

town, to take out a license or licenses from the corporation, to permit them to exercise such profession, business, trade or industry, or to keep such houses or vehicles and to pay for such licenses, a sum not exceeding fifty dollars, according to the scale which may be fixed by the council of the said town, the whole under the penalty which may be established by the council.

14. The council of the said town may by by-law, ^{Idem relating} compel and oblige every person or persons who do not ^{peddlers, &c.} reside within the limits of the said town, and who sell, retail, expose for sale or peddle any species of goods and effects, or who cause such goods or effects of any nature whatsoever to be sold, retailed, peddled or exposed for sale, to take out a license and to pay for such license, a sum not exceeding twenty dollars, according to the scale which may be established by the council of the said town, the whole under such penalties as may be fixed by the council.

15. The present act shall have force and effect on the ^{A t in force.} day of its sanction.

C A P . L X .

An act to amend the act incorporating the city of Sherbrooke, (39 Viet., chap. 50.)

[Assented to 31st October, 1879.]

WHEREAS it is desirable to amend the act of the ^{Preamble.} legislature of Quebec, passed in the thirty-ninth year of Her Majesty's reign, chapter 50, and intituled: "An act to incorporate the city of Sherbrooke;" Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Sub-section 1 of section 6 of said act, is hereby ^{§ 1 of s. 6 of} amended by adding thereto, after the words: "just ^{39 V. c. 50,} debts," in the eleventh line of said section, "nor unless ^{amended.} he shall have paid all taxes, whether levied for municipal or school purposes, standing against his own name or against the name of his wife in the collection roll of the said city, previous to the election."

2. Section 8, and all the first part of section 9, and the ^{§ 8 and part} beginning of sub-section one, ending with the words: ^{of s. 9, and} "by acclamation," in the second line of said sub-section, ^{§ 1, of said s.,} are hereby repealed and annulled, and the following ^{amended.} substituted therefor:

Municipal
elections.

" 8. The municipal elections for the said city, under this act, shall be held in the City Hall, or at such other place as may be determined by the City Council, on the second Monday in the month of January, in each year, at nine o'clock in the morning, and public notice thereof shall be given, at least eight days previous to an election, in the French and English languages, by notices posted up at the doors of the Churches, or at such other places as may be determined by the said Council, by resolution for that purpose;—such notices to be signed by the mayor or secretary-treasurer of the said city, and specifying the day, place and hour at which such election shall take place."

Presiding
officer.

a. The Council of said city, at a session to be held previous to said election, shall appoint a presiding officer, to conduct such election in the said City Hall or other place designated by said Council, as well as presiding officers for the several wards wherein vacancies have occurred, and each such presiding officer shall appoint, under his own handwriting, a poll clerk for his ward, and wherever a poll is necessary, such poll shall be opened for the reception and registration of votes, between the hours of eleven o'clock in the forenoon, and five o'clock of the afternoon of the day appointed for such election.

Duties of the
presiding
officer.

b. And it shall be the duty of the presiding officer, appointed to hold the election at the City Hall, to receive between the hours of nine and ten o'clock in the forenoon of the day of such election, the names of candidates being duly qualified for the office, who shall be nominated in writing by not less than five duly qualified electors, each such nomination specifying the ward for which such candidate is proposed.

Idem.

And at the hour of ten o'clock of the forenoon, the said presiding officer shall then and there, declare publicly, the names of all the candidates then nominated, with the names of their proposers, and the wards for which they are candidates respectively, and in case there are for any ward, no more candidates than vacancies to be filled up, then such presiding officer shall declare the candidate or candidates nominated for such ward, to be duly elected;—but in case of there being more candidates than vacancies in any ward, the said presiding officer shall declare the fact, after which a poll shall be opened in the ward or wards where the number of candidates is in excess of the vacancies to be filled up, such poll to be conducted under the presidency and control of the presiding officer or officers specially appointed for such ward or wards by the said City Council."

3. Subsection 2 of section 12 of the said act is repealed and the following is hereby substituted in the place thereof: § 2 of s. 12,
repealed.

"In case of the absence of a councillor from the city, or in case of his ceasing to perform the duties of his office through incapacity, sickness or any other cause, during three calendar months, the other councillors, at the first or any subsequent meeting of the Council, which shall take place after the expiration of the said period of three months, may declare the seat of such councillor to be vacant, and thereupon, a new election shall immediately take place in the ward represented by such person, for the purpose of filling such vacant seat in the usual way; provided, however, that until the Council shall have so, as aforesaid, declared his seat vacant, such councillor may resume his duties, and perform the same, if he is able so to do, without prejudice, in any case, to the costs of proceedings instituted against him, in the event of any such proceedings having been instituted. New election
in case of
sickness or
otherwise.

In case of the death of a councillor, the office becomes *ipso facto* vacant, and a new election to fill such vacancy, shall take place without delay, in the usual manner, provided also, that notwithstanding the death, absence or inability to act of such councillor, the remaining councillors shall continue to exercise the same powers, and fulfil the same duties, which they would have had to exercise and fulfil, had not such death, absence or inability to act, on the part of such councillor, taken place. Case of death.

4. Section 13 of said act hereby amended, is repealed. S. 13,
repealed.

5. Section 24 of the said act, is hereby amended by striking out the words: "approve or disapprove of," from said section. S. 24,
amended.

6. Section 27 of the said act, is hereby amended by striking out, in the eleventh and following lines thereof, the words: "or who shall absent himself from the said city, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months," and by substituting in the place and stead thereof, the following words: "or whose seat shall have been declared vacant under the provisions of this act;" and by inserting after the word: "provisions," in the eighteenth line thereof, the following words: "but such councillor shall be eligible for re-election in case his seat has been declared vacant in consequence of absence from the said city." S. 27,
amended

**S. 31,
amended.**

7. Section 31 is amended by adding after the words: "annually," in the fifth line thereof, the following words: "every person in the said city, receiving an annual salary of five hundred dollars and upwards, however payable, shall pay an annual tax of one per centum upon the annual amount thereof."

**Discount in
case of
payment in
due time.**

8. Every rate-payer, who shall pay the taxes due by him to the Corporation, within thirty days from the time the same shall become due and payable, shall be entitled to a discount of four per cent thereon.

**Interest on
taxes.**

9. Interest in all cases, shall be charged and exacted at the rate of six per centum per annum, on all taxes, including school taxes: such interest to be calculated from the expiration of thirty days after the same shall become due, and such interest shall be added to the tax and form part thereof, and shall be entitled to all the privileges and rights as to preferential payment given by law to such taxes.

**Resolution of
the 15th June
1877, ratified.**

10. The resolution passed by the municipal council of the city of Sherbrooke, on the twenty-fifth day of June, in the year of Our Lord one thousand eight hundred and seventy seven, by which the sum of one thousand dollars was granted and paid in aid of the sufferers by the St. John's, New Brunswick fire, is hereby ratified and sanctioned.

**Resolution of
the 7th June
1871, con-
firmed.**

Proviso.

11. The resolution passed by the Council of the late town of Sherbrooke, on the seventh day of June, in the year one thousand eight hundred and seventy one, relating to the remission of taxes in favor of the Massawippi Valley Railway Company, is hereby confirmed, and the lands acquired within the limits of the said town, by the said Massawippi Valley Railway Company or their lessees, the Connecticut and Passumpsic Rivers Railway Company, from the Grand Trunk Railway Company of Canada, by deed of sale dated the twenty-third day of September, one thousand eight hundred and seventy three, and by emphyteutic lease dated the twenty-third day of September, eighteen hundred and seventy three, are declared to have been and are exempt from municipal taxation, for a period of twenty years from the date of said resolution, provided they be retained during that period, by said company, for the purposes of their business, and the repayment by the Council of the present city of Sherbrooke, of any and all sums of money, made to any person or persons who may

have paid the same to the corporation of the late town of Sherbrooke, as and for taxes imposed upon said property, is ratified and confirmed.

12. In all cases in which the assessment imposed on any immoveable property in the said city of Sherbrooke, shall not have been paid for three years from the time that any part of the same became due, and it shall be established by the return and certificate of the bailiff entrusted with the distress warrant issued under the provisions of section 963 of the municipal code, as applied to the said city, by section 34 of the act hereby amended, that he could not sufficiently levy by the seizure and sale of the moveable effects of the proprietor or occupant of such property, that the said bailiff could not proceed to the seizure of any moveable property belonging to said proprietor or occupant, which may be found in the municipality, or that the proceeds of the sale of such moveable effects, are not sufficient to cover the amount due for taxes on the said property, and the costs incurred by the seizure and sale of the said effects, or that the proprietor or occupant does not reside in the city, it shall be the duty of the secretary-treasurer, to proceed to the sale of the said vacant lands or immoveable property in the manner, and by observing the following formalities :—

The said secretary-treasurer, before the eighth day of January, in each year, shall prepare a list containing the names of all persons indebted for three years of municipal taxes, or school taxes 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 the said arrears of municipal taxes, or school taxes, or other charges, the total amount of arrears of taxes for which the said property is liable for municipal or school taxes, or other charges. Such list shall be accompanied by a notice setting forth that such lands are to be sold at public auction, at the office of the secretary-treasurer of the said council, on the first Monday of March next ensuing, or on the day following, if such Monday be a legal holiday, at ten of the clock in the forenoon, in default of payment of the taxes for which they are liable, and the costs incurred.

13. Such list and notice which accompanies it, must be published in the French and English languages, three times during the month of January, in the Official Ga-

Sale of
vacant prop-
erties in
certain cases.

List of sales,
prepared by
the sec.-treas

Notice
accompany-
ing it.

Publication
of the list
and notice.

zette of the province, and in two newspapers, one in French and one in English, published in the said city, and by posting such notice in the manner required for public municipal notices, and the secretary-treasurer shall, before the fifteenth day of January, apply to the registrar of the registration division where such lands are situate, for a list of the hypothecary claims, upon the lands to be so sold, which list the registrar shall be bound to furnish, with the addresses as ascertained from his books immediately, the expenses thereof to form part of such 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.

**Formalities
of the sale,**

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

**Last bidder ;—
His rights ;**

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

His duties,

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

**Resale in
default of
immediate
payment.**

17. 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 two newspapers published in the said city, in the French and English languages.

**Postpone-
ment of the
sale if no bi-
d is made,**

18. If at the time of the sale, 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 section ; 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.

19. Upon payment by the purchaser, other than the corporation as hereinafter provided, 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 a duplicate thereof, to the said purchaser, upon his paying the costs of the deed and the registration thereof, and the said secretary-treasurer shall immediately cause the same to be registered in the proper registry office. 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.

Deed of sale.-
Duties of the
sec.-treas

20. 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 case of the purchase of any immoveable property by the said corporation, the owner or his representative, or any person on his or her behalf, may, within twelve months of 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.

Corporation
may bid at
the sale.

Right to
redeem the
property
sold.

If within the said period of twelve months, the property has not been redeemed as provided for in this section as aforesaid, 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 of the said corporation, on which the said property was

Foreclosure of
the right to
redeem.

sold, which surplus shall be immediately paid over to the prothonotary of the Superior Court for the district, by the secretary-treasurer, with a registrar's certificate, as required by section 21 of this act, the costs thereof having been first deducted from such surplus, and said corporation shall pay interest on such surplus from the time of the adjudication, until the money is paid over by them; provided that the corporation shall be bound to sell any such property, within five years if the same be not required for public purposes.

If the price exceed the amount due.

Registrar's certificate.

Surplus money, deposited with the proth. of the district of St. Francis.

21. When the price for which 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 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 Saint 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 with the said prothonotary after the expiry of the twelve months allowed for the redemption of the said property.

If there are no encumbrances on the property.

22. 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 by the prothonotary.

23. When the secretary-treasurer of the said city has deposited with the prothonotary of the Superior Court, a certificate and money, as provided by sections 21 and 22 of this act, 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 filing 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 the 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.

24. 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 file 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 opposition or otherwise, the corporation of the city of Sherbrooke, may then, after two weeks notice given as provided in section 13, proceed upon a day to be fixed by such notice to the sale of the said property.

Opposition by sec. treas. if the property be seized by the sheriff.
Proviso.

25. All arrears of municipal taxes or school taxes due to this city, are prescribed by four years, from the date on which they become due.

Prescription of taxes.

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

Act in force.

C A P . L X I .

An Act to incorporate the town of Chicoutimi.

[Assented to 31st October, 1879.]

WHEREAS from the increase of the population of the village of Chicoutimi and the erection of a roman catholic diocese therein, the seat whereof is at Chicoutimi, and whereas the provisions of the municipal code do not meet with the present requirements of its inhabitants, in carrying out the improvements that they intend to make; and whereas the council of the said village have, by petition and demand of its inhabitants, represented that it is necessary that more ample provisions be made in that behalf; and whereas it is desirable that the said village, after annexing thereto lot number seventy four of the first north east range of the township of Chicoutimi, be incorporated as a town under the name of: "The town of Chicoutimi:" Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.