

The whole respectfully submitted -

Committee Room,
City Hall,
Montreal 14 July, 1876

J. A. Nelson
H. Wood

REPORT

FROM THE

Special Committee.
on Paris Expositions

Presented, 27th June 1875

~~to the~~
to Finance

Adopted, 12th July 1875

Entered vol. 6 -
 pages 171 & 255

TO THE CITY OF MONTREAL.

THE FINANCE COMMITTEE,

Respectfully Report,

That, as directed by the Council, they have considered the accompanying Report of the *Special* Committee on park Expropriations recommending an amicable settlement with the Estate Redpath as regards the property of the estate required for the Park

and that they *concur* in the recommendation therein made.

The whole nevertheless respectfully submitted.

Committee Room, City Hall,
Montreal, *2 July* 187*8*

H. Paul
Wm. Lauran
G. Pigeon
Henry Thomas

The Special Committee
on Park Expropriations

Respectfully Report,

That they have succeeded in arranging with the Redpath Estate for the acquisition of the land required for the Mountain Park on the following terms and conditions:

1. The Corporation to take by amicable arrangement the portion of land marked 1 on the annexed plan, at the pro rata value awarded by the Commissioners for the whole property marked 1 & 2 on said plan, that is to say at the rate of \$76,600.

2. The City to pay interest on such amount at the rate of seven per cent per annum from date of award of Commissioners to date of payment.

3. The City to pay all legal expenses incurred to date of settlement.

4. The City to pay the cost of a line fence 6 feet high of board and cedar posts between the points A & B & F

or

or the rectified line

5- The line to be rectified so as to run straight between the points A & B taking out the angle E, F, B.

All of which your Committee recommend the Council to accept, they also recommend ~~that the Attorneys of the Corporation be requested to suspend all proceedings,~~ and that authority be granted His Worship the Mayor to sign a deed with the Executors of the Estate Redpath embodying the foregoing conditions, ~~and that the City attorneys be~~

The whole nevertheless respectfully submitted.

Committee Room
City Hall
Montreal, 14th June 1875

Rich^d Hollandy
J. Guin
Geo W. Stearns
James M. Bord

to in the above case and that of the Estate Frothingham, until further advice from this Committee.

Montreal, March 18. 1847

The Chairman
of the Park Committee
Sir.

I beg to submit to you Copy of a
Minute of the Executors of the Estate Redwell
by which offer is made to you of their Land
acquired for the Park.

"It is agreed to sell to the Corporation of the City
of Montreal, for the proposed Park, the ~~ground~~
Land acquired therefor from this Estate, as
shown by the Plan submitted to the Legislature,
at five Hundred Dollars per arpent for all
(about 50 arpents,) beyond the line of the present
City limits, and One thousand Dollars per arpent
for all below (about 30 arpents,) below the City
limits, Cash, or bearing interest at not less than
Eight per cent. It being conditions that the Boulevard
be placed at a line to be agreed on between the
City and the Representatives of the Estate, that
the water Springs and Course and water tanks
be protected, that no part of the Land so acquired
be sold by the City but reserved and held for the
purpose of the Park, and that no charge or
claim be made upon the Estate for any improve-
ments that may accrue or be supposed to accrue
to the Estate by reason of the said Boulevard
or Park."

I have to add that if this offer
which is considered reasonable, be well
accepted

It must be held as having been made
without prejudice to any further claims
as to the value and interests of the
Redpath property which may be
advanced if appropriation should be
resorted to.

And I have the honor
to be

Yours most truly
J. D. Macpherson
for the Redpath

A. H. Nelson Esquire
Chairman &c

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J. M. Taylor
offices law for Bank

18 Mars 1872

18 Mars 1872