

C H A P. 66

An Act to revise and consolidate the charter of the city of Sherbrooke

[Assented to 14th March, 1907]

WHEREAS the city of Sherbrooke has, by its petition, Preamble. represented that it is expedient to revise and consolidate the provisions of the several acts of the Legislature of the Province of Quebec, referring to the corporation of the city of Sherbrooke, and to vest certain powers in said corporation.

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

TITLE I

SECTION 1

INCORPORATION

1. 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."

TITLE II

SECTION 1

CITY BOUNDARIES.—WARDS

2. The boundaries and limits of the said city of Sherbrooke Boundaries. 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 twenty-eighth day of June, A. D. one thousand eight hundred and fifty-two (1852), and advertised in the *Canada Gazette* of date the third day of July A. D. one thousand eight hundred and fifty-two (1852), to wit:—Lots numbers seven, eight, nine and ten, in the first range of the township of Orford; the lots numbers sixteen, seventeen and eighteen, in the eighth range of the township of Ascot; the lots numbers sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, in the seventh range of the said township of Ascot, and the west halves or *moitiés* of the lots sixteen, seventeen, eighteen, nineteen, twenty and twenty-one in the sixth range of lots of the said township of Ascot; and the city shall be bounded on the south, by the line between the lots numbers fifteen and sixteen 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 six and seven in the first range of the the said township of Orford, and partly by the line between lots numbers twenty-one and twenty-two 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 sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of the said sixth range of the said township of Ascot.

- Wards : **3.** The city of Sherbrooke shall be divided into four wards respectively called : North Ward, South Ward, East Ward and Centre Ward.
- North Ward. **1.** The North Ward shall comprise all that part of the city being north of the river Magog and west of the west bank of the river St. Francis.
- South Ward. **2.** The South Ward shall comprise all that part of the city which lies south of King street, and of the river Magog, and west of the west bank of the river St. Francis.
- East Ward. **3.** The East Ward shall comprise all that part of the city lying east of the west bank of the river St. Francis.
- Centre Ward. **4.** The Centre Ward shall comprise all that part of the city which lies north of the South Ward, but south of the north bank of the river Magog and west of the west bank of the river St. Francis.

TITLE III

SECTION I

THE CITY COUNCIL, MAYOR AND ALDERMEN

- Council **4.** The council of the city shall be composed of the mayor and eleven aldermen ; three elected for the North Ward ; three for the Centre Ward ; three for the South Ward ; and two for the East Ward.

3 Ed. VII, c. 38, art. 48, replaced. **5.** Article 48 of the Cities and Towns' Act, 1903, is replaced for the city, by the following :

Mayor and aldermen to continue in office, &c. “ **48.** The mayor and aldermen who are in office when this act comes into force, shall continue in office for the remainder of the term for which they have respectively been elected.

Term of office of mayor and aldermen. At all elections held under this act, the mayor shall be elected for two years and the aldermen for three years.

Proviso. This does not apply to cases where the mayor or alderman is elected to replace another.”

6. As soon as possible after the committees are constituted, each committee shall prepare a statement of the expenses to be provided for, and the finance committee shall further submit a statement of the probable revenue for the year. Statements of estimated expenses and revenue.

The council shall appropriate the amounts which it may deem advisable to sanction for the expenses to be provided for, leaving a margin of not less than five per cent of its estimated revenue. Appropriation by council, &c.

Such margin shall not be used or applied in any manner, except upon a favorable report of the finance committee. How margin to be applied.

7. The treasurer is forbidden to pay, out of the said reserve fund, any money warrant upon the order of any of the members of the council, before the observance of the formalities prescribed in the preceding article. Payment of money warrants, &c.

He is also forbidden to dispose of any surplus over the amount of any appropriation without a special authorization from the council. Disposal of surplus funds.

8. Every by-law, resolution, motion or notice of motion, respecting any expenditure outside of the appropriation, shall, before being finally adopted, be submitted to the finance committee, who shall make a report at the next regular, special or adjourned meeting of the council. Submission of certain by-laws to finance committee, &c.

If the finance committee refuse or neglect to make a report, as provided in the two preceding articles, the council may proceed without it. Proviso.

TITLE IV

SECTION I

PERSONS QUALIFIED AND DISQUALIFIED FOR MUNICIPAL OFFICE

9. Article 107 of the said act is replaced, for the city, by the following: Id., art. 107 replaced.

107. No person is capable of being nominated or elected, or of acting as mayor or alderman, who is not a subject of His Majesty and of the full age of twenty-one years, or who has been convicted of an indictable offence in any court of law, or who is in holy orders, or a minister or teacher of any religious sect, sheriff of the district, or a judge, or a member of His Majesty's Privy Council for Canada, or of the Executive Council of the Province of Quebec, or who has any contract, directly or indirectly, in person or through his partner, clerk or otherwise, with the city for the performance of any work, or for the sale of any goods or property, or who is a surety towards the city for the performance of any contract. Disqualifications.

or the payment of money, or who executes work or furnishes supplies, directly or indirectly, to or for the said corporation, or who, in any way, is accountable for the city revenue or funds, or is in the employment of the city, or is a keeper of any tavern, hotel or house of refreshment, or has acted as such within the preceding twelve months; who cannot read or write fluently (it shall not suffice that he can read print or write his name or even do both): who is responsible for moneys belonging to the municipality; or who is surety for any employee of the council, or who receives any pecuniary allowance or other consideration from the municipality for his services.

Proviso. Provided, however, that no person shall be held incapable of being elected or acting as mayor or alderman, from the fact of his being a shareholder in any incorporated company which may have a contract with the city."

Id., art. 108 replaced. **10.** Article 108 of the said act is replaced, for the city, by the following:

Property qualification of mayor and aldermen. "**108.** No person is capable of being nominated or elected, or of holding the office of mayor or of alderman of the city of Sherbrooke, unless he has been a resident in the city for one year next before the election, and unless he be possessed, as owner in his own name, of real estate in the said city, of the value of one thousand dollars over and above any mortgage which appears registered against his property at the registry office; and unless he be a duly qualified elector at the time of his nomination and election, such qualification required by this article to be established by the valuation roll in force at the date of the nomination."

TITLE V

SECTION 1

LISTS OF ELECTORS

Persons entered on the lists

Id., art. 112 replaced. **11.** Article 112 of the said act is replaced, for the city, by the following:

Qualification of electors. "**112.** The following persons, if of the full age of twenty-one years, British subjects, and not legally disqualified nor otherwise deprived of the right to vote in virtue of this act or of the charter, are electors, and are entered on the list of electors, prepared in accordance with the following provisions, viz:

1. Every male person and every widow or spinster whose names are entered on the valuation roll in force as a *bonâ fide* owner or occupant of immoveable property, in the municipality, of the assessed value of two hundred dollars or upwards or of an annual value of thirty dollars or upwards, according to said roll; in cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electors list;

2. The husband of any woman separate as to property, when the latter is seized, as owner, or usufructuary or as institute, of immoveable property in the municipality, of the assessed value of three hundred dollars or upwards, according to the valuation roll in force, or when she carries on trade or keeps a place of business which renders her subject to the payment of a tax, and when such place of business is entered on the collection roll as being of the annual value of not less than thirty dollars;

3. Every male person, and every widow or spinster, being a resident house-holder in the municipality under a lease, whose name is entered on the collection roll in force as tenant of a dwelling-house or part of a dwelling-house, in the ward for which the list is made, of the value of two hundred dollars or upwards or of the annual value of thirty dollars or upwards, according to such roll;

4. Every male person, though neither an owner nor a house-holder, who, individually or jointly as a co-partner with any other person, is entered on the valuation roll or collection roll in force, as the tenant under lease of any warehouse, counting-house, shop, office, or other place of business in the municipality; provided that such warehouse, counting-house, shop, office or other place of business, if occupied by the said person individually, be assessed at a value not less than two hundred dollars, or at a yearly assessed value of not less than thirty dollars, according to the valuation or collection roll; or, if occupied by him as a co-partner, that his proportion or share thereof be not of less value than the amount aforesaid, respectively, according to the valuation or collection roll.

Nevertheless, such qualification granted to co-partners or tenants by this paragraph, shall not be held to extend to members of associations of persons using or holding the premises for social, educational, philanthropic or other similar objects, nor to employees or agents of other persons entitled to be qualified as electors in respect of the same premises;

5. Every male person who pays a salary tax of at least two dollars, or an annual tax of two dollars under article 478 of the Cities and Towns' Act, 1903.

Must have
paid taxes.

6. If he is not a proprietor of real estate in the city, he must have paid all the taxes due by him to the city, and, in order to vote at any municipal election, he must have paid all such taxes before five of the clock in the afternoon of the fourth day next preceding the polling for such election."

TITLE VI

SECTION I

MUNICIPAL ELECTIONS

Id., arts. 157,
164 and 165,
replaced.

12. Articles 157, 164 and 165 of the said act are replaced, for the city, by the following :

Meeting to
nominate
aldermen.

"The meeting of the electors of the city for the nomination of aldermen, shall be held in the city hall, or at such other place as may be determined by the city council, on the twentieth of January in each year, at ten of the clock in the forenoon; and the public notice thereof shall be given by the secretary-treasurer at least eight days before; and such meeting, for the election of the mayor, if elected by the people, shall take place every two years, in the same manner."

Notice
thereof, &c.

How many
aldermen
elected.

13. At each annual election after the coming into force of this act, there shall be elected as many aldermen as there are retiring members of the council, whose terms shall have then expired.

Id., art. 158
replaced.

14. Article 158 of the said act is replaced, for the city, by the following :

Returning-
officers, &c.

"**158.** The council, previous to the nomination day, shall appoint a returning-officer to conduct the nomination and election, and an election clerk, and, in case a poll is granted, the returning-officer shall, by commission under his hand, appoint a deputy returning-officer for each polling subdivision in the ward where the poll is granted; and each deputy returning-officer shall, by commission under his hand, appoint a poll-clerk.

Oath of
office.

The returning-officer shall take the oath of office in the form A to the present act."

Id., art. 163
replaced.

15. Article 163 of the said act is replaced, for the city, by the following :

Notice of
election by
returning-
officer, &c.

"**163.** At least eight days before the twentieth day of January, of the year when a general election is to take place, the returning-officer shall give under his hand a public notice setting forth :

a. The place and time fixed for the nomination of candidates.

b. The days on which the polls will be open if voting is necessary.

c. The appointment of the election clerk."

16. Article 173 of the said act is replaced, for the city, by Id., art. 173 replaced. the following :

"**173.** No nomination paper shall be valid and carried Form, &c., of nomination paper. into effect by the returning-officer, unless it be made and delivered in conformity with the formalities prescribed by articles 163, 168, 169, 170, 171 and 172 inclusively, of the Cities and Towns' Act 1903.

But, on accepting and having examined the same, the Declaration of returning-officer. returning-officer must, at once, declare whether he considers it valid and give effect to his declaration by entering thereon, under his signature, the word "admitted" or the word "rejected," with, in the latter case, the reasons for such rejection.

The nomination paper may then be corrected or replaced New nomination paper. by another nomination paper, so long as the delay has not expired.

17. Article 165 of the said act is replaced, for the city, by Id., art. 165 replaced. the following :

"**165.** The time for nomination of candidates shall be Time for nomination. from the hour of ten to the hour of eleven, in the forenoon of the day above stated."

18. If that day be a non-juridical day, such nomination If nomination day non-juridical. shall be held on the next following juridical day between the same hours.

19. Paragraph *b* of article 180 of the said act is replaced, Id., art. 180 amended. for the city, by the following :

"*b.* Appoint by commission under his hand a deputy- Deputy-returning-officer. returning-officer for each polling division, who shall before acting as such, take the oath of office according to form M."

20. At the hour of eleven of the clock, in the forenoon, of Declaration as to who nominated. the said day, the returning-officer shall then and there, publicly declare the names of all candidates nominated for the office of mayor and aldermen, with the names of the proposers, and with the names of the wards for which the said candidates, as aldermen, are respectively nominated.

When there are not more candidates nominated than there Return in certain cases. are vacancies to be filled, the returning-officer shall declare elected the candidates legally nominated.

Id., art. 195
replaced.

21. Article 195 of the said act is replaced, for the city, by the following :

Hours for
polling.

“ **195.** The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day, and 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.”

TITLE VII

SECTION I

MEETINGS OF THE COUNCIL

Id., art. 302
replaced.

22. Article 302 of the said act is replaced, for the city, by the following :

Meetings of
council.

“ **302.** The council shall meet regularly once a month, that is to say : on the first Monday of each month, at such hour as shall be fixed by the council.

Other such
meetings.

The council, may, by by-law or resolution, establish other regular sessions.”

Id., arts. 306
and 307 re-
placed.

23. Articles 306 and 307 of the said act are replaced, for the city, by the following :

Special
meetings.

“ By special notice of such session given to all the members of the council, other than those summoning the same, a special session of the council may be convened, at any time, by the mayor or by the secretary-treasurer, or by two members of the council.”

Entry of
notice in
minute book,
&c.

24. The council, before proceeding to business, at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served, in conformity with the requirements of this act, upon the members of the council who are not present at the opening of the sitting, and upon whom the notice should have been served.

Closing of
meeting in
certain cases.

If it appears that the notice of meeting has not been served on all the absent members who should have been served, the session shall, under penalty of all its proceedings being null, be immediately closed.

Notice of spe-
cial meeting
how long in
advance to
be given.

25. The notice convening every special session of the council as well as the notice of adjournment, in the case of the following article, shall be given to the members of the council, at least twenty-four hours before the time fixed for the session or the resumption of the adjourned session.

26. 1. Two members of the council, when there is no Adjournment quorum, may adjourn the session, one hour after the want of for want of a quorum has been established. quorum.

2. The hour of adjournment and the names of the members Entry thereof of the council present are entered in the minutes of the sitting, in minutes. in the register of proceedings of the council.

3. In such case, a special notice of the adjournment is Notice to given by the secretary-treasurer to the members of the council members not not present at the time of the adjournment. present.

4. The service of such notice is established, when the ad-Service of journed session is resumed, in the same manner as in the case such notice. of the notice summoning a special session, and the absence of the service of such notice renders null all proceedings adopted at such part of the adjourned session.

27. Article 327 of the said act is replaced, for the city, by Id., art. 327 the following : replaced.

“**327.** The publication of public notice, for municipal Publication purposes in said city, shall be made by one publication in two of municipal newspapers published in said city, one in the English language notices. and one in the French language. The publication of such notices shall always be presumed to have been legally made ; the burden of proof shall be on the party contesting it.”

28. Article 347 of the said act is replaced, for the city, by Id., art. 347 the following : replaced.

“**347.** By-laws are published, after the passing thereof, or Publication after their definitive approval in cases in which they have been of by-laws. submitted for the approval of the municipal electors or of the Lieutenant-Governor in Council, by a public notice under the signature of the mayor and clerk, published in the usual manner, in which mention is made of the object of the by-law, of the date on which it was passed, and of the place where communication may be taken thereof.

If the by-law be approved of by the municipal electors, the Proviso. notice and publication also mentions that such formality has been observed, and the date upon which it was complied with.

The council may, moreover, publish its by-laws in one or Publication in more newspapers. newspapers.”

SECTION II

QUASHING OF BY-LAWS

29. Article 379 of the said act is replaced, for the city, by Id., art. 379 the following : replaced.

“**379.** The demand for quashing a by-law must be served Prescription within three months after the entering into force of such by-law, of action to with a notice of its presentation on the sixth day after service.” annul.

SECTION III

INSPECTION OF ICE-HOUSES

Id., art. 384 amended. **30.** Paragraph 6 of article 384 of the said act is replaced, for the city, by the following :

Inspection of ice-houses, &c. “6. To inspect and regulate ice-houses, the cutting of ice for the supply of the city, to prescribe the locality where such ice may be cut, and to licence persons selling ice within the limits of the municipality.”

Prohibition of privies, &c. **31.** The council is authorised to prohibit by by-law, the use of privies and cess-pools within the city or in such parts as the council may designate.

SECTION IV

SEWERS, DRAINS AND WATER-COURSES

Id., art. 384 further amended. **32.** Paragraph 21 of article 384 of the said act is replaced, for the city, by the following :

Regulation of sewerage of city, &c. 21. To regulate the sewerage of the city, to raise, by assessment on the real estate in the city, any sum of money required to pay for the sewers already constructed or to be constructed, to make and to apportion the costs of such sewerage and of the mains necessary for such sewerage, including connections between such common sewers and the private drains of such proprietors and the costs of such repairs as are rendered necessary in the paving on account of the construction of private drains, one-half on the city generally, and one-half on the owners of properties and on the properties abutting on said streets or portion of streets opposite which said sewers are or will be constructed, and to prescribe the mode in which such assessment shall be made, either according to the frontage of the property or otherwise, and the manner of levying such assessment; the said owners with regard to said properties and the properties so assessed are exempt from the general tax which shall be imposed for sewers so long as they pay the said special tax.”

Id., art. 384 further amended. **33.** Paragraph 24 of section 384 of the said act is replaced, for the city, by the following :

Making of private drains, &c. 24. To regulate the time when private drains shall be made, as also the manner and materials in and of which the same may be constructed, the municipality making the same from the line of the street to the common sewer at the costs of the owner of the property: and to compel property holders on the line of the streets where the city sewers have been laid, to connect the sewerage of their property with the city system of sewerage.

SECTION V

BUILDINGS, STREETS

34. In future, no building intended to be occupied as a dwelling, shall be erected on any street, unless said building can be directly connected with the public sewers of the city built or to be built. Connection of buildings with sewers.

35. Paragraph 20 of article 386 of the said act is replaced for the city, by the following : Id., art. 386 amended.

“ 20. To prescribe the measures the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the side-walks and the roofs of houses and other buildings, and for that purpose, to determine the manner in which side-walks and roofs shall be kept. Preventing of accidents in winter, &c.

The roof of any building to be hereafter erected shall be so constructed as not to slope towards the streets, and as not to allow ice or snow to fall from it on the street. Roofs, how to be made.

Every person obliged by law to keep side-walks and roofs as required by this act, is responsible towards the municipality for the damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty by the municipality in all cases instituted against it for damages.” Responsibility to city in certain cases.

36. The council may also, by by-law, compel telephone, telegraph and electric light and electric power companies, to place their wires in the streets and public places of the city, under ground. Placing of certain wires under ground.

Nothing, in this subsection, shall prejudice existing rights (if any there are) in favor of any company under contracts entered into with the city. Proviso.

37. The council may fix and, from time to time, determine, streets in which a line shall be fixed, at such distance from the line of said street as may be determined on by said council, and beyond which no building shall, hereafter, be erected. Building lines.

38. The council may levy, by means of direct taxation, on the real estate of those whose property, in the opinion of the council, will be specially benefited by the opening, extension or widening of any street or square in the city, the whole or such part of the cost, as the council may determine. The tax so imposed on the parties interested shall be distributed between them by means of a special collection roll based on the valuation of the properties benefited, as established by the valuation roll of the city. Special tax on certain real estate. Apportionment of same.

Opening of streets, &c.

39. The council may regulate the opening of streets by private persons or corporations, within the limits of the city, and prohibit the opening of streets which do not coincide with the general plan and public requirements of the city, and compel owners of private streets and lanes to indicate to the public that the same do not belong to the city.

Removal of encroachments on street, &c.

40. It shall be lawful for the said city council to order the inspector of the said city, or notify any parties who shall have made or shall, hereafter, make encroachments upon the streets, or public places of the city, by means of houses, fences, buildings or constructions of any kind, to cause the removal of such encroachments or obstructions, by giving, to such persons a reasonable delay for the purpose, which delay shall be specified by the said city inspector, in giving his notice, and if such persons shall not have removed such encroachments or obstructions within the delays specified, the said corporation may, itself, remove the same and shall recover the sum expended from the person in default.

Erection of electric wire poles or cables.

41. Whenever a company authorized by law so to do, wishes to put up or erect in the streets, or public squares, or on grounds belonging to the city, or of which the city has the enjoyment or possession, any poles for sustaining or supporting electric wires or cables or for any other purposes, such company shall, to do so, be previously authorized, by resolution of the city council, and in addition, shall cause the city surveyor to indicate to it in what streets and at what particular spot in any street, public square, or other grounds as aforesaid, the said poles may be put up or erected; and every pole so put up or erected, without such indication, or elsewhere than at the spot indicated, may be considered by the municipal authority as a public nuisance.

Authoriza-
tion of coun-
cil, &c.

Proviso.

Nothing in this section contained shall affect acquired rights.

SECTION VI

WATER

Id., art. 398 replaced.

42. Article 398 of the said act is replaced, for the city, by the following :

Council may make by-laws.

To prohibit occupants of houses from supplying water to others, &c.

“ **398.** The council may make, amend and repeal by-laws :

1. To prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing such water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed upon, or from wasting it ;

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

3. To establish, by tariff, the price for water ; to provide that hydrometers be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; and to fix the amount to be paid for the water and rent of meter ; and the amount due for water is privileged upon the moveable property of the person owing it, in the same manner as municipal taxes ; Tariff of rates, &c.

4. To prevent pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the municipality with regard to the supply of water from the water-works ; Pollution of water, &c.

5. To provide that the water rates shall be due and payable by instalments, and within such delays as it shall deem proper to fix ; Payment of water-rates by instalments, &c.

6. To provide that the legal rate of interest upon the arrears of water rates shall only be due at the expiration of such delays respectively ; Interest on arrears of water-rates.

7. To provide for any other matter or thing of any nature or kind whatsoever, having reference to the water-works, which it may deem necessary to regulate or determine for the proper working of such water-works." Other provisions.

43. Whenever water is applied for by a proprietor or occupant, the introduction of the water into houses or other building shall be performed by and at the expense of the municipality as far as the line of the side-walk next to the street or roadway where the shut-off is to be placed, but the distribution of the water throughout such houses or buildings, from that point, shall be made at the expense of the proprietors or occupants. The work of laying the pipes, as far as the cellar wall, may be performed by the municipality at the expense of the proprietor or occupant. Expense of putting water pipes into buildings, &c.

44. To regulate the work that shall be done by plumbers or any other persons in connection with anything in any way affecting the water system, and to compel a written report of all such work to be filed by the plumber, with the officer appointed for that purpose, under a penalty not exceeding twenty dollars, and, in default of the plumber making such report, the owner is bound to make it within thirty days from the completion of the work, under a similar penalty of twenty dollars. Regulation of plumbers' work, &c. Penalties.

SECTION VII

LIGHT.

Gas works,
&c.

45. The city may also acquire, construct, maintain and operate any gas works and any electric light and power works and plant for the lighting of the city, and may sell light and power in the city and adjacent parts. To that end, the city may acquire and hold any water-power and any property, right of way, servitude and usufruct within thirty miles of the city. The city may acquire the right of way for its poles or conduits by expropriation, if necessary, but if the city makes use of highways for such purpose, it must obtain the consent of the municipalities interested.

Acquisition,
&c., of water-
power.

Special loan
to pay for
electric
plant, &c.

46. The corporation of the city may, so soon as the acquisition or construction of an electric light or power plant, and other purposes referred to in the preceding article, shall have been made and approved by by-laws voted upon in accordance with the provisions of articles 91 to 108 both inclusive, of this act, make a special loan for the purpose of paying for the same.

Debentures,
&c.

47. The loan shall be effected by an issue of debentures which shall carry a first hypothec on the whole of the real property and plant of the electric light and power system, after registration.

Denomina-
tion of debentures,
&c.

48. The debentures shall be of the denomination of one thousand dollars, and shall bear interest at any rate not exceeding six per centum per annum, payable semi-annually, and shall be payable at any term not exceeding thirty years.

Interest and
sinking fund.

49. Whenever the city council contracts the said loan, it shall provide, from and out of the general revenues of the city, for the payment of the annual interest and for the establishment of a sinking-fund of at least one per cent; and the said interest and sinking-fund shall be a first charge on all the revenues of the electric light and power system, after payment of the cost of operation and maintenance.

Appropriation
of certain
revenues
for same.

50. All revenues arising from the electric light and power system, over and above the cost of operation, maintenance, renewals and necessary extensions, shall be appropriated to the payment of the interest and the creation of the sinking-fund, which shall be specially invested until such time as the funds so invested are sufficient to meet the payment of the debentures at maturity.

TITLE VIII

SECTION I

MISCELLANEOUS

51. The council may make, amend and repeal by-laws : By-laws.

a. To prohibit the raising, keeping or feeding of pigs in the Raising, &c., of pigs. city, as the council may determine.

b. To prevent persons from driving in said city during the Driving with- out bells. time the snow is on the ground without having bells attached to the harness or vehicle.

52. Any person contravening any of the provisions of this Penalty for infringing by-laws. act or of the city by-laws, the penalty for the infraction whereof is not prescribed in this act or in the said by-laws, shall incur a penalty not exceeding twenty dollars.

53. Every person who shall hinder or prevent or attempt Hindering, &c., officers of council, &c. to hinder or prevent any officer of the council in the exercise of any of the powers or in the performance of any of the duties incurred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty not exceeding twenty dollars, for every such offence.

54. Article 547 of the said act is replaced, for the city, by Id., art. 547 replaced. the following :

“ **547.** The fines and penalties recovered under the pro- Fines, &c., how applied. visions of this act and of the articles of the Cities and Towns Act, 1903, applying to the city of Sherbrooke, and of the by-laws of the city, shall be paid into the hands of the treasurer of the city council, and, together with the proceeds of all licenses granted under this act, shall form part of the public funds of the said city, any law to the contrary notwithstanding.

55. The council may suspend or revoke any license grant- Suspension, &c., of li- censes. ed under any of the provisions of this act, owing to misconduct, incompetency or violation of any by-law on the part of the person holding such license.

SECTION II

AID TO INDUSTRIES

56. Article 429 of the said act is replaced, for the city, by Id., art. 429 replaced. the following :

“ **429.** The council may make, amend and repeal by-laws By-laws. to aid the establishment of a new industry or the extension of any existing industry :

- Subscribing to shares in company. Lending money, &c. 1. By taking and subscribing for shares in any company formed for such purpose ;
2. By giving or lending money or securities, or by giving the use or enjoyment of any immoveable property or the immoveable property itself to such person or company or to the Provincial Government for such person ;
- Guaranteeing loans. 3. By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such company or by such person ;
- Exemption from taxes. 4. By exempting from the payment of municipal taxes, assessments and dues, certain industrial establishments according to the provisions of this act."

Id., art. 431 replaced. **57.** Article 431 of the said act is replaced, for the city, by the following :

Conditions of assistance. " **431.** By-laws made in virtue of article 429 may determine the conditions under which the assistance or subscription for shares is authorized, and must be voted as hereinafter provided for loans and exemptions."

TITLE IX

SECTION I

TAXATION

Id., arts. 474, 475, 476, 477 replaced. By-laws. **58.** Articles 474, 475, 476, 477 and 480 of the said act are replaced, for the city, by the following :

" **474.** The council may, by by-law, impose and levy :

Real estate tax. (a) An assessment or tax on immoveable property liable to taxation in the city, not to exceed one and one-half per cent of the value of such property as established by the valuation roll.

Valuation of real estate therefor. For the purposes of such taxation, the value of real estate includes the value of all buildings, factories and machine-shops erected thereon, and all improvements made thereto, and machinery and plant which form part of the realty, saving in so far as is provided in the general act in regard to railway companies ; provided, however, that in making their report of the valuation of such real estate, whenever machinery and plant are included, the valuers shall specify how much of the total valuation is intended to represent the value of the said machinery and plant, and the said machinery and plant shall be exempt from municipal taxation ; the above exemption shall not apply to any gas, water or electric light company ;

Business tax. (b) A tax (to be called : a business tax) on all trades, manufactures, occupations, business, arts, professions or

means of profit or livelihood, which now are or may hereafter be carried on, exercised, or in operation by any person or company in the city ; provided that such business tax does not exceed seven and a half per cent. on the annual value of the premises in which such trades, manufactures, occupations, business, arts, professions or means of profit or livelihood are respectively carried on ;

(c) A special tax, not to exceed seventy-five 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, who may, however, reduce the amount in any case where the collection of the full amount appears to him to be oppressive ;

Special tax on transient sellers of bankrupt stocks, &c.

Distress-warrant.

Such warrant may be addressed to any bailiff and must be executed under his oath of office according to the same rules as apply to writs of execution *de bonis* issued by the Circuit Court.

Warrant to whom addressed, &c.

The said goods may be attached and shall be held for the payment of said tax ;

Attachment of goods.

(d) A special tax on every tenant paying rent, not to exceed two per cent of the amount or value of the annual rent ;

Tenant tax.

(e) A special tax on every dog kept in the city, not to exceed five dollars. Such tax shall be collectible from the owner, keeper or harbinger of such dog, and if the said tax be not paid when legally demanded by a municipal officer entrusted with the collection of said tax, then it shall be lawful for the said council to order the dog, upon which the tax has not been paid, to be sold or killed or otherwise disposed of as the council may order ;

Dog tax.

(f) A special tax or duty, in the discretion of the council, 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 peddlers and itinerant traders selling, in the said city, articles of commerce of any kind ; on theatres, menageries, circuses, shows and public exhibitions 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 keepers of such places of entertainment, amusement and games ; on auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, traders, manufacturers, lumber yards, wood yards, coal yards, slaughter houses, money changers, commis-

Tax on houses of public entertainment, &c.

sion merchants, exchange brokers, pawn-brokers, banks and each branch office of banks, insurance companies, agents of insurance companies, gas companies, water companies, electric light companies, telephone and telegraph companies; and generally, on any commerce, manufacture, business or trade which has been or may be introduced into the said city, or exercised or carried on or followed therein, whether the same be or be not mentioned in this act, and whether they be or be not of the same description or kind as those herein enumerated,—the whole, however, subject to the provisions of the Quebec License Law :

Tax on cabs &c. (g) A special tax on cabs, sleighs, busses, carts, waggons, trucks and carriages of any description that may be used for hire and for the conveyance of either passengers, live stock, goods, wares, merchandise, lumber, building material, ice and freight of any description, and regulate the same; on all horses kept in the said city over three years of age, which tax shall be recoverable from the owner, possessor or keeper of such horse or horses;

Professional tax. (h) A special tax on persons practising in the said city, the profession of advocate, physician, surgeon, dentist, land surveyor, notary, veterinary-surgeon or other liberal profession, not to exceed twenty dollars;

Salary tax. (i) A special tax upon persons resident in the said city who receive therein wages, salary or a remuneration for their services in any form, at a rate exceeding one thousand dollars a year, whether the said engagement be by the day, week, month, year or any longer period, or the salary or wages or remuneration be paid daily, weekly, monthly, yearly or in any other way, not to exceed one per cent of the excess above one thousand dollars;

Tax on departmental stores. (j) An additional special tax on the keepers of departmental stores in the city, provided that such tax shall not exceed twelve and one-half per cent on the annual value of the premises occupied therefor. The council may, by by-law, define what shall constitute a departmental store for the purposes of this tax;

Tax on telegraph, &c., poles, &c. (k) The council may also make by-laws to compel any incorporated company to pay to the city an annual special tax not exceeding twenty-five cents upon each wooden or metal post planted or erected or that shall be planted or erected by such company in the streets of the city for telegraph, telephone or electric light lines, or for transporting electric motive power, and the said council may levy said tax for each said pole;

Tax on certain light companies. (l) A special tax 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 for hire or sale in the city.

59. The council may, by by-law :

Provide that persons paying the special tax or duty imposed under the provisions of sub-sections (f) or (h) of article 474 of the Cities and Towns' Act 1903, as replaced by article 58 of this act, upon any business, trade, profession or occupation, shall be exempt from the payment of the business tax which may be imposed under sub-section (b) thereof upon the same business, trade, profession or occupation ; but this exemption shall not apply to proprietors or keepers of hotels, saloons, or restaurants licensed to sell liquor. Exemption of certain persons from business tax }

60. Compel all fire, life and accident insurance companies, loan and guarantee companies, under a penalty not to exceed twenty dollars, to obtain the permission of the council to carry on business within the city limits, and the agents of such companies shall, under the same penalty, before commencing to do business, give the secretary-treasurer a list of the said companies. Licensing of insurance companies.

61. Compel all employers, who have clerks, workmen and other employees in their service, to give information as to the rates of wages exceeding one thousand dollars paid or payable to such employees and also all companies or corporations to furnish a list of all remuneration, exceeding one thousand dollars, given to any person for his services, under a penalty not to exceed one hundred dollars. Information re wages, &c.

62. Article 485 of the said act is replaced, for the city, by the following : Id., art. 485 replaced.

“**485.** The tax imposed in sub-sections (b) or (f) of article 474 on trades, businesses or occupations, shall be payable for every establishment of such trade, business or occupation in the city, when it shall be carried on by the same person, firm of persons or company, in two or more distinct and separate buildings, or places of business.” Business tax how payable.

63. In assessing immoveable property the valutors shall take, as the basis of their assessment, the actual value of such property at the time of making the assessment ; they shall, moreover, specify and include, in the assessment roll, the *bonâ fide* rent of such property, 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 assessment roll, the actual annual value thereof. Basis of valuation for assessment of real estate, &c.

64. It shall be their duty, in case several tenants occupy the same property, to establish the proportion which each such tenant or sub-tenant has to pay, of the total amount of the tax or assessment imposed upon such property. Apportionment between tenants.

Rental value
of unrented
property.

Proviso in
case of rail-
way com-
panies.

65. If the property is occupied by, or is in the possession of the owner, they shall determine the rent, according to the amount for which, in their judgment, the property might be rented, or ought to produce, if rented; provided, always, that the council may fix an amount as the basis of valuation, during a given number of years, not to exceed twenty-five years, for the assessments to be levied on property in the city held by any railway company, to be used as work-shops for the manufacture, on a large scale, of cars, locomotives or machinery.

Licenses.

66. The taxes authorized under sub-sections (e), (f) and (g) of article 474 of the Cities and Towns' Act 1903, as replaced by article 58 of this act may, in the discretion of the council, be imposed and levied in the form of a license, and thereupon such tax shall be payable annually, at such time and under such conditions and restrictions as the council may determine.

Taxation of
tenant of
exempt pro-
perty.

67. When any immoveable property, within the city, is exempt from taxation under this act, or any other law or statute, 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, in respect thereof, to the extent to which such property would have been chargeable if not exempted; but the property itself shall not be liable for such assessment.

Id., art. 499
replaced.

68. Article 499 of the said act is replaced, for the city, by the following:

Action for
taxes.

“**499.** Payment of municipal or school taxes may be demanded by an action brought in the name of the corporation, before the Superior Court or the Circuit Court, according to the amount claimed.”

Are summary
matters. &c.

69. Such actions shall be deemed summary matters and tried according to the rules in such cases provided.

TITLE X

SECTION I.

COLLECTION OF TAXES

Id., arts. 500
517 replaced.

70. Articles 500 to 517 of the said act, both inclusive, are replaced, for the city, by the following:

Real estate;
sale for non-
payment of
taxes.

“In all cases in which the assessments or taxes imposed on real estate are two years in arrears, and it is established by a certificate of the bailiff entrusted with a distress-warrant or

execution *de bonis* that there is no moveable property of the debtor in the city, out of which such taxes and costs can be recovered, the secretary-treasurer may proceed to sell such real estate by observing the following formalities."

71. The said secretary-treasurer, before the eighth day of January, each year, shall prepare a list containing the names of all persons indebted for two years for municipal or school taxes as imposed upon immoveable property held or occupied, according to the valuation roll, by such persons, adding all other charges against the said real estate which may be then due or payable to the said corporation; a short description, in accordance with article 2168 of the Civil Code, of all lands subject to the payment of said arrears of municipal or school taxes, or other charges; and the total amount of arrears for which the said property is liable for municipal or school taxes or other charges.

Preparation
of list of
delinquents,
&c.

72. Such list shall be accompanied by a notice setting forth that such lands are to be sold by public auction, at the office of the secretary-treasurer of the said council, on the first Monday of March next ensuing, or on the first juridical day following, if such Monday be a legal holiday, at ten of the clock in the forenoon, in default of payment of the taxes and charges for which they are liable, and of the costs incurred.

Notice of sale
of lands.

73. Such list and the notice which accompanies it, must be published in the French and English languages, three times during the month of January, in the *Quebec Official Gazette*, and in two newspapers, one in French and one in English, published in the said city; and the secretary-treasurer shall, before the fifteenth day of January, apply to the registrar of the registration division for a list of the hypothecary claims upon the lands to be so sold, which list the registrar shall be bound to furnish immediately with the addresses, as ascertained from his books, and the expenses shall form part of the costs of sale; and shall notify each hypothecary creditor, by registered letter, through the post-office, at least one month before the day of sale, of such intended sale.

Publication
of list and
notice, &c.

74. At the time appointed for the sale, the secretary-treasurer of the council, or some other person for him, shall sell to the highest and last bidder therefor, the lands described in said list upon which taxes are still due, after making known the amounts to be levied on any such lands, including the costs incurred for the sale.

Sale of
lands, &c.

Adjudication
to highest
bidder.

75. Whoever shall then be the last and highest bidder, shall become the purchaser of the land thus sold, and the said lands shall be, at once, adjudged to him, by the secretary-treasurer or other person who shall sell such lands.

Payment of
purchase
price.

76. The purchaser of all lands thus sold, shall pay the amount of the purchase price immediately upon the adjudication thereof.

Re-sale if
price not
paid.

77. In default of immediate payment, the secretary-treasurer shall, either at once again put up the land for sale, or shall postpone the sale for eight days, by giving notice of such postponement to all persons present, in an audible and intelligible voice, and by publishing such notice in French and English in two newspapers published in the said city; but the purchaser may prevent the resale by paying into the hands of the secretary-treasurer, before the time fixed for the resale, the amount of the purchase money, and all additional costs incurred, in consequence of the postponement of the sale.

Postpone-
ment of sale
in certain
cases.

78. If no bid is made, or if all the lands advertised cannot be sold on such first Monday in March or following day, if such Monday be a legal holiday, as aforesaid, the sale shall be postponed for eight days, and notice thereof given in the manner prescribed in the preceding article.

Deed to pur-
chaser.

79. Upon payment, by the purchaser, other than the corporation as provided in article 81 of this act, of the amount of the purchase money, the secretary-treasurer shall immediately execute, in the name of the corporation, a deed of sale and conveyance of the land so sold to such purchaser, under his signature and the seal of the corporation, and shall deliver the duplicate thereof, to the purchaser, upon his paying the costs of the deed and of the registration thereof; and the said secretary-treasurer shall, immediately, cause the same to be registered in the proper registry office.

Registration
thereof.

Sale of same
effect as
sheriff's sale,
&c.

80. The sale shall have the same effect as a sheriff's sale, and the purchaser shall become seized of the property in the lands so sold, and of the appurtenances thereof, as proprietor, and shall be entitled to take immediate possession thereof.

City may
bid, &c.

81. The corporation of the said city may bid at the sale of such immoveable property thus put up for sale, and may become the purchaser thereof through the mayor or other person authorized by the city council, without being held to pay forthwith the amount of said purchase money, but, in the

case of the purchase of any immoveable property by the said corporation, the owner or his representatives, or any person on his or her behalf may, within twelve months after the day of sale and adjudication of the said property, redeem the same by paying to the secretary-treasurer of the said city the amount of the claims of the said city for which the said property was sold, with all costs of sale, and the subsequent costs, if any, incurred in connection with the carrying out of the provisions of this act, together with the taxes, whether municipal or school taxes, which would have become due and payable prior to such redemption, on said property, in the case of private ownership thereof, as well as any outlay for necessary repairs or insurance money to protect the said property from loss or damage by fire, together with fifteen per cent on all such moneys, whether taxes, costs, additional taxes, repairs or insurance.

Redemption,
if property
bought by
city, &c.

82. If, within the said period of twelve months, the property has not been redeemed, as provided for in this section, the corporation remains the irrevocable proprietor thereof, and the certificate of the secretary-treasurer, setting forth the facts, countersigned by the mayor of the said city, shall be registered and shall *ipso facto* be a valid title to the said property; but the said certificate shall also contain a statement of the amount of surplus money bid by the said corporation for the said property, over and above the claim and costs for which the said property was sold; which surplus shall be immediately paid over to the prothonotary of the Superior Court of the district by the secretary-treasurer, with a registrar's certificate, as required by article 84 of this act, the costs thereof having been first deducted from such surplus; and the said corporation shall pay interest on such surplus from the time of the adjudication until the money is paid over by them.

Corporation
irrevocable
owner, if pro-
perty not
redeemed in
one year.

Proviso.

83. The corporation shall be bound to sell any such property within five years, if the same be not required for public purposes.

Must sell in
five years.
Proviso.

84. When the price, for which the said land or building lot has been sold, shall exceed the amount due to the corporation for taxes, interest and costs, the secretary-treasurer shall, as soon as may be, after the adjudication, apply for and obtain, from the registrar of the registration division in which such immoveable property is situated, a registrar's certificate of encumbrances existing upon the property so sold; the said certificate, which the said registrar is hereby authorized and required to furnish, shall be, in form and substance, similar

When there
is surplus,
registrar's
certificate to
be obtained.

Deposit of
money with
protho-
notary.

Proviso.

to that furnished to the sheriff in cases of sheriff's sale, and, immediately, upon receiving such certificate, the secretary-treasurer shall deposit the same together with the surplus money in his hands, as aforesaid, first deducting the expenses incurred subsequent to the adjudication, with the prothonotary of the Superior Court for the district of St-Francis, who is authorized and directed to receive the same ; but, in case the said purchase has been made by or on behalf of the said corporation, then such deposit shall only be made to the said prothonotary after the expiry of the twelve months allowed for the redemption of the said property.

Deposit of
certificate.

85. In cases where there are no encumbrances on the property so sold, the registrar shall certify the fact in a certificate which he shall deliver to the secretary-treasurer, when called upon, as aforesaid, and the secretary-treasurer shall, immediately, deposit such certificate with the prothonotary, as aforesaid.

Report of
distribution,
&c.

86. When the secretary-treasurer has deposited, with the prothonotary of the Superior Court, a certificate and the money, the said prothonotary shall prepare a report of distribution of the said money in accordance with the rights of the claimants thereto, and the proceedings as to the fying of claims and the making, contestation and homologation of the said report, shall be the same as proceedings in ordinary cases in the Superior Court after the return of moneys levied by the sheriff, save that, in cases of claims bearing interest, such interest shall be calculated up to the date of the deposit instead of the date of the adjudication and sale, and the same delays shall apply, and the same notices be given, as in ordinary cases in the Superior Court.

Proceedings
if property
seized by
sheriff.

87. If, before the sale of any immoveable property by the secretary-treasurer, the same property be seized by the sheriff, the secretary-treasurer, upon being notified in writing by the plaintiff in the suit, or his attorneys, of such seizure, shall complete his advertisements, but shall not proceed to sell the same, but shall fyle an opposition with the sheriff or prothonotary for the amount of the taxes, interest and costs ; but, if the sheriff's sale is delayed by oppositions or otherwise, the corporation of the city of Sherbrooke may then, after two weeks' notice given as provided in article 73, proceed, upon a day to be fixed by such notice, to the sale of the said property.

TITLE XI

SECTION I

PROPERTY NOT TAXABLE

88. Article 473 of the said act is replaced, for the city, by *Id.*, art. 473 replaced.

“ **473.** The following property is not subject to taxation : Property not taxable.

(a) All 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 of the municipal corporation ;

(c) The property held and occupied for public workshop, presbyteries, parsonages and cemeteries ;

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

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

Provided, nevertheless, that the said exemption shall not Proviso. 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.

The proprietors, lessees, and occupants of the property Further proviso. mentioned in paragraphs (c), (d) and (e) shall, nevertheless, be subject to the works required for the opening and maintenance of streets, water courses, sewers and public lighting, under the by-laws, and shall be liable for the payment of any special tax or assessment made for that purpose, as well as for the payment for the use of water.

SECTION II

EXEMPTION OF NEW MANUFACTORIES FROM MUNICIPAL TAXES,
AND LOANS

89. Article 518 of the said act is replaced, for the city, *Id.*, art. 518 replaced

“ **518.** For the purpose of encouraging the introduction Exemption of and establishment of new manufactories within its limits, it manufacto-

ries from
taxation.

is lawful for the city to exempt from all taxes and assessments, for a space of time not exceeding ten years, any manufactory, which any individual, commercial firm, or corporation, may have undertaken, or may undertake to establish.

Scope of
exemption.

90. Such exemption shall extend, not only to the buildings and grounds used by such manufactory, but also to all the moveables and machines employed in such manufactory, as well as to all articles manufactured therein.

Id., arts. 354-
367, 525, 526,
and 531 re-
placed.

91. Articles 354 to 367, both inclusive, 525, 526 and 531 of the said act, are replaced, for the city, by the following :

“ No by-law to grant aid in any form to any manufacturing, commercial or industrial establishment, or to grant exemption from taxation, or to raise loans or borrow money by the issue of debentures, shall have any force or effect until and unless it is submitted for the approval of the owners of taxable real property within the city limits, whose names are entered upon the voters' list then in force. ”

Vote by
ballot.

92. The vote of the electors shall be taken by ballot, in accordance with the procedure hereinafter provided, and, if the majority in number of the said owners of real estate who vote on such by-law, do not approve of such by-law, then the said by-law shall be null and of no effect.

Id., art. 526
replaced.

93. Article 526 of the said act is replaced for the city, by the following :

Limitation
of borrowing
power.

“ **526.** No new loan shall be contracted by the council, when the sums borrowed by the council and outstanding, shall amount to twenty per cent of the total value of the taxable real estate in the city, such values to be established by the valuation roll. ”

Proceedings
when appro-
val of real
estate owners
required.

94. Whenever according to the provisions of this charter, a by-law requires the approval of the real estate owners of the city, the following proceedings shall be taken for ascertaining such approval.

Appointment
of day for
voting.

95. The council shall, in and by such by-law, or by a resolution, fix the day for taking the votes of the owners of taxable real estate, whose names are entered upon the voters' list in force, and such day shall be before the expiration of sixty days after the adoption of the by-law by the council.

96. The clerk or secretary-treasurer of the city, shall make Extract from voters' list, &c.
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; and such officer shall certify the correctness of the same. Such extracts to be certified by him, as aforesaid, shall constitute the voters' or electors' list for each ward, for all purposes required in connection with such vote.

97. Each real estate owner shall have but one vote, although One vote for each real estate owner.
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 or secretary-treasurer.

98. The council shall cause to be printed, at the expense Ballot papers and ballot boxes.
of the city, a sufficient number of ballot papers for the use of the voters, 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 council shall also furnish ballot boxes, as prescribed by article 190 of the Cities and Towns' Act, 1903.

99. The clerk or secretary-treasurer shall also, at least one Notice.
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 Nature of by-law.
approval;

(b) The day and hours of polling; Time of polling.

(c) The places where the different polls are to be held. Places of polls.

Such notice shall be published in accordance with the provisions of article 327 of the Cities and Towns' Act 1903, as Procedure.
replaced by article 27 of this act.

100. The city clerk or secretary-treasurer shall be the Presiding-officer, &c.
presiding-officer, and the council shall name a deputy-presiding-officer for each ward, and shall furnish each of the said deputy-presiding-officers with a certified extract from the electors' or voters' list, showing the owners of taxable real estate who are entitled to vote within the limits of the ward of which such deputy-presiding-officer shall have charge.

101. The deputy-presiding-officer may, by commission Representatives at polls.
signed by him, name one or two persons who are owners of real estate in the city, who may be present in the polling place on behalf of those citizens who are interested in and desirous of promoting the passing of the by-law, and a like number of persons, on behalf of those interested in and desirous of opposing the passing of the by-law.

- Oath of representative.** **102.** Before any person is so appointed, he shall make and subscribe, before the presiding-officer, an affidavit in the form Y to this act.
- Persons who remain in polls.** **103.** During the time fixed for polling, no person shall be entitled or permitted to remain in any polling place, other than the officers, clerks and persons authorized to attend as aforesaid, at such polling place.
- Vote by ballot.** **104.** On the day fixed, as aforesaid, a poll shall be held and the votes of the real estate owners entitled to vote shall be taken by ballot. The poll shall be open from nine of the clock in the morning until five of the clock in the afternoon.
- Polling hours, &c.**
- This act and 3 Ed. VII, c. 38, to apply to polling, &c.** **105.** The proceedings, in each ward, shall be the same, as nearly as may be, as at municipal elections held under this charter and the Cities and Towns' Act, 1903, and all provisions of said act and of the charter, so far as the same are applicable, and except when inconsistent with the provisions of this section, shall apply to the taking of votes at such poll and to all matters incidental thereto, including the provisions relating to bribery and corruption.
- Notice of date of return.** **106.** The city clerk, or secretary-treasurer, after he has received the ballot-boxes and statements from the deputy-presiding-officers, shall, within one week thereafter, give public notice of the time and place when he will proceed to sum up the numbers of votes for and against the by-law from the returns of the deputy-presiding-officers; and the time so fixed shall not be later than two weeks from the date of polling; and he shall, then and there, 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 the same, and the number of votes cast for and against the said by-law.
- Making of return.**
- By-law defeated if votes are equal.** **107.** In the event of an equal number of votes being cast for and against a by-law submitted to the real estate owners, as aforesaid, the said by-law shall be deemed to have been defeated.
- By-laws to renew debentures, &c.** **108.** The council may always, upon a favorable report of the finance committee, make by-laws, to authorize the issue of debentures, to renew or redeem, on advantageous conditions, any past due debentures of the city, without the formality of submitting such by-laws for the approval of the electors.

TITLE XII

SECTION 1

EXPROPRIATIONS

109. Article 532 of the said act is replaced, for the city, by the following : Id., art. 532 replaced.

“**532.** The council may, by complying with the provisions of the Cities and Towns' Act, 1903, expropriate 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 429 of the Cities and Towns' Act 1903, as replaced by 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, &c.

110. The corporation may, at any time, before paying the amount adjudged by the arbitrators, desist from the expropriation. In such case, the corporation must pay the costs incurred, and it is liable for damages, if any resulted. Discontinuance of expropriations, &c.

TITLE XIII

SECTION 1

PROCEEDINGS AGAINST THE MUNICIPALITY

111. If an action is brought to recover damages mentioned in section 606 of the Cities and Towns' Act, 1903, by a person who is not a rate-payer, he must deposit ten dollars with the clerk or prothonotary of the court on the issue of the summons, to guarantee the costs of the city. Security for costs.

TITLE XIV

SECTION 1

REPEALS

112. The Cities and Towns' Act, 1903, applies to the city of Sherbrooke, save in cases concerning which the present act contains provisions incompatible therewith. Nevertheless the following articles of the said act shall not apply to the city of Sherbrooke, to wit : articles 117, 167, 316, 328, 379, 396, 397, 401, 402, 403, 410, 416, 430 and 469. 3 Ed. VII, c. 38, to apply.

Repeal of in-
consistent
provisions.
Proviso.

113. 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 accrued, any matter or thing done, or required to be done, contracts, 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, in which case, all such matters and things, resolutions, decisions, orders, or proceedings, debentures, promissory notes, contracts, agreements, appointments, obligations, by-laws and valuation, and collection rolls, shall be regulated and controlled by this act, the whole without prejudice to vested rights.

Coming
into force.

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

FORM A

OATH OF THE RETURNING-OFFICER

I, the undersigned, A. B., returning-officer for the city of Sherbrooke, solemnly swear (*or*, if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified, according to law, to act as returning-officer for the said city of Sherbrooke, and that I will act faithfully in that capacity, without partiality, fear, favour, or affection. So help me God.

Sworn (<i>or</i> affirmed) before me at the city of Sherbrooke, this day of 19 . . .)	(Signature) A. B. <i>Returning-Officer</i>
---	---

(Signature) D. C.,
Justice of the peace.
