

respecting the closing of St. Martin street, over which the law confirm-  
 railway of the Canadian Pacific Railway Company runs, <sup>med.</sup>  
 between the eastern and western limits of the land of the said  
 company, is confirmed and legalized to all intents and purpo-  
 ses.

**4.** The contract passed before L. P. Mercier, notary, on the <sup>Certain con-</sup>  
 7th day of January, 1910, between the Canadian Pacific Rail- <sup>tract ratified.</sup>  
 way Company and the corporation of the city of Three Rivers  
 is also declared legal and valid to all intents and purposes.

**5.** Article 244 of the act 1, Edward VII, chapter 44, is <sup>Id., 244, re-</sup>  
 replaced by the following: <sup>placed.</sup>

“**244.** It shall not be lawful for the corporation of the city <sup>How pro-</sup>  
 to devote any portion of the proceeds of the debentures issued <sup>ceeds of de-</sup>  
 under this charter, to any other purposes than that set forth <sup>bentures to</sup>  
 in such debentures, and such debentures may be validly <sup>be applied,</sup>  
 pledged or given as collateral security by the corporation.” <sup>&c.</sup>

**6.** Paragraph 9 of article 5363 of the Revised Statutes, 1909, <sup>R.S.Q., 5363,</sup>  
 shall apply to the city of Three Rivers. <sup>par. 9 to</sup>  
<sup>apply to city.</sup>

**7.** The city of Three Rivers, upon a by-law voted and <sup>Acquisition</sup>  
 approved in the same manner as for loans according to its <sup>of water-</sup>  
 charter, shall have the right to acquire hydraulic and electric <sup>powers, &c.</sup>  
 powers and operate the same for the purpose of supplying  
 light, heat and motive power to the inhabitants of the city of  
 Three Rivers, and for its own use, and may issue bonds for  
 such purpose.

**8.** This act shall come into force on the day of its sanction. <sup>Coming into</sup>  
<sup>force.</sup>

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## C H A P . 5 8

An Act to amend the charter of the city of Sherbrooke.

[Assented to 14th March, 1912.]

**W**HEREAS the city of Sherbrooke has, by its petition, <sup>Preamble.</sup>  
 represented that it is desirable and in the public inte-  
 rest that certain amendments be made to its charter, the  
 act 7 Edward VII, chapter 66, the act 8 Edward VII, chapter  
 87, and 1 George V, (1st session), chapter 51, and whereas it is  
 expedient to grant the prayer of 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:

7 Ed. VII, c. 66, s. 2. re-  
placed.  
Boundaries  
of city.

**1.** Article 2 of the act 7 Edward VII, chapter 66 is replaced, by the following:

**“2.** 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 numbers 7, 8, 9 and 10, in the first range of the township of Orford; the lots numbers 16, 17 and 18, in the eighth range of the township of Ascot; the lots numbers 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 numbers 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 ranges of the said township of Orford; on the north, partly by the line between the lots numbers 6 and 7 in the first range of the said township of Orford, and partly by the line between lots numbers 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.”

Id., s. 3, re-  
placed.

**2.** Article 3 of the act 7 Edward VII, chapter 66, is replaced by the following:

Wards of  
city.

**“3.** The city of Sherbrooke shall be divided into five wards respectively called: North Ward, South Ward, East Ward, Centre Ward and West Ward.

North.

1. 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.

2. The south ward shall comprise all that part of the city which lies south of King street east of Belvidere 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.

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

4. The centre ward shall comprise all that part of the city Centre. 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.

5. The west ward shall comprise all that part of the city West. 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 direction in the south line of Galt street to the the Waterloo and Magog railway, which last line is also the northeast line of lot number 1547 of said cadastral plan, thence running towards the north and west following the northeast side of said railway to the west side of Belvidere 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 or 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 easterly along the south limits of the city of Sherbrooke to the west bank of the river St. Francis, thence northerly along the west bank of the river St. Francis to the point of beginning."

**3.** Article 4 of the act 7, Edward VII, chapter 66, is replaced, Id., s. 4, replaced. by the following:

"**4.** The council of the city is composed of the mayor and Composition of council. ten aldermen; two elected for each ward."

**4.** The corporation of the city of Sherbrooke, in addition Frontage assessments. to its present powers, shall have the right to assess the properties and owners of property for any of the works mentioned in paragraphs 1 and 2 of article 5641 of the Revised Statutes, 1909, and in article 5 of the act 8 Edward VII, chapter 87, according to the frontage of the said properties on the streets.

**5.** Article 2 of the act 8 Edward VII, chapter 87, is replaced, 8 Ed. VII, c. 87, s. 2, replaced. by the following:

"**2.** The nomination of the aldermen shall take place at Nomination of aldermen.

the city hall or at any other place specified by the council, on the second Monday of January of each year, from ten to eleven o'clock in the forenoon. And if such day be a non-judicial day, the nomination shall take place on the first judicial day following at the same hour. Public notice of such nomination shall be given by the secretary-treasurer at least eight days beforehand. The nomination of the mayor, if he be elected by the people, shall take place every two years in the same manner.

Date of voting.

The voting for the election of mayor and aldermen shall be on the third Monday of January of each year or on the next judicial day if the third Monday is a holiday."

R.S.Q., 5491, am. for city.

**6.** The first paragraph of article 5491 of the Revised Statutes 1909, is replaced, for the city by the following:

Notice of candidate elected, &c.

"**5491.** The returning officer shall, immediately after the sixth day following the addition made by him under article 5485 or after he has ascertained, under article 5488, the number of votes given in favour of each candidate, give public notice indicating the candidates elected and send to each of the candidates a certificate of election made out according to the form DD, and shall, at the first general or special session following the election, make a return to the municipal council mentioning the names, residence and occupation of the candidates elected as in the nomination paper, and stating that public notice of the result of such election has been given."

7 Ed. VII, c. 66, s. 93, replaced.

**7.** Article 93 of the act 7 Edward VII, chapter 66, is replaced by the following:

Limit of borrowing powers.

"**93.** No new loan shall be contracted by the council when the sum borrowed by the council and outstanding after deducting the cost of the water works, and gas and electric works, as such costs appear by the books of the corporation, the accumulated sinking fund, 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."

R.S.Q., 5778, am. for city.

**8.** The first paragraph of article 5778 of the Revised Statutes, 1909, is replaced, for the city by the following:

Investment of sinking fund.

"**5778.** The sinking fund must be invested in the public funds of the Dominion or of the Province, or on first hypothec on immoveable properties situate in the city of Sherbrooke to an amount not exceeding one half the value of the property hypothecated as appears by the municipal valuation roll, provided, however, that provision be made for the insurance

of the property so mortgaged, to be taken in the name of the municipality and at the expense of the borrower to an amount of not less than one half of the value of the property so insured; or be employed in the redemption of bonds issued by the corporation or by any other municipal corporation or be deposited in a chartered bank."

**9.** Article 109 of the act 7 Edward VII, chapter 66, is replaced by the following: 7 Ed. VII, c. 66, s. 109, replaced.

**"109.** The council may by complying with the Revised Statutes, 1909, acquire by expropriation any immoveable property, any part thereof, or any servitude required for the execution of works ordered by it, or the use and enjoyment or the full ownership of any immoveable property, for the purpose mentioned in article 56 of this act 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 corporation to acquire the whole of it, the corporation may expropriate the whole, or purchase it with the consent of the proprietor." Expropriation of certain property.

**10.** The following article is added after article 32 of the act 7 Edward VII, chapter 66: Id., s. 32a, added.

**"32a.** Wherever in the opinion of the council, circumstances will justify it, the costs of constructing or maintaining any portion of the main sewer pipes shall be borne by the city." Cost of sewer pipes.

**11.** The first paragraph of article 5864 of the Revised Statutes, 1909, is replaced, for the city, by the following: R.S.Q., 5864, am. for city.

**"5864.** If any person claims or pretends to have suffered bodily injury by any accident, for which he intends to claim damages from the corporation, he shall, within thirty days from the date of such accident, give or cause to be given notice in writing to the clerk of the corporation of such intention, containing the particulars of his claim, and stating the place of his residence, failing which the corporation shall be relieved from any liability for any damages caused by such accident, notwithstanding any provision of law to the contrary; and, in case of any claim for damages to property, moveable or immoveable, a similar notice shall also be given to the clerk of the corporation within thirty days, failing which the corporation shall not be liable for any damages notwithstanding any provision of law; but no action for such damages shall lie unless such action has been instituted within six months after the day the accident happened or right of action accrued." Notice of actions for damages, &c.

7 Ed. VII, c. 66, ss. 91, 92, 94-107, re-  
placed.

Law applic-  
able.

**12.** Articles 91, 92, and 94 to 107 inclusively of the act 7 Edward VII, chapter 66, are replaced by the following:

“**91.** Articles 5609 to 5622 inclusively, 5782 and 5788 of the Revised Statutes, 1909, shall apply to the city of Sherbrooke.”

7 Ed. VII, c. 66, s. 5, re-  
placed.

Term of  
office of  
alderman.

**13.** Section 5 of the act 7 Edward VII, chapter 66 is replaced by the following:

“**5.** The aldermen who are in office shall remain in office until replaced by the aldermen elected at the general election to be held as hereinafter mentioned.

New general  
election for  
aldermen.

A new general election of aldermen shall take place in 1913 at the date fixed for the election of aldermen. At all elections under the city charter, the mayor shall be elected for two years and the aldermen for three years.

Term of offi-  
ce of certain  
aldermen.

The aldermen elected at such first general election in 1913, shall hold their office as follows: three shall go out of office at the end of the first year, three at the expiration of two years and four at the expiration of three years; and the aldermen who are to go out of office at the end of the first year and second year shall be designated by lot in the manner determined by the council, but not more than one alderman in any ward shall withdraw at the end of the first and second years.

And of cer-  
tain other  
aldermen.

The aldermen elected to replace those who withdraw at the end of the first and second years, shall remain in office for three years and every alderman or mayor elected to fill a vacancy which has arisen during another's term of office, shall fill such office only during the remainder of the term of office of the mayor or alderman whom he replaces.

And of cer-  
tain mayor.

The mayor elected in 1912 shall remain in office for two years and until his successor is sworn in.”

R.S.Q., 5462,  
replaced for  
city.

Oath, &c.,  
of elector.

**14.** Article 5462 of the Revised Statutes, 1909, is replaced, for the city by the following:

“**5462.** Any elector presenting himself to vote shall before receiving his ballot paper, if thereunto required by the deputy returning-officer, the poll-clerk, one of the candidates, or one of their agents, or by any elector present, take the following oath or affirmation, and, under such oath of affirmation, answer in the affirmative to questions 1, 2 and 4, 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 the questions 3, 6, 7, 8, 9 and 10, and in the affirmative to question 11 of the following form:

#### FORM OF OATH OR AFFIRMATION

“You swear (or affirm as the case may be) to 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 division?

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 poll in the municipality?

6. Have you already voted to-day at this election for an alderman at this or any other poll in the 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 at this election, 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 the taxes the payment whereof is required to entitle you to vote at this election?"

**15.** Article 112 of the act 7 Edward VII, chapter 66, 7 Ed. VII, c. as amended by article 9 of the act 1, George V, (1st session) 66, s. 112, replaced. chapter 51, is replaced by the following:

"**112.** Chapter first of title eleventh of the Revised Statutes, 1909, (articles 5256 to 5884 both inclusive) shall apply to the city of Sherbrooke and form part of this act except in cases concerning which the acts 7 Edward VII, chapter 66, 8 Edward VII, chapter 87, 1 George V, (1st session) chapter 51 and 2 George V. chapter 58, contain provisions incompatible therewith. Nevertheless, the following articles of the said chapter shall not apply to the city of Sherbrooke, to wit: 5373, 5571, 5583, 5634, 5651, 5652, 5656, 5657, 5658, 5665, 5686, 5725, and 5735."

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