



CHAPTER 103

An Act to amend the charter of the town of Iberville

[Assented to, the 15th of March, 1928]

WHEREAS the town of Iberville, has, by petition, Preamble.
represented:

That during the year 1924, several citizens of the town, chiefly humble annuitants, purchased a certain number of bonds, deemed to have been issued by the town of Iberville, and appearing to bear the signature of the Deputy Minister of Municipal Affairs, and of the mayor of the town of Iberville, amounting to fifteen thousand one hundred dollars, composed of twenty-seven bonds of five hundred dollars each, numbered 003 to 032 inclusively, and sixteen of one hundred dollars each, numbered 037 to 052 inclusively, and that other persons acquired certain notes representing a total amount of three thousand nine hundred and fifty dollars, which notes appear to be signed by the mayor of the town of Iberville, and to be accompanied by a resolution certified by the ex-secretary-treasurer of the town of Iberville as being a true extract from the minutes of the said corporation;

That the aforesaid bonds were so purchased at the office of the corporation of the town of Iberville from the ex-secretary-treasurer of the said town, who forged the name of the mayor of the town of Iberville and of the Deputy Minister of Municipal Affairs on such bonds;

That the above notes amounting to three thousand nine hundred and fifty dollars and the resolution accompanying them were also forged by the said ex-secretary-treasurer;

That the said ex-secretary-treasurer of the town of Iberville has abandoned and assigned all his property to the said town of Iberville, representing an amount of about ten thousand dollars, and that, further, the town of Iberville has received value for part of the said bonds and notes in that the price of their purchase was paid into the

account of the said town of Iberville and a corresponding amount taken in money from the cash of the said town of Iberville by the ex-secretary-treasurer;

That these frauds were only discovered in the year 1927;

That the school commissioners of the municipality of the town of Iberville had likewise two thousand dollars of school bonds forged, which were sold by the said ex-secretary-treasurer as authentic, and that the said school commissioners have passed a resolution subject to approval by the Legislature, authorizing the said town of Iberville to indemnify the persons who bought such forged bonds and to claim the amount of the same from the said school commissioners, deducting, however, from its claim, the proportion which might devolve to the said commissioners from the proceeds of the property of the said ex-secretary-treasurer, in proportion to the claims of the town of Iberville for the amounts of fifteen thousand one hundred dollars and three thousand nine hundred and fifty dollars which the latter is paying for the said ex-secretary-treasurer, and for an amount of thirteen hundred dollars for which the said ex-secretary-treasurer had defaulted and for all other claims which may exist against the latter;

That further, certain bonds so forged have been purchased by a third party with full knowledge, at a low figure, and that the holder who thus sold such bonds is in almost a state of poverty;

That it would be unjust that speculators could benefit from this state of affairs, under the circumstances;

That in order to safeguard the credit of the town of Iberville and to avoid dangerous and onerous proceedings for the said town, as well as in all justice to the purchasers of bonds and lenders on notes above mentioned, who acted in good faith, and having reason to believe that the titles, handed to them then, were authentic, it is expedient to indemnify the above-mentioned victims;

That the town has not the right by its charter to appoint auditors and valuers who are not ratepayers of the said town of Iberville, and that a serious prejudice results therefrom for the said town of Iberville, as it is sometimes impossible to find persons in every way qualified to fill such offices and who are at the same time ratepayers of the said town;

That on the 1st December, 1927, the municipal council of the town of Iberville unanimously adopted a resolution asking for the amendments hereinafter mentioned;

That the said amendments are subject to ratification by the Legislature in order to give them force and effect;

That it is expedient, in view of the law and circumstances, that the said amendments be approved;

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. The act 7 Edward VII, chapter 72, being the charter of the town of Iberville, 1907, is amended by repealing sections 14 and 15 thereof. 7 Ed. VII, c. 72, ss. 14 and 15, repealed.

2. The act 7 Edward VII, chapter 72, is amended by inserting therein, after section 31 thereof, the following: Id., ss. 31a to 31e, added.

“31a. The town of Iberville is authorized to pay, without interest, an amount of fifteen thousand one hundred dollars to the persons who acquired the following bonds of the town of Iberville, to wit: twenty-seven bonds of five hundred dollars each, bearing numbers 006 to 032 inclusively, and sixteen bonds of one hundred dollars each, bearing numbers 037 to 052 inclusively, sold by the ex-secretary-treasurer of the town of Iberville, the said bonds being forgeries; and a sum of two thousand dollars to the persons who acquired the following bonds of the school commissioners of the municipality of Iberville, to wit: four bonds of five hundred dollars each, bearing numbers 9, 10, 11 and 12, sold by the ex-secretary-treasurer of the said school commissioners, the said bonds being forgeries, and such forged bonds shall be delivered to the town of Iberville by their holders, upon payment thereof. Town authorized to reimburse certain bonds.

“31b. The town of Iberville is further authorized to pay, without interest, an amount of three thousand nine hundred and fifty dollars to the holders of the following notes: one for an amount of two thousand two hundred and fifty dollars, in favour of one Faust, senior; another for an amount of seven hundred dollars, in favour of one Faust, junior; and the other for an amount of one thousand dollars in favour of one Ménard, which notes appear to have been made by the town of Iberville, whilst, in reality, they were forged by the said ex-secretary-treasurer of the town of Iberville, and the said forged notes shall be surrendered to the town of Iberville, by their holders, upon payment thereof. Town authorized to reimburse certain notes.

“31c. The said bonds and notes, amounting in all to twenty-one thousand and fifty dollars shall be paid by the town of Iberville as follows: Mode of payment.

a. In money, out of the proceeds of the property aban-

done by the ex-secretary-treasurer, to an amount estimated at ten thousand dollars after deduction of the costs of this act and of the share of the creditors in proportion to their claims, the town of Iberville being subrogated in the rights of the holders of the bonds and notes mentioned in this act;

b. The bonds of the school commissioners to an amount of two thousand dollars shall be paid, without delay, out of the general funds of the town of Iberville, and the said amount shall be recoverable immediately from the said school commissioners;

c. The balance of the bonds and notes, assumed by the town, shall be paid by means of a loan to be authorized by by-law approved by the Lieutenant-Governor in Council, on the recommendation of the Minister of Municipal Affairs, but without being submitted to the vote of the electors who are owners.

Period of loan.

“**31d.** The said loan shall be contracted for a period not exceeding fifteen years, and be repayable in annual instalments or by series, paid, in principal and interest, out of the general funds of the town of Iberville, and, in the event of insufficiency, by means of a special tax on the taxable real estate in the town of Iberville.

Mode of repayment.

Restriction in reimbursement.

“**31e.** All the persons who purchased such forged bonds, knowingly, from a holder in good faith, shall be entitled only to reimbursement of the amount they actually gave to the original holder, with interest on such amount at the rate of 5%, from the day on which they paid for such bonds, the difference between the amount which they will receive, in principal and interest, and the amount of the bonds shall be paid to the original holder who had disbursed the amount that said bonds bear on their face.’”

Coming into force.

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