

companies which is not, or which would not be now subject to taxation.

City not to violate obligations, &c.

**56.** Nothing in this act contained shall be interpreted as permitting the city to violate any of the obligations undertaken by it under contract, nor any concessions made, nor any exemption granted by by-law, resolution or otherwise, nor affecting or repealing powers specially granted by statute to corporations or companies, or as in any manner modifying the present position of the corporations or companies which have, or the *auteurs* whereof have, contracts with the city.

Coming into force.

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

## CHAP. 53

An Act to amend the charter of the city of Sherbrooke

[Assented to 2nd June, 1904].

Preamble.

**W**HEREAS the corporation of the city of Sherbrooke has, by petition, prayed for an act to amend its charter, the act 55-56 Victoria, chapter 51, as amended by the act 62 Victoria, chapter 62, the act 63 Victoria, chapter 51, and the act 3 Edward VII, chapter 66, 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:

55-56 V., c. 51 s. 85, replaced.

**1.** Section 85 of the act 55-56 Victoria, chapter 51, as replaced by the act 63 Victoria, chapter 51, section 4, is again replaced by the following:

R. S., 4678 to 4615 to apply when not inconsistent. Powers thereunder supplementary to those of charter. Certain articles of the R. S., not to apply.

**“ 85.** The law respecting town corporations, being articles 4178 to 4615, inclusively, of the Revised Statutes, applies to the city of Sherbrooke, only in so far as it is not inconsistent with the express provisions of this act; and the powers therein conferred on the city, the city council and its officers, are to be considered as supplementary to those herein given.

The following articles of the said Revised Statutes do not apply to the city of Sherbrooke, viz:

4195, 4202, 4216, 4227, 4229, 4232, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4250, 4251, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4263, 4264, 4271, 4272, 4290, 4406, 4414, 4529, 4530, 4531, 4532, 4533, 4534, 4535, 4536, 4537, 4556, 4557, 4558, 4560, 4614.”

**2.** Section 88 of the act 55-56 Victoria, chapter 51, as replaced by the act 63 Victoria, chapter 51, section 6, is again replaced by the following :

**“ 88.** 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 voter’s list then in force.

55-56 V., c. 51, s. 88, replaced.

By-laws granting aid or exemption from taxation or to borrow money require approval of real estate owners.

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.

Voting thereon to be by ballot, &c.

No new loan shall be contracted by the council when the sums borrowed by the council and outstanding, after deducting the value of the water-works, electric light and power plant, and real estate generally belonging to the city, shall amount to twelve and one half per cent. of the total value of taxable real estate in the city, such values to be established by the valuation roll.”

New loan not to be contracted when debt exceeds certain percentage of taxable real estate.

**3.** The said act 55-56 Victoria, chapter 51, is further amended by adding thereto the following sections :

Sections added after 55-56 V., c. 51, s. 88.

**“ 88a.** 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.

Manner of ascertaining approval of by-law by proprietors.

**“ 88b.** 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 voter’s list in force, and such day shall be before the expiration of sixty days after the adoption of the by-law by the council.

Day for polling to be fixed by council.

**“ 88c.** The clerk or secretary-treasurer of the city shall make or cause to be made, for each ward, an extract from the municipal voters’ lists then in force, showing all the names of owners of taxable real estate inscribed on the said lists 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 so certified by him as aforesaid, shall constitute the voters’ or electors’ list for each ward for all purposes required in connection with such vote.

Extract from voters’ list to be made for each ward and what to contain.

**“ 88d.** Each real estate owner shall have but one vote, although he may own property in two or more wards, and no one shall be entitled to vote whose name is not entered on the lists so certified by the clerk or secretary-treasurer.

Each proprietor to have only one vote.

Ballot-papers to be printed and ballot boxes to be provided.

“**SSe.** The city council shall cause to be printed, at the expense of the city, a sufficient quantity of ballot-papers for the use of the voters, and such ballot-papers shall be printed according to the form indicated by form “X”, or such other similar form as the council may adopt. The council shall also furnish ballot boxes, as prescribed by section 24 of the city charter.

Notice to be published by clerk and what to contain.

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

- (a) The nature of the by-law which is to be submitted for approval ;
- (b) The day and hours of polling ;
- (c) The places where the different polls are to be held.

Such notice shall be published in accordance with the provisions of section 65.

Officer to preside. Deputies for each ward and lists to be furnished to them.

“**SSg.** The city clerk, or secretary-treasurer, shall be the 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.

Appointment of persons to act in poll for and against by-law.

“**SSh.** The deputy presiding-officer may, by commission signed by him, name one or two persons who are owners of real estate in the city, who may be present in the polling 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.

Affidavit to be taken by them.

“**SSI.** Before any person is so appointed, he shall make and subscribe before the presiding-officer an affidavit in the form “Y.”

Who may remain in poll.

“**SSj.** 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.

Holding of poll.

“**SSk.** 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 o’clock in the morning until five o’clock in the afternoon.

**“SSl.** The proceedings in each ward shall be the same, as nearly as may be, as at municipal elections held under this charter; and all provisions of title V 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 all matters incidental thereto, including the provisions relating to bribery and corruption.

Proceedings to be same as those for municipal elections.

**“SSm.** 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.

Notice to be given of summing up.

Result to be declared to council.

**“SSn.** In the event of an equal number of votes being cast for and against any by-law submitted to the real estate owners as aforesaid, the said by-law shall be deemed to have been defeated.

Case of equality of votes.

**“SSo.** No informality, omission or error in any proceeding had under the foregoing provisions shall invalidate such proceeding, unless such informality, omission or error has been of such a character as would affect the result of the vote taken.”

Informalities not to invalidate proceedings.

**4.** The corporation of the city of Sherbrooke may, so soon as the acquisition or construction of an electric light and power plant and other purposes referred to in section 79 of the city charter, as replaced by the act 3 Edward VII, chapter 66, section 2, shall have been made and approved by by-law voted upon in accordance with the provisions of section 3 of this act, make a special loan of two hundred thousand dollars for the purpose of paying for the same.

Corporation authorized to make special loan for certain purposes.

**5.** 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.

How to be effected.

**6.** 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.

Denomination of and interest on debentures.

Interest and sinking fund. **7.** 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 revenues from electric light, &c., system to formation of sinking fund. **8.** 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 creating 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.

Coming into force. **9.** This act shall come into force on the day of its sanction.

FORM X

FORM OF BALLOT PAPER

Sherbrooke ..... 19  Voting on by-law to <i>(here insert object of the                  by-law)</i> approved by the council of the city of Sherbrooke on the day 19	FOR the by-law <b>X</b>
	AGAINST the by-law

ENDORSEMENT

ANNEX  _____  No.....	<i>The initials of the Deputy Presiding Officer should be placed here.</i>  _____  <i>Ici doivent être mises les initiales du sous-officier-président.</i>
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## FORM Y

I, the undersigned, A..... B....., being duly sworn, do depose and say:

That I am desirous of promoting (or opposing, as the case may be), the passing of the by-law to (here insert the object of the by-law and the number thereof) now submitted for the approval of the real estate owners of this city, and I do further solemnly swear that I will not disclose to anyone how any of the voters in the said ward may mark his ballot-paper in my presence. So help me God.

Sworn, before me, at the  
city of Sherbrooke, this.....  
day of.....19

C. D.

Deputy Presiding Officer.)

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 C H A P . 5 4

An Act to amend the act 40 Victoria, chapter 23, respecting public instruction in the city of Sherbrooke

[Assented to 31st May, 1904]

**W**HEREAS a petition has been presented by the two boards of school commissioners in the city of Sherbrooke setting forth that the present rate of taxation is insufficient to meet the requirements of the schools, and praying that it be enacted as hereinafter set forth, and 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 :

**I.** Section 11 of the act 40 Victoria, chapter 23, is repealed and replaced by the following :

**“II.** The two boards of commissioners may, from time to time, meet together for the purpose of determining the rate of the tax required to be imposed on real estate in the city for school purposes, for the year commencing the first day of July in each year, provided, however, that such tax shall not, in any case, be less than four mills or more than six mills in the dollar.”

40 V., c. 23,  
s. 11, re-  
placed.

Tax establish-  
ed or altered  
by boards.

Proviso.