



CHAPTER 114

An Act to amend Part II of the charter of the town of Magog

[Assented to, the 8th of April, 1938]

WHEREAS the corporation of the town of Magog has, Preamble.
by its petition, represented that it is expedient to
amend the provisions concerning educational matters in
the town of Magog, contained in Part II of its charter, the
act 53 Victoria, chapter 79, in order to render the interpre-
tation thereof easier;

That the French and English versions of section 79 of
Part II of the charter of the town of Magog, respecting
loans, are absolutely contradictory;

That certain changes, moreover, have become necessary
in such Part of the charter, for the proper administration of
school matters in the said town;

That the French version of the second paragraph of sec-
tion 79 states: that the boards of commissioners may issue
debentures redeemable in not less than twenty-five years
while the English version states in not more than twenty-
five years;

That loans have been made by the Roman Catholic Board
of School Commissioners of the town of Magog, for the
amounts, on the dates and upon conditions as follows:

a. Loan of one hundred and thirteen thousand dol-
lars contracted by debentures at five per cent, repayable
by series from one to thirty years; authorized by resolution
of the said board dated August 20th, 1928;

b. Loan of thirty thousand dollars contracted by debentures
at five per cent, repayable by series from one to ten
years; authorized by resolution of the said board dated May
11th, 1934;

c. Loan of eighty thousand dollars contracted by debentures at three and one-half per cent, repayable by series from one to thirty years; authorized by resolution of the said board dated December 2nd, 1936, as amended by resolutions of the 22nd of February, 5th of May and 19th of July, 1937;

That the Protestant Board of School Commissioners of the town of Magog has also contracted a loan for the amount and upon conditions as follows:

a. Loan of thirty-five thousand dollars contracted by debentures at five per cent, repayable by series from one to twenty years, authorized by a resolution of the said board dated January 23rd and March 26th, 1928;

That it is expedient to validate, ratify and confirm all such loans;

That it is also expedient to amend certain sections of the said Part II of the charter of the town of Magog, which amendments have become necessary owing to presently existing changes in the administration;

Whereas the corporation of the town of Magog therefore prays that Part II of its charter concerning educational matters in the town of Magog be amended;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

53 Vict., c. 79,
s. 55, replaced.

Agreement
between
boards as to
taxes.

1. Section 55 of the act 53 Victoria, chapter 79, is replaced by the following:

“**55.** The two boards of school commissioners may, from time to time, meet together and agree with respect to the establishing or altering the amount of the tax to be levied on the taxable real estate of the town for such purposes; provided that such tax be not in any case more than ten mills in the dollar.”

53 Vict., c. 79
s. 68, replaced.
Complaints
against roll
to council.

2. Section 68 of the said act is replaced by the following:

“**68.** During such delay of thirty days, either board of school commissioners, or any person whose name shall have been erroneously entered on any such panels, or omitted therefrom, or who shall observe that the name of any other person is entered by error on any of such panels or omitted therefrom, may make any complaint which he shall deem himself entitled to make on this subject, to the town council, which shall amend and correct the roll in consequence, if it appear to be necessary.

Within fifteen days following the final homologation, the decision of the town council may be appealed from to the Magistrate's Court." Appeal from council's decision.

3. Section 71 of the said act is replaced by the following: 53 Vict., c. 79, s. 71, replaced.

"71. 1. The taxes derived from the property comprised in panel number one shall belong to the Roman Catholic Board of School Commissioners, and the taxes derived from panel number two shall belong to the Protestant Board of School Commissioners. Panels one and two.

2. The taxes derived from panel number three shall be divided between the Roman Catholic Board of School Commissioners and the Protestant Board of School Commissioners in proportion to the Roman Catholic and the Protestant population of the town according to the last census, and the rate of assessment upon the property in panel number three is hereby fixed at ten mills in the dollar unless the two boards of school commissioners agree upon a different rate." Panel three.

4. Section 74 of the said act is replaced by the following: 53 Vict., c. 79, s. 74, replaced.

"74. It shall be lawful for either board of commissioners to exact from the parents, tutors or guardians of children of school age, residing within the municipality, except from those exempted by the commissioners through poverty, or by reason of their being in attendance at some school aided by the Government of the Province not under the jurisdiction of the board to which they may belong, for each month of the school year, a monthly or weekly assessment, the amount whereof shall have been ascertained by each board of school commissioners and fixed and established from time to time by by-law, such rate, however, must not exceed that fixed by the Education Act." Exacting of school fee. Proviso.

5. Section 75 of the said act is replaced by the following: 53 Vict., c. 79, s. 75, replaced.

"75. The report of the commissioners shall specify the number of children receiving gratuitous instruction and the number of those who pay such monthly or weekly fee or rate." Contents of certain report.

6. Section 76 of the said act is replaced by the following: 53 Vict., c. 79, s. 76, replaced.

"76. The monthly or weekly school fee may be recovered from parents, tutors or guardians by the secretary-treasurers of the respective boards to which such scholars belong, and, in case of default, by suit before any competent court. Recovery of school fee by suit.

Restriction. Nevertheless, no suit shall be brought for more than two years' arrears or for any sum due for more than two years."

53 Vict., c. 79,
s. 79, replaced.
Purchase, etc.,
of lots, etc.

7. Section 79 of the said act is replaced by the following:

"**79.** The respective boards of school commissioners of the said town of Magog shall have power to lay aside annually a portion of their revenues, not exceeding one fourth thereof, for the purchase of lots, and for the construction of school-houses, without any limitation as to the amount to be expended on each school-house, any law to the contrary notwithstanding. The said boards may, for all necessary purposes and more particularly for the purchase of lots, and furniture, construction improvement and repair of school-houses, borrow monies, and issue debentures for such object; to do so, they must comply with the provisions of the Education Act concerning loans."

53 Vict., c. 79,
s. 81, repealed.

8. Section 81 of the said act is repealed.

Id., s. 83,
replaced.
Levying of
extraordinary
tax.

9. Section 83 of the said act is replaced by the following:

"**83.** Whenever the ordinary revenue of the respective boards is insufficient to meet their needs, an extraordinary tax may be levied for one or for several years as may be needed upon panel number one, or upon panel number two, as the additional revenue may be required for the Roman Catholic or Protestant Board; the two boards acting jointly may also levy an extraordinary tax upon panel number three and shall divide such tax between them in conformity with section 71 of this act.

How levied.

Such extraordinary tax shall be levied by the corporation of the town, in the same manner in which the ordinary tax is levied, upon petition to the council made by the board or boards of commissioners seeking the additional tax.

Approval required for such levying.

But such additional taxation shall only be levied with the approval of the Minister of Municipal Affairs, Trade and Commerce upon the recommendation of the Superintendent of Education and shall affect only the property of Roman Catholics or of Protestants, according to whether the Roman Catholic or the Protestant board asked for it; and/or the property in panel number three when it shall have been asked for by both boards jointly."

53 Vict., c. 79,
s. 87, replaced.

10. Section 87 of the said act is replaced by the following:

87. During the months of July and August, each year, Joint census. the secretary-treasurers of the two boards, acting together, shall take a census from a religious standpoint of the population of the town of Magog; such census shall be signed by the said officers in duplicate, and a certified copy thereof shall be deposited in the office of the secretary-treasurer of the town of Magog."

11. The loans made by the Roman Catholic Board: Loans validated.

a. Loan of one hundred and thirteen thousand dollars contracted by debentures at five per cent, repayable by series from one to thirty years, authorized by resolution of the said board dated August 20th, 1928;

b. Loan of thirty thousand dollars contracted by debentures at five per cent, repayable by series from one to ten years, authorized by a resolution of the said board dated May 11th, 1934;

c. Loan of eighty thousand dollars contracted by debentures at three and one-half per cent, repayable by series from one to thirty years, authorized by resolution of the said board dated December 2nd, 1936, as amended by resolutions of the 22nd of February, 5th of May and 19th of July, 1937:

And the loan made by the Protestant board, namely:

a. Loan of thirty-five thousand dollars contracted by debentures at five per cent, repayable by series from one to twenty years, authorized by resolution of the said board dated January 23rd and March 26th, 1928;

And all other operations or expenditure contingent and relating to the aforesaid loans,—

Are validated, ratified and confirmed, notwithstanding any law to the contrary.

12. Section 37 of the act 1 Edward VIII, chapter 7, is 1 Ed. VIII, c. 7, s. 37, amended. amended by adding thereto the following paragraph:

"Notwithstanding the provisions of this act, the municipal council may cause to be paid and levied seventy-five per cent of the cost of constructing sidewalks bordering industrial establishments belonging to joint-stock companies." Levy of part of certain cost.

13. Notwithstanding the provisions of chapter 116 of the Revised Statutes, 1925, as amended by the act 20 George V, chapter 52, section 1, as well as any general law or special act to the contrary, the council of the town Acquiring, etc., of certain immovables authorized.

of Magog may construct, acquire or maintain one or more immoveables to be used wholly or partly for municipal purposes and the total cost whereof shall not exceed fifty thousand dollars.

Leasing, etc.,
of such
immoveables.

14. The municipal council is authorized to grant or lease, let or sell the said immoveable or immoveables to whomsoever it may decide and upon such conditions as it may determine, provided that the price of sale be not less than the cost of the said immoveable or immoveables.

Loan author-
ized.

15. The said council may borrow, for the aforesaid purposes, a sum not exceeding fifty thousand dollars, by a by-law approved by the electors and by the Lieutenant-Governor in Council, in conformity with the provisions of law respecting the approval of loan by-laws.

Coming into
force.

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