

C H A P. 47

An Act to amend the Education Act

[Assented to, 19th of March, 1921]

HIS MAJESTY; with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 2723 of the Revised Statutes, 1909, as R. S. 2723, amended by the act 7 George V, chapter 27, section 1, is ^{am.} again amended:

a. by inserting therein, after the word: "corporation", in the third line of the last paragraph thereof, the word: "previously";

b. by adding, after the word: "loans", at the end of the last paragraph thereof, the words: "and has negotiated a loan which it was authorized to make for such purposes".

2. Article 2728 of the Revised Statutes, 1909, is amended R. S. 2728, by replacing paragraph 4 thereof by the following: ^{am.}

"4. The maximum rate of interest that may be paid;" ^{Interest.}

3. Article 2733 of the Revised Statutes, 1909, is amended R. S., 2733, by replacing paragraph 3 thereof by the following: ^{am.}

"3. Property belonging to or gratuitously occupied by ^{Non-taxable property.} *fabriques*, or religious, charitable, or educational institutions or corporations legally constituted, for the purposes for which they have been established, and not possessed by them for purposes of revenue;"

4. Article 2787 of the Revised Statutes, 1909, as R. S. 2787, amended by the act 7 George V, chapter 27, section 6, is ^{am.} again amended:

a. by inserting therein, after the word: "hypothecate", in the sixth line of paragraph *a* thereof, the word: "sell";

b. by adding, after the word: "property", at the end of the said paragraph *a* thereof, the words: "or make loans other than those provided for in article 2728*d*".

5. The following articles are inserted in the Revised R. S. 2980*a*, Statutes, 1909, after article 2980: ^{2980*b*, enacted.}

"**2980*a*.** With the exception of those situated wholly ^{No contract to be let} or in part in the city of Quebec or Montreal, no school ^{without ap-} corporation may give out a contract for construction or

appropriation of funds. improvement works nor pass a contract to that effect, unless the resolution authorizing the contract or ordering the work has provided for the appropriation of the moneys required for paying the cost of the same.

Special tax if no funds available. If the corporation have not in its general funds, not otherwise appropriated, the amounts required for this purpose, the resolution must provide for the imposing of a special tax upon the whole municipality or upon the proprietors liable for the cost of such works, as the case may be; or for a loan, and in such case the resolution must comply with all the conditions and formalities required by law regarding school loans.

Exception. Nevertheless when the corporation is bound by law to obey an order of the Superior Board of Health requiring certain work to be done within a specified delay, it may carry out such order and borrow the necessary moneys without observing the prescriptions of this article; and as a rule this article shall not apply in special cases otherwise provided for by law.

Contracts in contravention to be void. Contracts entered into contrary to the foregoing provisions, shall be void and shall not bind the corporation, and any ratepayer may obtain a writ of injunction against the corporation and the contractor to prevent the execution of the work.

Penalty for infringement. Any infringement of the provisions of this article shall render each member of the board, at fault, personally responsible for the payment of the total cost of the work, and, in addition, liable to a fine of not more than five hundred dollars.

Derogation allowed in case of urgency. In case of urgency, however, the Lieutenant-Governor in Council may allow a school corporation to derogate from the provisions of this article.

Bonds must be sold by tender. **"2980b.** 1. Unless another prior authorization have been granted by the Superintendent, no school corporation may sell any bonds it is authorized to issue under any resolution for a loan exceeding, in the aggregate, three thousand dollars, otherwise than by written tender after the publication of a notice in the *Quebec Official Gazette* at least fifteen days before the date set for considering the tenders, at a public sitting of the school commission of the municipality.

Accepted cheques with tender. 2. Every tender must be accompanied by an accepted cheque for an amount equal to one per cent of the loan. After the examination of the tenders, the cheques deposited by every unsuccessful tenderer shall be returned to them forthwith; the cheque of the tenderer whose tender is accepted must be returned to him after the execution of his contract.

3. Every tender must state whether or not the price offered includes the interest accrued on the bonds up to the time of delivery.

However, a tender which does not contain such statement may be accepted by the commission if it appears to be the most advantageous, provided that in such case the acceptance of the tender must be approved by the Superintendent of Public Instruction."

6. Article 2993 of the Revised Statutes, 1909, as placed by the act 1 George V (2nd session), chapter 27, section 1, and amended by the act 3 George V, chapter 25, section 3, is again replaced by the following:

"**2993.** The pension of every officer of primary instruction shall be fixed at the sum obtained by multiplying, for men, two-hundredths, and for women, three-hundredths, of the average salary, or, if he have taught for more than twenty-five years, then of his average salary for the twenty-five years during which his salary was the highest, by the number of years of service up to thirty-five years; provided, however, in the case of a woman, that her pension shall not exceed ninety per cent of the average salary which she received during the ten years when her salary was the highest.

The pension of no officer of primary instruction who is on the retired list on or after the first of July, 1921, shall be less than one hundred dollars."

7. The following article is inserted in the Revised Statutes, 1909, after article 2993a thereof, as enacted by the act 2 George V, chapter 24, section 4, and amended by the act 4 George V, chapter 23, section 7:

"**2993b.** The pension of every officer of primary instruction who is on the retired list on or after the 1st day of July, 1921, must, in addition to the increase granted by article 2993a to male officers, be increased by twenty-five per cent if it be less than three hundred dollars, provided, however, that it may not exceed three hundred dollars per annum."

8. Article 3004 of the Revised Statutes, 1909, is amended by replacing the figures: "1913", in the seventh line thereof, by the figures: "1922".

9. Article 3012 of the Revised Statutes, 1909, as amended by the acts 1 George V (2nd session), chapter 27, section 2, and 2 George V, chapter 24, section 5, is again amended by replacing the word: "twenty-seven", in the

first line of paragraph 3 thereof, by the word: "forty-seven".

Short term temporary loans.

10. During the present state of the money market, any school corporation may, with the approval of the Lieutenant-Governor in Council, on the recommendation of the Superintendent of Public Instruction, issue bonds for shorter terms than the term of the loan as fixed in the resolution, and may establish a sinking-fund at a rate based on the term of the loan, provided that each issue subsequent to the first one be only for the balance due on the loan.

Provision to be retroactive.

11. The provisions of section 10 shall apply to every loan contracted before the coming into force of this act by issues of bonds in the manner therein authorized.

Validation of certain short term loans.

12. Every resolution adopted by any school municipality before the coming into force of this act, which provides for the issuing of bonds in the manner authorized by section 10, shall be valid, provided that the requirements of the law have been observed in all other respects.

Coming into force.

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

CHAP. 48

An Act to amend the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code, respecting municipal affairs

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

R. S., 2728c, am.

1. Article 2728c of the Revised Statutes, 1909, as replaced by the act 8 George V, chapter 28, section 3, is amended by inserting therein, after the word: "prescribed", in the second line of the second paragraph thereof, the words: " Comptroller of Provincial Revenue, as well as".

R. S. 5258a, enacted.

2. The following article is inserted in the Revised Statutes, 1909, after article 5258 thereof:

Continua-

"**5258a.** Every by-law, resolution, order, roll or *procès-*