



CHAPTER 105

An Act to consolidate the charter of the city of Sherbrooke

[Assented to, the 20th of May, 1937]

WHEREAS the city of Sherbrooke has, by its petition, represented, that its charter, the act 7 Edward VII, chapter 66, has been often amended, by both general and special acts, making its charter difficult of interpretation, and that it is expedient under the circumstances, for the good administration of the affairs of the city, that its charter be revised and consolidated; and

Preamble.

Whereas it is expedient to grant the prayer contained in the said petition ;

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

1. This act may be cited as the "*Charter of the City of Sherbrooke*". Short title.

2. The Cities and Towns' Act (Revised Statutes, 1925, chapter 102), shall apply to the city of Sherbrooke and shall form part of this act, save in cases concerning which the present act contains provisions incompatible therewith. Provisions applicable to city.

3. All acts inconsistent with the provisions of this act are repealed; but the repeal of such acts shall not be understood as affecting any rights acquired, any matter or thing done, or required to be done, contracts, Acts repealed.

agreements, appointments, resolutions, decisions, orders, or other proceedings of the council, debentures, promissory notes, shares or obligations issued, or by-laws made under and by virtue of such acts, or valuation or collection rolls, and the sinking-funds to be provided, which shall continue to be regulated by such acts, until they shall be changed, altered, replaced or repealed by any proceeding adopted in virtue of this act; the whole without prejudice to vested rights.

Incorporation.
Name.

4. The inhabitants of the city of Sherbrooke and their successors shall be a body corporate, by and under the name of "The City of Sherbrooke."

Boundaries.
of city.

5. The boundaries and limits of the said city of Sherbrooke shall be those as defined for the town of Sherbrooke by proclamation of His Excellency the Governor General of the late Province of Canada, of date, the 28th day of June, A. D. 1852, and advertised in the *Canada Gazette* of date, the 3rd day of July A. D. 1852, to wit:—Lots Nos. 7, 8, 9 and 10, in the first range of the township of Orford; lots Nos 16, 17 and 18, in the eighth range of the township of Ascot; the lots Nos. 17, 18, 19, 20 and 21 in the seventh range of lots of the said township of Ascot; and the west half of lots 16, 17, 18, 19, 20 and 21 in the sixth range of the lots of the said township of Ascot; and the city shall be bounded on the south, by the line between the lots Nos. 15 and 16 in the sixth, seventh and eighth ranges of the said township of Ascot; on the west partly by the range line between the eighth and ninth ranges of the said township of Ascot, and partly by the range line between the first and second range of the said township of Orford; on the north, partly by the line between the lots Nos. 6 and 7 in the first range of the said township of Orford, and partly by the line between lots Nos. 21 and 22 in the sixth and seventh ranges of the said township of Ascot; and on the east by a line to be drawn through the exact centre of the lots 16, 17, 18, 19, 20 and 21 of the said sixth range of the said township of Ascot; including the rivers St. Francis and Magog, adjoining any one of said lots, and it is hereby declared that the said rivers as above mentioned have always been included in the limits of the said city.

The following land is also included within the city limits :

a. The parcel of land in the township of Ascot, contiguous to the southern boundary of the city of Sherbrooke and forming part of lot No. 15, in the eighth range of the township of Ascot, with an area of eleven acres, limited and bounded as follows: "a certain parcel of land, eleven acres in area, bounded on the west by a line beginning two hundred and fifty feet west of the point of intersection of the line between lots Nos. 1535 and 1537 of the south ward, with the southern boundary of the city at right angles to the said southern boundary of the city, two hundred and twenty-five feet towards the south; thence inclining towards the left with an angle of forty-eight degrees, twenty-two minutes, three hundred and one feet; thence inclining towards the left with an angle of thirty degrees, nineteen minutes, three thousand eight hundred and twenty-four feet; thence inclining towards the left with an angle of eleven degrees, nineteen minutes, and parallel to the southern boundary of the city, four hundred and sixty-five feet and two-tenths; thence, at right angles towards the left, five hundred feet, to the southern boundary of the city, and being one thousand and sixty-five feet and two-tenths to the east of the point of departure", such parcel of land shall form part of the west ward of the city;

b. The parcel of land in the township of Ascot contiguous to the western boundary of the city of Sherbrooke and forming part of No. 15a in the eighth range of the township of Ascot, with an area of twenty-five acres, limited and bounded as follows: towards the east by the land of Geo. E. Ellison part of the said lot No. 15a and the remainder of the said lot 15a belonging to the Misses Short; towards the south, the eastern part, by a line parallel to the northern line of the said lot No. 15a at a distance of nine hundred and six feet and nine inches to the south of such line, south of such line on a length of nine hundred and five feet and eight inches; the western part, by a line parallel to the northern line of the said lot No. 15a seven hundred feet south of the northern line of the said lot, on a length of one thousand and sixty-five feet and two inches; towards the west, partly by a line parallel to the eastern line of the said parcel of land and at nine hundred and five feet and eight inches distance towards the west, and the other part by a line also parallel to the eastern line of the said parcel of land at a distance of nineteen hundred and seventy feet and ten

inches towards the west, being the prolongation of the western line of the land belonging to the Waterworks Department of the city of Sherbrooke, known as the reservoir grounds; towards the north, by the said reservoir grounds, a part of lot No. 1535 and lots Nos. 296, 297, 298, 299, 300, 301, 302, 303, 304 and a part of lot No. 305 of the subdivision of lot No. 1494 of the plan of the official cadastre of the south ward of the said city of Sherbrooke; such parcel of land shall form part of the west ward of the city;

c. The parcel of land in the township of Orford contiguous to the northern boundary of the city of Sherbrooke and forming part of lot No. 1 in the first range of the township of Orford, with an area of eight-tenths of an acre, limited and bounded as follows: "That certain parcel of land of irregular shape forming part of lot No. 6 in the first range of the original survey, bounded to the northwest by lot No. 2, to the northeast by the St. Francis river, to the south by the line between this township and the city of Sherbrooke, and to the southwest by a public highway", as well as that parcel of land in the township of Orford, contiguous to the northern boundary of the city of Sherbrooke and forming part of lot No. 3 in the first range of the township of Ascot of an area of six and four-tenths acres, limited and bounded as follows: "That certain parcel of land of irregular shape forming part of lot No. 6 of the first range of the original survey, bounded on the northwest by lot No. 4, to the northeast by a public highway, to the south by a line between such township and the city of Sherbrooke and to the west by lot No. 4"; the said parcel of land forming part of the north ward of the city.

Division into wards. **6.** The city of Sherbrooke shall be divided into five wards respectively called: north ward, south ward, east ward, centre ward and west ward.

North ward. a. The north ward shall comprise all that part of the city being north of the north bank of the Magog river and west of the west bank of the river St. Francis.

South ward. b. The south ward shall comprise all that part of the city which lies south of King street, east of Belvedere street at the point of its intersection by King street, to the line which divides the south ward from the west ward as hereinafter described, and west of the west bank of the river St. Francis.

c. The east ward shall comprise all that part of the East ward.
city lying east of the west bank of the river St. Francis.

d. The centre ward shall comprise all that part of the Centre ward.
city which lies north of the south ward and west ward
but south of the north bank of the river Magog and west
of the west bank of the river St. Francis.

e. The west ward shall comprise all that part of the West ward.
city included within a line drawn from the southwest
bank of the river St. Francis, at the point where said
bank touches the line between lots 1231 and 1240 of the
cadastral plan and book of reference of the south ward
of the city of Sherbrooke, thence running westerly
following in the same direction to the southwest side of
Wellington street, thence continuing in the same direc-
tion in the south line of Galt street to the Waterloo
and Magog railway, which last line is also the north-
east line of the said railway, as far as the west side
of Belvedere street, thence northerly following the same
side along lots 1549 and 1539 to King street, thence on
the south side of King street in a westerly direction to
the west bank of the Magog river, thence following the
said west bank on the left side of the river to a point of
that bank, where the prolongation of the west line of
division between the city and the township of Ascot will
meet, thence southerly across the river Magog along the
above mentioned prolongation and the west line of the
division between the city and the township of Ascot to
the southwest angle of the limit of the city, thence east-
erly along the south limits of the city of Sherbrooke to
the west bank of the river St. Francis, to the point of
beginning.

7. Section 47 of the Cities and Towns' Act (Revised R.S., c. 102,
Statutes, 1925, chapter 102) is replaced, for the city, by s. 47, replac-
ed for city.
the following :

"47. The council of the city is composed of the Composition
mayor and ten aldermen; two elected for each ward. of council.
The seats, for each of the wards, shall be numbered 1
and 2."

8. Section 48 of the said Cities and Towns' Act is R.S., c. 102,
s. 48, replac-
ed for city.
replaced, for the city, by the following :

"48. The mayor shall be elected for two years by Mayoral
term of offi-
ce.
the majority of the municipal electors who have vot-
ed."

R.S., c. 102,
s. 49, replaced
for city.

Term of office
of aldermen.

9. Section 49 of the said Cities and Towns' Act is replaced, for the city, by the following :

"49. The aldermen for each ward shall be elected for three years by the majority of the municipal electors of the said ward who have voted."

Term of
office of present
councilors.

10. The present mayor and aldermen shall remain in office until the time when they shall go out of office, as contemplated by section 50 of the said Cities and Towns' Act.

R.S., c. 102,
s. 64, replaced
for city.

No remuneration of
mayor and aldermen.

11. Section 64 of the said Cities and Towns' Act is replaced, for the city, by the following :

"64. The mayor and the aldermen shall not receive for their services any remuneration; however, they may be reimbursed the expenses which they incur when they represent the city, by a resolution of the council."

R.S., c. 102,
ss. 123, 124,
replaced for
city.

Persons disqualified
from holding
municipal
office.

12. Sections 123 and 124 of the said Cities and Towns' Act are replaced, for the city, by the following :

"123. None of the following persons may be nominated or elected mayor or alderman, nor be appointed to nor hold such office :

a. Aliens;

b. Minors;

c. Ministers of religion;

d. The judges or magistrates receiving emoluments from the federal or provincial government or from the city and the sheriff of the district;

e. Persons holding a permit for the sale of alcoholic liquor or having held such a permit within the twelve months preceding nomination day;

f. Every person who has, directly or indirectly, by himself or his partner, or by any person in his employ, any share or interest in any contract with the city.

Nevertheless, a shareholder in an incorporated company which has any contract or agreement with the city or which receives any grant or subsidy therefrom, shall not be disqualified from acting as a member of the council; but any member of the council shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to a company of which he is a director :

g. Any person receiving monies or other consideration from the municipality for his services;

h. Whosoever cannot read or write fluently;

i. Whosoever has not paid all his municipal dues;

j. Any person convicted of treason or any criminal offence punishable by imprisonment for at least two years;

k. Any person who has not resided in the city of Sherbrooke during the five years preceding nomination day;

l. Any person not having been possessed as owner, for at least one year preceding nomination day, of immoveable property of the value of at least one thousand dollars, after deduction of any charge registered thereon;

The qualification prescribed by the foregoing subparagraph shall be established by the valuation roll in force on nomination day."

13. Section 128 of the said Cities and Towns' Act is replaced, for the city, by the following:

R.S., c. 102, s. 128, replaced for city.

"**128.** Every person, in order to vote at the election of the mayor and aldermen, must be:

Voting qualification of electors.

a. Of the age of majority;

b. A British subject;

c. Entered in the electoral list for the ward wherein such person wishes to vote;

d. Not subject to any legal incapacity, nor otherwise deprived of the right to vote in virtue of the law or of the charter;

e. The owner or the usufructuary of immoveable property in the city, of a value of at least two hundred dollars according to the valuation roll. In the case of usufruct, only the usufructuary has the right to vote; or

f. Tenant in the city of an immoveable the annual rent of which is at least thirty dollars according to the valuation roll; or

g. One who, being neither owner nor tenant, pays a personal tax of at least two dollars per annum.

The electors qualified in virtue of subparagraphs f and g of this section must, in order to vote, pay their dues to the city treasurer on or before the 2nd of January preceding the election. If the 2nd of January be a non-juridical day, the delay above-mentioned shall

extend until five o'clock in the afternoon of the first juridical day following."

R.S., c. 102, s. 130, replaced for city.

14. Section 130 of the said Cities and Towns' Act is replaced, for the city, by the following:

Where electors to vote.

"130. Every elector shall vote in and for the ward in which the property qualifying him is situated. In the case of an elector who is neither owner, tenant nor usufructuary, he shall vote in the ward wherein he resided at the time of the making of the list.

Voting in more than one ward.

When any such person is qualified as owner or tenant or usufructuary in more than one ward, or tenant in one ward and owner or usufructuary in any other ward, he may vote for the election of aldermen in each of the wards wherein he is qualified so to do, and he shall be entered in the electoral list for each of such wards. However, for the election of mayor, he shall vote once only, in the ward where he has his residence or, if he does not reside in the city, in the ward or in one of the wards for which his name is entered on the electoral list."

R.S., c. 102, s. 135, replaced for city.

15. Section 135 of the said Cities and Towns' Act is replaced, for the city, by the following:

Preparing of electors' list.

"135. Between the 2nd and the 20th of January of each year, the clerk shall prepare, for each ward, a list of the electors qualified to vote in virtue of Title V".

R.S., c. 102, s. 136, replaced for city.

16. Section 136 of the said Cities and Towns' Act is replaced, for the city, by the following:

Contents of electors' list.

"136. Such list shall contain the names and surnames of the electors, their occupations, the streets and street numbers, if any, of the property in respect of which they are qualified to vote, and in a separate column the nature of the qualification of such electors.

Substituting of names in certain event.

If, at the preparing of the electoral list, certain persons are no longer owners of immoveables or usufructuaries, the clerk shall enter on the electoral list the names of the new owners or usufructuaries, by substituting such names in the place and stead of the former owners or usufructuaries provided such new owners or usufructuaries possess the electoral qualification required by law."

17. Section 139 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 139, replaced for city.

"139. On the 21st of January, the clerk shall certify each of the said lists and they shall remain lodged in his office until the thirtieth of the said month, from nine o'clock in the morning until four o'clock in the afternoon. Certifying, etc., of lists.

Not less than three days prior to the 25th of January, the clerk shall give a public notice setting forth that the electoral list has been prepared according to law and that it has been lodged in his office for the information of all persons interested." Public notice of preparation, etc.

18. Section 143 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 143, replaced for city.

"143. If, on the 21st of January, the clerk has not made the alphabetical list of electors, or has not given or published the notice required by section 139, a judge of the Superior Court, on summary petition of an elector, shall appoint a special clerk to prepare the electoral list." Appointing of special clerk to prepare lists.

19. Section 144 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 144, replaced for city.

"144. The clerk shall be personally liable for the costs incurred on such petition, and for those incurred in drawing up the list by the special clerk, unless the judge for special reasons, deems it advisable to order otherwise, and, in such case, the costs shall be in his discretion. Responsibility of clerk.

The clerk may, however, draw up and prepare the list, so long as the special clerk shall not have been appointed." May draw up list in meantime.

20. Section 146 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 146, replaced for city.

"146. In so far as the same shall be incumbent upon them, the mayor and the officers of the council shall deliver to the special clerk, on his demand, the valuation roll and the collection roll, which are to avail as the basis of the electoral list, under penalty of a fine upon each of not more than two hundred dollars, and, on failure to pay such fine, of imprisonment for not more than six months." Duties of mayor, etc. Penalty.

R.S., c. 102, s. 149a, added for city. **21.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 149 thereof, the following section:

Contents, etc., of certain application. **"149a.** Every application made under section 148 or 150 must contain the reasons upon which it is founded, and, if it be for striking off, the clerk shall have it served by a bailiff of the Recorder's Court upon the person the striking of whose name is applied for, two full days prior to the hearing of such application by the council.

Service by registered letter. If the person concerned does not dwell within the city limits, the notice shall be deposited in the post office, in a registered letter addressed to such person, three days before the hearing of such application by the council."

Provisions not applicable to city. **22.** Section 134 of the said Cities and Towns' Act shall not apply to the city of Sherbrooke.

R.S., c. 102, s. 173, replaced for city. **23.** Section 173 of the said Cities and Towns' Act is replaced, for the city, by the following:

Date of general elections. **"173.** The voting for the election of the mayor and aldermen shall be held on the fourth Tuesday of March, or on the next following juridical day, if such day be a non-juridical day."

R.S., c. 102, s. 179, replaced for city. **24.** Section 179 of the said Cities and Towns' Act is replaced, for the city, by the following:

Notice of election to be given by returning-officer. **"179.** Eight days at least before the third Tuesday of March the returning-officer shall give public notice, over his signature, setting forth:

a. The place, day and hour fixed for the nomination of candidates;

b. The day on which the poll for taking the votes of the electors will be held in case a poll is necessary;

c. The appointment of the election clerk."

R.S., c. 102, s. 181, replaced for city. **25.** Section 181 of the said Cities and Towns' Act is replaced, for the city, by the following:

Date of nomination. **"181.** The nomination of aldermen and mayor shall be held on the third Tuesday of March, from ten to eleven o'clock in the forenoon. If such day be a non-juridical day, it shall be held on the first juridical day following such date, and during the same hours."

26. Section 197 of the said Cities and Towns' Act is replaced, for the city, by the following:

R.S., c. 102,
s. 197, replaced
for city.

"197. The polls shall be established by the returning-officer in each polling-subdivision and he shall, at least two full days prior to the day of polling, publish the list of the places where they will be situated."

Polling-sub-
divisions.

27. The returning-officer shall prepare a list of the electors entitled to vote at each polling-station.

Lists of
voters.

28. At eleven o'clock in the forenoon the returning-officer shall publish the names of all the candidates nominated for the offices of mayor and alderman, as well as the names of those who proposed them and the names of the wards and the numbers of the seats for which the candidates for the office of alderman are respectively nominated.

Publication
of names of
candidates,
etc.

29. Section 210 of the said Cities and Towns' Act is replaced, for the city, by the following:

R.S., c. 102,
s. 210, replaced
for city.

"210. The polling-stations shall be opened at the hour of nine of the clock in the forenoon and kept open until six of the clock in the afternoon of the same day. Each deputy returning-officer shall, during that time, in the polling-station assigned to him, receive the votes of the electors duly qualified to vote at such polling-station."

Hours for
polling.

30. Section 220 of the said Cities and Towns' Act is replaced, for the city, by the following:

R.S., c. 102,
s. 220, replaced
for city.

"220. At exactly nine o'clock in the morning, immediately after the ballot-box is locked, the deputy returning-officer shall call upon the electors to vote.

Calling upon
electors to
vote.

The deputy returning-officer shall secure the admittance of every elector into the polling-station, and shall see that he is not impeded or molested in or about the polling-station."

Voters not to
be impeded.

31. Section 222 of the said Cities and Towns' Act is replaced, for the city, by the following:

R.S., c. 102,
s. 222, replaced
for city.

"222. Before receiving any ballot-paper, any person presenting himself to vote shall, if thereunto required by the deputy returning-officer, the poll-clerk, one of the candidates, or one of their agents, or

Oath to be
submitted to
electors.

by any elector present, take the following oath, or, if one of the persons permitted by law to affirm in civil cases, make the following affirmation, and answer in the affirmative to questions Nos. 1, 2, 4 and 11 and, if it concerns the election of mayor, in the negative to questions 3, 5, 7, 8, 9 and 10, and, if it concerns the election of an alderman, in the negative to questions 3, 6, 7, 8, 9 and 10, of the following form:

Form of
oath.

“You swear (*or you do solemnly, sincerely and truly declare and affirm*) that you will answer the truth and nothing but the truth to the questions which will be put to you. So help you God.

1. Are you the person meant or intended to be meant by the name entered as follows (*name of the elector entered on the list*) on the list of electors for this polling-subdivision?

2. Are you a subject of His Majesty?

3. Have you been naturalized in any other country or taken therein the oath of allegiance?

4. Are you of the full age of twenty-one years?

5. Have you already voted to-day at this election for mayor, at this or any other poll in the municipality?

6. Have you already voted to-day at this election for an alderman at this or any other poll in this ward?

7. Has any promise been made to you, or your wife or to any of your relations, friends, or other persons, to induce you to vote or not to vote at this election?

8. Have you received anything, either personally or through your wife or through any member of your family, or in any other manner, to induce you to vote, or not to vote, or in relation to your vote, at this election?

9. Are you acting, have you acted or do you intend to act, in the interest of any candidate at this election, as paid agent, messenger, employee, carter, or canvasser, with the view of obtaining something for your trouble, and thereby being influenced as to your vote?

10. Have you been guilty of, or participated in, any corrupt practice whatever which disqualifies you from voting at this election?

11. Have you paid all taxes the payment whereof is required to give you the right to vote at this election?”

R.S., c. 102, s.
346, replaced
for city.

32. Section 346 of the said Cities and Towns' Act is replaced, for the city, by the following:

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“346. The council shall meet regularly at the ^{Sittings of} hour fixed by by-law, on the first and third Monday of ^{council.} each month, the months of July and August excepted.

The council may, by by-law or by resolution, fix other ^{Idem.} regular sittings.”

33. Sections 350 and 351 of the said Cities and ^{R.S., c. 102,} Towns' Act are replaced, for the city, by the following: ^{ss. 350, 351,}

“350. At the request of the mayor or of two ^{city.} members of the council, the clerk must call a special ^{Calling of} meeting of the council by giving written notice thereof ^{special meet-} to all the members of the council.” ^{ings.}

34. The council must, at the opening of the sitting, ^{Serving of} establish, by an entry in the minutes, that the notices ^{notices.} calling the sitting have been served.

If a notice of meeting has not been served upon every ^{If notices not} member of the council the sitting must, under penalty ^{served.} of nullity, be immediately closed, except with the unanimous consent of all the members of the council.

35. The notice calling every special sitting of the ^{How notices} council and the notice of adjournment, in the case of ^{to be given.} section 37 of this act, must be given to every member of the council, either personally, or at his domicile or place of business to a reasonable person, at least twenty-four hours prior to the time fixed for the sitting or for resuming an adjourned sitting.

Such notice must enumerate the questions to be ^{Contents.} submitted to such sitting.

36. Section 353 of the said Cities and Towns' Act ^{R.S., c. 102, s.} is replaced, for the city, by the following: ^{353, replac-}

“353. Any regular or special sitting may be ^{Adjourn-} adjourned as often as the council may deem expedient ^{ments.} in order to terminate unfinished business, without the necessity of giving a new notice.

During such adjourned sitting, no new business may ^{Business} be considered without the consent of all the members ^{thereat.} present.”

37. Section 354 of the said Cities and Towns' Act, ^{R.S., c. 102,} is replaced, for the city, by the following: ^{s. 354, replac-}

Adjournment if no quorum.

" 354. If there be no quorum two members of the council, half an hour after it being established that there is no quorum, may adjourn a meeting.

Entries in minute book.

The hour of the adjournment and the names of the members of the council who were present shall be entered in the minutes of the meeting, in the minute-book of the council.

Special notice.

Special notice of such adjournment must be given by the clerk to all members of the council who were not present at such adjournment.

Service, etc., of such notice.

The service of such notice shall be verified at the opening of the adjourned sitting, in the same manner as that for the notice of meeting for a special sitting, and the failure to serve such notice renders null any proceedings adopted at this stage of the sitting adjourned."

Provisions replaced for city.

38. Sections 361, 362, 372, 373 and 374 of the said Cities and Towns' Act are replaced, for the city, by the following:

Publication of public notices.

" 361. Every public notice, for municipal purposes, shall be published in two local newspapers, one in the English language and one in the French language. The publication of such notices shall always be presumed to have been legally made; subject to the right of the parties contesting same to prove the contrary.

Special notices.

Every special notice must be served."

R.S., c. 102, s. 392, replaced for city.

39. Section 392 of the said Cities and Towns' Act is replaced, for the city, by the following:

Publication of by-laws.

" 392. Every by-law shall be published by a public notice in the usual manner, in which mention shall be made of the object of the by-law, of the date on which it was passed, of the place where communication thereof may be had and of the date of its coming into force."

R.S., c. 102, s. 427, am. for city.

40. Section 427 of the said Cities and Towns' Act is amended, for the city, by replacing paragraphs 23 and 26 thereof by the following:

By-laws respecting sewerage system.

"23. a. To provide for the installation of a sewerage system in the city;

b. To provide for the connection of private drains with the public sewers;

c. Respecting the construction of public sewers and private drains;

d. To apportion the cost of the construction of sewers on the owners of immoveables according to the frontage or the area of each property;

e. To enact that the owner of any building shall install, at his own cost, a connection with the city's sewerage system;"

41. The council may make by-laws:

By-laws re:

a. To enact that the roof of every building be constructed in such a manner as not to allow water, ice or snow to fall on the sidewalks or into the streets. Construction of roofs.

The council may also enact that the owners of buildings or of houses now constructed take the necessary measures to prevent water, ice or snow from falling on the sidewalks or into the streets. Certain preventative measures.

b. To determine that on certain streets all buildings shall be erected at a certain distance from the line of the street. Erection of certain buildings.

42. The cost or part of the cost of the opening, extending or widening of any street, lane or square may be levied by taxation upon the immoveables which may benefit therefrom, by means of a special collection roll based on the value of such immoveables, as entered on the valuation roll in force. Levying of cost of certain works.

43. Section 429 of the said Cities and Towns' Act is amended, for the city, by replacing paragraph 2 thereof by the following: R.S., c. 102, s. 429, am. for city.

"2. To pave any street, lane, public road or public place, wholly or partly, with materials declared permanent by the council, and to apportion the cost one-half upon the city and one-half upon the owners of the immoveables concerned, according to the frontage of each of such immoveables; Paving of streets, etc.

When it shall be necessary to renew in any street or part of a street, sewer, water, gas, electric or other underground conduits, the cost of renewing such conduits shall form part of the cost of the paving of such street or part of a street. Renewing of underground conduits.

When it shall be necessary to renew or repair, in any street or part of a street, sewer, water, gas, electric or other private underground conduits in order to con- Renewing of private underground conduits.

nect them with the city's system of sewerage, water, gas or electricity, the city shall construct the same and may recover the cost thereof from each of the owners of the conduits thus renewed or repaired;".

Encroach-
ments on
city streets,
etc.

44. The council may order the city building inspector to notify every person encroaching on the streets, public places or sidewalks of the city to cease such encroachments within a reasonable delay and, if such persons do not comply with such notification within the delay specified, the city may take the necessary measures to end such encroachment and recover the cost thereof from the person in default.

R.S., c. 102, s.
442, replac-
ed for city.

45. Section 442 of the said Cities and Towns' Act is replaced, for the city, by the following:

By-laws:

"442. The council may make, amend and repeal by-laws:

Prohibiting
supplying of
water to
others, etc.

1. To prohibit any occupant of a house or building supplied with water from the waterworks, from furnishing such water to others, or from using it otherwise than as agreed upon, or from wasting it;

Fixing size,
etc., of pipes,
etc.

2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other similar apparatus;

Fixing tariff
of rates, etc.;

3. To fix the price for water and to prescribe the mode of payment, to install meters and fix the rental price of such meters and the method of payment;

To prevent
fraud, etc.;

4. To prevent fraud, and the pollution of the water of the waterworks or reservoirs;

For general
management

5. To provide for any other matter or thing whatsoever, having reference to the waterworks."

R.S., c. 102, s.
444, replac-
ed for city.

46. Section 444 of the said Cities and Towns' Act is replaced, for the city, by the following:

Levying of
certain spe-
cial tax.

"444. The special tax imposed under sections 439 and 441 shall be levied according to the rules and in the manner prescribed for general taxes."

R.S., c. 102, s.
523, replac-
ed for city.

47. Sections 445, 446 and 447 of the said Cities and Towns' Act are replaced, for the city, by the following:

Installing of
water pipes.

"445. Upon the application of an owner or of an occupant, the city shall install, at its expense, the water pipes as far as the line of the street; from this point,

the city shall lay the pipes as far as the cellar wall at the expense of the applicant."

48. The city may acquire and construct plants for the production of gas and electricity and the material necessary for lighting, heating and motor power, and may buy, lease and sell electric and motor power in or outside the city. Acquiring, etc., of gas and electricity plants.

For such purpose the city may acquire, own and sell any water-power, immoveable property, servitude or usufruct within a radius of thirty miles of the city. Powers therefor. The city may also acquire, by expropriation, if necessary, the right of way for its transmission lines.

49. The city shall have the exclusive privilege of selling electricity and gas within the city limits. The council may, however, grant to any person or company the right to sell electricity and gas within the city limits. Selling of gas, etc., within city limits. This section shall not affect acquired rights.

50. All revenues derived from the sale of electricity and gas shall be appropriated, in the first instance, to the expenses of operation and to the repayment of the loans made by the electricity and gas services. The council may dispose of the surplus in accordance with the city's needs. Utilization of revenue derived from sale.

51. The council may, at any time, by by-law or by resolution, submit to the electors or owners whose names are entered on the electoral lists any question upon which the council may deem it expedient to consult them. Submitting of questions to electors.

Such referendum shall be submitted to the electors or to the owners in accordance with the formalities required for the passing of a loan by-law. Formalities.

52. The council may make by-laws:

- By-laws re:
- a. To regulate or prevent the keeping of pigs, cows, hens, horses, foxes or other animals in the city; Keeping of pigs, etc.
 - b. To prevent all persons from driving in the city one hour after sunset without a reflector or a red lamp at the rear of the vehicle; Driving after certain hour;
 - c. To limit the number of taxicabs and suspend the license for a taxicab in the case of an accident, the damages whereof suffered by the injured person have not Limiting, etc. number of taxicabs.

been paid or redressed by the owner of the taxicab after a final judgment or after admitting responsibility.

R.S., c. 102,
s. 468, am.
for city.

53. Section 468 of the said Cities and Towns' Act is amended, for the city, by adding thereto, after paragraph 3 thereof, the following paragraph:

Public abat-
toir charges,
etc.

"4. To authorize the owner or owners of public abattoirs to make a tariff of charges not exceeding the amount fixed by the council and to limit the number of public abattoirs."

R.S., c. 102,
s. 426, am.
for city.

54. Section 426 of the said Cities and Towns' Act is amended, for the city, by replacing paragraph 1 thereof by the following:

By-laws re:
construction,
etc., of build-
ings, etc.

"1. *a.* To regulate the construction of all buildings, chimneys, fences, stacks or other structures;

b. To provide for the summary abatement or destruction of any building, wall, chimney, stack or other structure not of the required stability;

c. To regulate the plumbing, ventilation and lighting of all buildings;

d. To prescribe the depth of cellars and basements, the material and methods of construction, the thickness, materials and construction of party walls, partitions and outside walls; the size and materials of floor beams, girders, piers, columns, roofs, chimney-flues and heating apparatus;

e. To regulate the architecture, materials, dimensions and symmetry of buildings in certain streets or parts of streets;

f. To prohibit the erection of certain buildings in certain streets or part of streets;

g. To fix and control the minimum cost of all buildings in certain streets or parts of streets;

h. To compel the proprietors to furnish the council within a stated delay with a sworn declaration of the cost of any new building or structure and of the extensions or improvements to existing ones;

i. To compel the proprietors of all buildings to submit the plans or any other description thereof required by the council, and to previously obtain a certificate from the building inspector or any other officer appointed by the council, and to obtain a building permit from the council;

j. To order the procedure, conditions and formalities to be followed for applying for and obtaining such permit, and to fix the amount of the fee to be paid for obtaining the same;

k. To prohibit the construction of buildings and structures not conforming to such by-laws, and to direct the suspension at any time of the erection of any such building as does not conform to such by-laws, and to cause the demolition thereof if necessary."

55. Section 427 of the said Cities and Towns' Act R.S., c. 102, is amended, for the city, by replacing paragraph 11 thereof, by the following: s. 427, am. for city.

"11. To place or cause to be placed receptacles for garbage at any place indicated by the council on public squares, near dwelling-houses or elsewhere; and to provide for the removal of such garbage or other things of the kind as well as for the imposition of a tax or assessment to defray the cost thereof;". Placing of receptacles for garbage.

56. Section 427 of the said Cities and Towns' Act R.S., c. 102, is amended, for the city, by replacing paragraph 13 thereof by the following: s. 427, am. for city.

"13. To prevent the depositing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in any street, alley, yard, public ground or square or municipal stream or water, and to compel the owner or occupant of any immovable to remove such things or obstructions or to pay the cost of removing the same;". Preventing depositing, etc., of certain matters in city streets etc.

57. Section 521 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S. c. 102, s. 521, replaced for city.

"**521.** The council may impose and levy, annually, on every immovable in the municipality, a tax of not more than two per cent of the real value as shown on the valuation roll. Annual tax upon immovables.

The valuation shall include the value of the land, buildings, and of the equipment which has become immovable. What valuation to include.

However, in making the valuation roll the assessors shall establish, separately from the land and the buildings, the value of the equipment. Separate value for equipment.

R.S., c. 102, s.
540, replaced
for city.

58. Section 540 of the said Cities and Towns' Act is replaced, for the city, by the following:

Notice of de-
posit, etc., of
roll.

"540. The treasurer, after having completed the collection roll, shall give public notice announcing that the general collection roll, or the special roll, as the case may be, has been completed and is deposited in his office, and requiring all persons bound to pay the sums therein mentioned to pay the same at his office, in four equal and consecutive instalments, the first whereof shall be due and payable on the 1st of January, the second, on the 1st of April, the third, on the 1st of July, and the fourth, on the 1st of October, of each year."

Granting of
discount.

59. The city council shall grant a discount of five per cent to every person paying within the five days from their becoming due, the sums mentioned in the general or special collection roll, and due on the 1st of January, the 1st of April, the 1st of July and the 1st of October.

Interest
upon unpaid
sums.

60. All sums, due by the ratepayers and carried on the general or special collection roll, which are not paid within the twenty days following the 1st of January, the 1st of April, the 1st of July and the 1st of October, shall bear interest at the rate of five per cent per annum.

R.S., c. 102, s.
526, replaced
for city.

61. Section 526 of the said Cities and Towns' Act is replaced, for the city, by the following:

Business
tax.

"526. In addition to the taxes provided for in sections 521 and 523, the council may levy a tax called "business tax" on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, firms or corporations in the municipality."

Levying of
special tax
upon certain
non-resident
traders.

62. The council may make by-laws to levy:
a. A special tax, not to exceed five hundred dollars, on all persons who shall come temporarily into the said city to dispose of any bankrupt or other stock of goods, wares or merchandise, either by auction or at private sale, such tax to be payable forthwith by such person or persons on demand, and, if not paid when demanded, the same may be at once collected by distress-warrant signed by the mayor or pro-mayor, with the signature

of the chairman of the finance committee or of the treasurer.

Such warrant may be addressed to any bailiff of the Recorder's Court or of the Superior Court and must be executed under his oath of office according to the same rules as apply to writs of execution *de bonis*. Execution, etc., of certain warrant.

b. An annual tax not exceeding five per cent of the amount or value of the annual rent, upon every person occupying a dwelling otherwise than as owner. Rental tax.

63. The council may make by-laws:

- a. For the keeping of dogs;
- b. To cause dogs to be muzzled;
- c. To authorize the summary destruction of stray dogs;
- d. To order in what manner the dogs for which no license has been paid shall be disposed of;
- e. To subject to an annual license not exceeding ten dollars per dog any person keeping dogs or having them in his possession;
- f. To prohibit the keeping of certain species of dog.

By-laws re: keeping, etc., of dogs.

64. The council may, in its discretion, impose and levy certain annual dues: Imposing of annual dues on:

a. An annual tax or license not exceeding five hundred dollars on the proprietors or keepers of houses of public entertainment, taverns, saloons, restaurants, coffee-houses and eating-houses; on brewers, distillers, wholesale and retail liquor dealers; on pedlars and itinerant traders selling, in the city, articles of commerce of any kind; on all places of public amusement kept open for profit; on billiard tables, pigeon-hole tables, ten-pin alleys and other games, or on the proprietors or lessees of such; on auctioneers, grocers, bakers, butchers, hawkers, hucksters, second-hand dealers, carters, livery-stable keepers, traders, manufacturers, lumber yards, wood yards, coal yards, slaughter houses; on telegraph and telephone and express companies, and, generally, upon any trade, manufacture, business, or industry which has been or may be introduced into the city or which may be carried on therein, whether or not comprised in the above enumeration; the whole, however, subject to the provisions of the Quebec License Act. Such dues may be fifty per cent higher for persons not residing in the city; Keepers of houses of public entertainment, etc.;

- Banks, etc.; *b.* On every bank or branch thereof, every trust company whether receiving deposits or not; whether or not the head or main-office of such companies or corporations be situated within the city limits. The annual business tax and dues imposed on banks shall not exceed five hundred dollars for the first establishment and two hundred and fifty dollars for each additional establishment;
- Chain-stores; *c.* Upon every person not residing in the municipality and upon every corporation or company not having its principal place of business therein, operating one or more stores for the sale of smokers' articles, sweets, articles for domestic use, meat, groceries, novelties or various merchandise, outside of the municipality and operating one or more of such establishments within the municipality, a special annual tax not exceeding five hundred dollars for each such establishment in the municipality.
- Application; This sub-paragraph shall also apply to every company or corporation having its principal place of business in the municipality when such company or corporation is only a subsidiary or branch of a company or corporation carrying on the same kind of business outside of the municipality;
- Animal-drawn vehicles, etc.; *d.* On all animal-drawn vehicles employed for the transportation of passengers or merchandise, and regulate them; and upon horses over two years old.
- Responsibility; Such annual taxes or dues shall be recoverable from the owner, keeper or person in possession of the said horses;
- Liberal professions; *e.* On the persons practising in the city the profession of advocate, physician, surgeon, dentist, surveyor, notary, veterinary surgeon, engineer, architect, chiropractor, osteopath or other liberal profession, a special tax not exceeding twenty dollars;
- Certain electricity companies; *f.* On every company or person, not having its principal place of business or works in the city, that introduces its wires for the purpose of furnishing light or electric power in the city, an annual tax not exceeding five hundred dollars;
- Lessees of amusement halls; *g.* On every owner or lessee of a concert hall or hall for theatrical performances or moving picture shows, an annual tax or license not exceeding five hundred dollars;
- Id., of dance halls; *h.* On every owner or lessee of a dance hall, an annual tax or license not exceeding two hundred dollars;

i. On menageries, circuses, shows or public exhibitions of any kind, a license not exceeding three hundred dollars per day; Circuses, etc.;

In the case of theatres, such tax or license may also be levied according to the number of seats. Optional imposition.

The persons who shall pay for a license in virtue of this section shall not have to pay the business tax which may be imposed under section 61 of this charter. Restriction.

65. The council may, by by-law, compel every owner to give the names of all the tenants occupying his properties, the amount of their rent and any other information necessary for the drawing up of the roll for the tenants' and business taxes. Furnishing of names, etc., of tenants.

66. The business tax, tenants' tax or the special dues imposed on any trade, business or occupation, shall be paid for every separate and distinct establishment, even though carried on by the same person. How business, etc., tax to be paid.

67. Section 106 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 106, replaced for city.

"106. The council may, if it deems expedient, appoint every year two boards of assessors instead of one only, one charged with preparing the general valuation roll of the immoveable properties and the other with preparing a special roll for the business and tenants' taxes. Each of such boards shall be composed of at least three assessors. Appointing of boards of assessors.

Such assessors shall hold office until their successors are appointed. Term of office.

The remuneration of such assessors shall be fixed by the council, which shall appoint one of the assessors chairman of each of the boards. Remuneration.

If both rolls are not prepared at the same time the same assessors may form part of either board. May form part of either board.

The council shall determine the manner in which the assessors shall divide their labours. Labours.

68. Section 497 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 497, replaced for city.

"497. In all cases, the council shall proceed, at such sitting or at any adjournment thereof, whether there be any complaint or not, to revise, amend or alter the Revising, etc., of valuation roll.

valuation roll as may seem just to it, and to homologate the said roll."

Preparing,
etc., of spe-
cial roll.

69. The board of assessors for the preparation of the special roll for the business and tenants' taxes shall, each year, at the time and in the manner ordered by the council, assess the annual value of the places where trade, manufactures, occupations, business, arts, professions, or means of profit or of earning a livelihood, are being carried on, subject to the business tax, and shall enter the names of the persons subject to such tax in the said roll.

Entries the-
rein.

They shall also enter in such roll the names of the tenants and the annual value of the premises occupied by each of them.

Signing of
special roll.

70. The special roll for the estimation of the business and tenants' taxes shall be signed by at least two of the assessors who drew it up or caused it to be drawn up, and by the clerk or any other person whom they employed as secretary.

Depositing
and notice
thereof.

71. The assessors shall deposit such special roll in the office of the council, immediately after its completion; and public notice of such deposit shall be given by the clerk, during the two days following.

Contents of
notice.

The notice shall state that the roll will remain open to the examination of parties interested, or their representatives, for the fifteen days next following its deposit.

Making of
complaints
respecting
special roll.

72. During such time, any person who thinks himself entitled to complain, for himself or for another, of the special roll as drawn up, may appeal therefrom to the council, by giving for that purpose a written notice to the clerk stating the grounds of his complaint and, if he complains that the valuation of the rent or of the annual value of the place where he carries on his business is too high, he shall mention, in the notice, the amount of the valuation considered by him to be just. The council shall not be obliged to take communication of a complaint made after the expiry of the delays.

Hearing, etc.
of com-
plaints.

73. The council, at its first general or special sitting after the expiration of the fifteen days mentioned in section 71, shall take into consideration and decide all the complaints made under section 72.

After having heard the parties and their witnesses, Subsequent under oath administered by its presiding officer, as also procedure. the assessors, if they wish to be heard, and the witnesses produced on behalf of the municipality, the council shall maintain or alter the roll, as it may deem just.

74. After all the complaints filed have been decided, Homologation of roll. the council shall declare the roll homologated; and the special roll so homologated shall remain in force until the coming into force of a new roll.

75. Immediately after the homologation of the special roll by the council, the clerk shall prepare a collection roll for such taxes, and, after completing the same, Preparing, etc., of collection roll. shall give public notice announcing that the special collection roll for business and tenants' taxes has been completed and is deposited in his office, and requiring all persons, bound to pay the sums therein mentioned, to pay the same at the treasurer's office, within the ten days following the publication of such notice.

76. The provisions of the Cities and Towns' Act, Provisions respecting appeals from the decision of the council, shall applicable to special roll. shall apply to the said special roll, *mutatis mutandis*.

77. In assessing immoveable property the assessors Assessing of immoveable property. charged with preparing the valuation roll for the taxes on immoveables shall take, as the basis of their assessment, the actual value of such property at the time of making the assessment; and the board of assessors charged with making the special valuation roll for the business and tenants' taxes shall include in such roll the *bona fide* rent of the property subject to the tenants' tax, or, if they consider that such rent does not represent, or is disproportionate to, the annual value of such property, they shall insert, in the special valuation roll, the actual annual value thereof.

78. It shall be the duty of the assessors, in case several tenants occupy the same property, to establish Tenants' tax. the proportion which each of them has to pay of the total amount of the tenants' tax.

79. If the property is occupied by the owner, they shall determine the amount of the annual rent, at which, in their judgment, the property might be rented Fixing of business tax in certain case. or the rental value of such property, for the fixing of the business tax.

Assessing of
tenant, etc.,
in certain ca-
se.

80. When any immoveable property is exempt from taxation under this act, or any other law, and is occupied by any person otherwise than in an official capacity connected with the ground of such exemption, the tenant or occupant of such property shall be assessed, as any other ratepayer would be, but the property itself shall not be liable for such assessment.

Remaining
in force of
tax by-laws.

81. The by-laws imposing such taxes shall remain in force so long as they are not repealed by the council. It shall not be necessary that the persons obliged to pay for permits or licenses be mentioned on the valuation or collection roll.

Part remit-
ting of spe-
cial tax, etc.,
in certain
case.

82. Whosoever during the year shall do or carry on any kind of business, occupation or profession, or perform any act rendering him liable to the special tax or to the obligation to take out a permit or license, shall be bound to pay the full amount thereof, whatever may be the period of the year when such dues might become exigible, unless the council remits a portion of such tax or dues, on account of the short space of time remaining before the expiration of the current year.

Period there-
for.

The council shall not, however, remit such taxes or dues, except when they become payable during the last four months of the current year.

Adopting of
tax collection
by-laws.

83. The council may adopt the necessary by-laws for securing the collection of any special tax or special contribution payable on immoveables, imposed under the city charter.

Exhibiting of
license, etc.,
on demand.

84. Every officer, constable or policeman may require any person bound to pay a license under the city charter, to show him his permit or license; if such person refuses to show such license or permit, or has none, the said officer, constable or policeman may arrest him on sight and take him before the district magistrate, the city recorder or any justice of the peace.

Procedure
upon failure
to give bail,
etc.

85. Every person so arrested who cannot or will not give bail to appear before the district magistrate, the city recorder or any justice of the peace, as above stated, or refuses to pay the sum imposed and due for the obtaining of such license, shall be kept in the common goal of the district, until the next sitting of the court.

86. The bail to be so furnished by him shall be for Amount, etc. of bail. an amount of not more than two hundred dollars, and if the conditions of the bail bond be not fulfilled, the sum mentioned therein shall be confiscated in favour of the city.

87. Every person so arrested for not having a li-Non-pay- cense required by the council, or refusing to exhibit the ment of fine same, and pay the amount thereof, shall be liable, on may entail proof of the offence before the district magistrate, the imprison- city recorder or any justice of the peace, to a fine not exceeding forty dollars, and, if such fine be not immediately paid, the said district magistrate, recorder or justice of the peace may condemn him to be imprisoned for not more than two months in the common goal of the district; such imprisonment shall, however, cease as soon as the fine is paid.

The fine shall belong to the city of Sherbrooke.

Disposal of fine.

88. Every pedlar, itinerant trader, hawker or Licensing of person going from house to house in the municipality pedlars, etc. to sell or offer for sale goods or merchandise or selling such goods, articles or merchandise in the streets, who refuses or neglects to obtain, from the city, the license required in such case, after being called upon to do so, may be arrested and detained by any constable and taken before a justice of the peace or magistrate having jurisdiction, in order that he may be at once prosecuted for such offence, but he shall not be detained without a warrant of arrest for more than forty-eight hours.

89. The council may suspend or annul any license Suspending, etc., of granted under the provisions of this charter, for miscon- licenses. duct, incompetence or the infringement of any by-law by the holder of such license, without being obliged to refund all or part of the amount paid for the license.

90. Taxes shall bear interest at the rate of five Interest rate per cent per annum, from maturity, without it being upon taxes. necessary, for such purpose, that a special demand for payment be made.

The council may, however, grant, by by-law or reso- Granting of lution passed to that effect, a deduction or discount to discount for any person or ratepayer paying to the city, in advance prior pay- or within the delay fixed by the by-law or the resolu- ment. tion, the amount due to the city for taxes or in water

Proviso. rates, gas, light, motor and electric power, heat or all other taxes imposed to repay the cost of the permanent works; provided that the deduction or discount to be granted by the city in the case of the repayment of the cost of the permanent works shall not exceed five per cent.

R.S., c. 102, s. 520, replaced for city. Property not taxable.

91. Section 520 of the said Cities and Towns' Act is replaced, for the city, by the following:

"520. The following property shall not be subject to taxation;

a. Lands belonging to His Majesty or held in trust for the service of His Majesty;

b. The property of the Federal and Provincial Governments and the municipal corporation;

c. The property held and used for public worship, presbyteries, parsonages, cemeteries and parish halls;

d. All educational establishments as well as the land upon which the same are situate, and all buildings and lands used exclusively for libraries gratuitously open to the public;

e. All buildings and lands occupied by a charitable or philanthropic institution; but the property possessed by religious institutions as well as by charitable, philanthropic and educational corporations for the purpose of deriving a revenue, shall not be exempt from taxation.

Proviso. Provided, nevertheless, that the said exemption shall not extend to lands or to buildings erected upon lands leased or occupied under lease from the Government; the said lands belonging to the Government and occupied under lease shall be assessed in the same manner as any other immoveable property, and the assessments shall be paid by the lessee or occupant as if they were assessed against the lessee or occupant personally.

Liabilities of proprietors, etc., for cost of certain works.

The proprietors, lessees and occupants of the property mentioned in paragraphs *c*, *d* and *e* shall, nevertheless, be subject to the cost of the works required for the opening and maintenance of streets, water courses, sewers and for water and public lighting, under the by-laws in force."

Additional assessing powers.

92. In addition to its present powers, the city may assess the properties and the owners of lands for all the works mentioned in paragraphs 1, 2 and 3 of

section 429 of the Cities and Towns' Act, according to the greatest extent of frontage of the said property situate on the streets.

93. No new loan shall be contracted by the council wherever the debt of the city, after deducting the cost of the water works and gas and electricity works, as such costs appear from the books of the corporation, the accumulated sinking-funds and the real estate belonging to the city, shall amount to eight per cent of the total value of taxable real estate as established by the valuation roll.

Restriction
as to con-
tracting of
new loans.

94. Sections 399 to 410, inclusively, of the said Cities and Towns' Act are replaced, for the city, by the following sections:

R.S., c. 102,
ss. 399-410,
replaced for
city.

399. Whenever a by-law requires the approval of the real estate owners of the city, the following proceedings shall be followed.

Procedure
for certain
approval of
by-laws.

400. The council shall, by resolution, fix the day for taking the votes of the owners of taxable real estate whose names are entered on the voters' list then in force and the day fixed shall be between the twentieth and the sixtieth day following the adoption of the by-law by the council.

Fixing of
voting day.

401. The clerk of the city shall make or cause to be made, for each ward, an extract from the municipal voters' list then in force, showing all the names of owners of taxable real estate inscribed on the said list and entitled to vote in such ward; but no name shall be entered in more than one list; after the name of every voter shall be entered the amount of the valuation of all the taxable real estate belonging to him and appearing on the valuation roll in force, and the clerk shall certify the correctness of the same. Such extracts, certified by him as aforesaid, shall constitute the voters' or electors' list for each ward, for all purposes required in connection with such vote.

Making of
extract from
voters' list.

402. Each real estate owner shall have but one vote, although he may own property in two or more wards, and no one shall be entitled to vote whose name is not entered on the lists so certified by the clerk.

One vote on-
ly.

403. The clerk shall cause to be printed a sufficient number of ballot-papers for the use of the voters,

Printing of
ballot-pa-
pers.

and such ballot-papers shall be printed according to the form indicated by form X of this act, or such other similar form as the council may adopt. The city shall also furnish ballot-boxes.

Publication
of notice res-
pecting by-
law and poll-
ing.

“**404.** The clerk shall also, at least one week before the date fixed for the polling, publish or cause to be published a notice, over his signature, which shall state:

- a. The nature of the by-law which is to be submitted for approval;
- b. The day and hours of polling;
- c. The places where the different polls are to be held;
- d. The date, hour and place for the counting of votes by the clerk.

Election
officers.

“**405.** The city clerk shall be the returning-officer, and he shall name a deputy returning-officer for each polling-station, and shall furnish each of the said deputy returning-officers with a certified extract from the electors' list, showing the owners of taxable real estate who are entitled to vote within the limits of the ward of which such deputy returning-officer shall have charge, and the valuation of their immoveables.

Naming of
represent-
atives.

“**406.** The deputy returning-officer may, by commission signed by him, name one or two persons who are owners of real estate in the city, who may be present in the polling-station on behalf of those citizens who are in favour of the by-law, and a like number of persons on behalf of those opposed to the by-law.

Affidavit.

Before any person is so appointed, he shall make and subscribe, before the deputy returning-officer, an affidavit in the form Y of this act.

Persons en-
titled to re-
main in poll-
ing-station.

“**407.** During the time fixed for polling, no person shall be entitled or permitted to remain in any polling-station other than the officers, clerk and persons authorized to attend as aforesaid at such polling-station.

Polling
hours.

“**408.** The polling-stations shall be open from nine o'clock in the morning until five o'clock in the afternoon.

Proceedings.

The proceedings in each ward shall be the same, as nearly as may be, as at municipal elections held under this Cities and Towns' Act and the charter of the city. The deputy returning-officer shall inscribe on the back of each ballot, upon giving same to the voter, the amount in figures of the valuation of his taxable real

estate, as it appears on the voters' list, and shall inscribe his initials underneath.

“409. The by-law or by-laws must be approved by the majority, in number and in value, of the owners of taxable real estate who have voted. In the case of an equal number of votes being cast for and against the by-law or by laws, the said by-law or by-laws shall be deemed to have been defeated.

Approval for by-laws.

“410. The city clerk, after having received the ballot-boxes and statements from the deputy returning-officers, shall within one week thereafter proceed to the counting of the number of votes for and against such by-law in order to sum up the total value of the taxable real estate of such voters for or against the said by law, from the returns of the deputy returning-officers, and he shall, after such summing up, declare the result and shall forthwith certify to the council, under his hand and the seal of the city, whether the majority of those who have voted upon the by-law have approved or disapproved of same, the number of votes cast for and against the said by law and the total value of the taxable real estate of all the voters who have voted for or against the by-law.”

Counting of votes.

95. The council may, by complying with the provisions of the Cities and Towns' Act, acquire by expropriation any immoveable property, any part thereof, or any servitude required for the execution of works ordered by it, or for any other public purpose, within the scope of its jurisdiction. When, by expropriating part of an immoveable property, the damages to the rest of that property are such that it would be more advantageous for the city to acquire the whole of it, the city may expropriate the whole, or purchase it with the consent of the proprietor.

Expropriation of immoveables, etc.

96. The city may, at any time, before paying the amount adjudged by the arbitrators, desist from the expropriation. In such case, the city must pay the costs incurred, and it is liable for damages, if any resulted.

Desisting from expropriation.

97. The city may enter into agreements with the municipal and school corporations within whose limits it possesses taxable real estate, as to a sum of money payable annually or for a fixed valuation, for a period

Entering into tax commutation agreements.

not exceeding twenty-five years, in commutation of all municipal taxes which it may owe to such corporations for the immoveables or real estate belonging to the said city within the limits of such township municipalities.

Expenditure
for centenary
celebration.

98. On the occasion of the celebration of the centenary of the city of Sherbrooke, in 1937, the council is authorized to expend a sum of twenty-five thousand dollars, out of its funds, and to receive and expend any other donation granted for such purpose.

Granting of
certain ex-
clusive trad-
ing privile-
ges.

99. On the occasion of the celebration of the centenary of the city of Sherbrooke, in 1937, and notwithstanding any provision to the contrary in any general law or special act, the city of Sherbrooke is authorized, during the period from the 1st of July to the 15th of September, 1937, to grant exclusive privileges for the sale, within its limits, of the following merchandise, effects, foodstuffs or drinks:

- a. of soft drinks;
- b. of souvenirs, badges, etc.;
- c. of fried potatoes, corn, etc.;
- d. by travelling photographers;
- e. by travelling restaurants;

and for any business of the same nature and generally carried on solely on the occasion of great public celebrations.

Conditions,
etc., therefor.

The council may grant such exclusive privileges upon the conditions and for such prices as it shall determine by resolution.

Taking into
account of
acquired
rights, etc.

However, the exclusive privileges to be thus granted by the council under the authority of this section must take into account acquired rights, and any person, company, firm or corporation possessing as of the 1st of April, 1937, a license from the city to carry on one of the businesses contemplated in this section within the city limits, in the streets or public places, may continue to carry on such business notwithstanding the granting of an exclusive privilege in connection therewith.

Prohibition
as to sale,
etc., of cer-
tain immove-
ables.

100. The council shall not sell, lease or otherwise alienate the whole or any part of the immoveable property used for the operating of the public utilities, whether waterworks, gas or electricity, belonging to the city of Sherbrooke.

The council shall not sell the unexploited water-powers belonging to the city of Sherbrooke. Water-powers.

Notwithstanding the prescriptions of this section, the council may make any contract or agreement with telephone and telegraph companies for the construction, exploitation, ownership and use in common of the poles belonging to the city of Sherbrooke or to the said companies, and may buy and sell any poles or its interest therein, from time to time, in accordance with the conditions and stipulations of such contracts or agreements at present in force or which may be in the future in force, between the city of Sherbrooke and any telephone or telegraph company. Contracts, etc., authorized.

101. Every tax, impost, due or claim by the city shall be payable at the office of the treasurer, with interest at five per cent per annum from the day when it became due. Rate of interest on taxes, etc.

102. The city of Sherbrooke shall have the right and power to construct, acquire, own and operate an urban transportation service in the city of Sherbrooke and within a radius of ten miles of the limits of the said city. Operating, etc., of urban transportation service.

103. The city of Sherbrooke has the right and power to grant an exclusive franchise to any person, firm, company or corporation who or which has or will establish a transportation service for travellers within the limits of the city. Granting of certain exclusive franchise.

This section shall not apply to any autobus service having its terminus only within the city, but such service shall not have the right to carry passengers from one part of the city to another part of the city, nor from the city to the town of Lennoxville or *vice versa*, but may only carry passengers from the said terminus to other points outside the city or *vice versa*, and for this purpose may pass through the city and through the town of Lennoxville. Application of section.

104. The franchise mentioned in the preceding section may be granted by a resolution of the council, on such conditions as the council wishes to impose and for a period of not more than ten years. How franchise granted.

105. Section 484 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 484, replaced for city.

Fiscal year. **“484.** The city council may enact, by resolution, the beginning and the ending of the fiscal year of the municipality and the taxes and yearly assessments shall be payable on the dates determined by the council.”

Taking of suits, etc. **106.** In any suit or action or prosecution brought before the district magistrate, the city recorder or a justice of the peace, it shall not be necessary to specify or cite the statute or by-law under which such suit, action or prosecution is taken, but it shall be sufficient to state that it is in virtue of the statute or by-law in that behalf made.

Oath deemed sufficient in certain case. **107.** In the case where a person has been arrested on sight or in the case of an offence against the provisions of this act or of a by-law of the council, it shall not be necessary to take down the complaint in writing, but the oath before the judge, or the court, by the constable who has made the arrest, shall be considered as a sufficient complaint.

Complaint in writing. If the defendant asks that the complaint be taken down in writing, the court shall order the clerk to take down such complaint in writing.

Depositions. **108.** The depositions of the parties or witnesses need not be taken down in writing.

Notes of proceedings. **109.** Notes of the proceedings, written in the margin or on the back of the original of the writ or warrant, shall be sufficient proof.

Competent witnesses. **110.** Every officer or member of the council shall be a competent witness in any suit heard and decided under the provisions of the charter or of the municipal by-laws.

Allegations, etc., not required. **111.** In suits, proceedings or complaints taken by the city or by any person for infringement of the provisions of a by-law of the council, it shall not be necessary to allege nor to prove that the formalities required for the passing of such by-law have been observed; such formalities shall be presumed to have been fulfilled, until proof to the contrary.

Arresting on view. **112.** Any constable may arrest on view any person contravening a by-law of the council, disturbing the

public peace, lying, idling or loitering by day or by night in any lot, field, yard or other place, lodging or sleeping in any barn, shed or other uninhabited building, or under a tent, cart or other vehicle, and not giving a sufficient account of his conduct, as well as any person yelling, swearing or making a noise in any street or highway or other place within the city limits.

113. Whoever hinders or obstructs or attempts to hinder or obstruct an officer of the council in the exercise of the powers conferred upon him by this act or by a by-law or order of the council, shall be liable to a fine not exceeding twenty dollars for each offence. Offence and penalty.

114. The payment of municipal and school taxes may be claimed by an action brought in the name of the city before the Superior Court or the Magistrate's Court, according to the amount claimed, or the Recorder's Court. Claiming of certain payment.

115. Such actions shall be deemed summary and shall be governed by the rules of procedure in like matters. Summary actions.

116. The council, by by-law, may establish, for all persons of age residing within the limits of the city of Sherbrooke, an identification card to be used at municipal elections. Establishing of identification card.

117. Any person contravening any provisions of this act or the city by-laws, without such act or by-law indicating the penalty for such infraction thereof, shall incur a fine, with or without costs, and, in default of immediate payment of the said fine and costs, of imprisonment to be determined by the recorder or the court by whom the offending party is judged, provided that the said fine shall not exceed forty dollars and the imprisonment shall not be for a period of more than two calendar months for each offence; the said imprisonment, however, shall cease at any time before the expiration of the period fixed by the court or recorder, upon payment of the said fine or of the fine and costs. Fine where no penalty provided.

118. In all cases in which a fine has been incurred by a corporation, association or firm, such fine and costs may be levied by the seizure and sale of the goods Levying of fine upon corporation, etc.

and effects of the said corporation, association, or firm, according to the procedure in the Superior Court in like cases.

Disposal of
fines, etc.

119. The fines and penalties recovered under the provisions of this act, of the sections of the Cities and Towns' Act applying to the city of Sherbrooke, and of the by-laws of the city, shall be paid to the treasurer of the city council and shall form part of the public funds of the city.

Providing of
pension fund
for perma-
nent em-
ployees.

120. The city of Sherbrooke shall have the right to provide for a contributory pension fund for its permanent employees and all the powers for such purpose are conferred upon it. The persons whose names appear in the municipal budget and whose annual salary is fixed and voted each year shall be deemed permanent employees of the city, and, as such, shall have the right to a pension for their lifetime.

Approval
required.

The by-law creating the pension fund contemplated by this section shall be approved by the Minister of Municipal Affairs, Trade and Commerce and the Superintendent of Insurance of the Province of Quebec.

Restriction
as to certain
dismissals.

121. The following municipal officials, to wit: the clerk, the treasurer, the city engineer, the superintendent of the electricity and gas services and the chief of police, may be dismissed only upon the affirmative vote of at least seven members of the council.

Coming into
force.

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