

it now is from proprietors under the common school law, and the same shall be done by the board of commissioners or the board of trustees, according as such occupant falls within the jurisdiction of one or other of such boards.

No tax or assessment for school purposes shall be imposed, levied or collected, from any proprietor in respect of any real estate, already assessed, taxed or rated in the name of the occupant of such real estate.

In the case of the real estate taxed, assessed or rated belonging to a proprietor, who falls within the jurisdiction of a school board different from that which has jurisdiction over the occupant, such tax or assessment upon such real estate, shall not convey a hypothec upon the real estate so assessed, taxed or rated, but merely upon the rights and improvements of the occupant. And this provision shall take effect even for the current year."

**12.** This act shall come into force the day of its sanc- Act in force.  
tion.

### C A P. L.

## An Act to incorporate the City of Sherbrooke.

[Assented to 24th December, 1875.]

**W**HEREAS the provisions of the municipal code do not Preamble.  
meet the present requirements of the town of Sherbrooke ;

And whereas it has become necessary that more ample provisions should be made for the internal government of the said town ;

And whereas the inhabitants of the said town are desirous that the same should be constituted a city and have a special act of incorporation ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The inhabitants of the said town of Sherbrooke, as here- Corporation  
inafter described, and their successors, shall continue to be, continued.  
and are hereby declared to be, a body politic and corporate, by  
the name of "The corporation of the city of Sherbrooke," and Name.  
by that name, they and their successors shall have perpetual  
succession, and shall have power to sue and be sued, to  
implead and be impleaded in all courts and in all actions,  
causes, and suits at law whatsoever ; and shall have a common  
seal, with power to alter and modify the same at their General  
pleasure ; and shall, in law, be capable of receiving by powers.  
donation, of acquiring, holding and parting with any property,  
real or moveable, for the use of the said city ; of becoming  
parties to any contracts or agreements in the management of  
the affairs of the said city, and of giving or accepting any  
notes, bonds, drafts, obligations, judgments, or other instru-  
ments or securities for the payment of, or securing the

Loan. payment of, any sum of money borrowed or loaned, or for the execution of any other duty, right or thing whatsoever; and for borrowing any sum of money required for any purpose within the jurisdiction of the council of said city, either upon the debentures of the said city, to be issued and executed as hereinafter provided; or by hypothecating the immoveable property of the city for that purpose.

Engagements of the town, continued. **2.** All by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the municipal council of the said town of Sherbrooke, as heretofore existing, shall continue to have full force and effect; as though such by-laws, ordinances, agreements, dispositions and engagements had been passed and agreed to by the council of the said city of Sherbrooke, as hereby constituted, until such time as such by-laws, agreements or engagements shall be formally rescinded, abolished or amended by the council of the said city, or fulfilled; and the said corporation, as continued by this act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights, debts and obligations of the corporation of the said town of Sherbrooke, as now existing under the municipal code.

Obligations of the town, transferred to the city.

By-laws of the town, &c., continued. **3.** The by-laws, orders, rolls and municipal acts, which governed the territory heretofore constituting the said town of Sherbrooke, before the passing of this act, shall continue in force until they are amended or repealed by the city council to be hereinafter chosen; and the mayor and councillors of the said town of Sherbrooke, as now existing, shall remain in office until the elections, which are to take place under this act, have taken place; and all the municipal officers of the said town of Sherbrooke, as now existing, shall continue in office until their successors are chosen or appointed, under the provisions of this act.

Limits of the city. **4.** The boundaries and limits of the said city of Sherbrooke, shall be those of the present town of Sherbrooke as defined by proclamation on the 28th day of June, eighteen hundred and fifty-two, of His Excellency the Governor-General of the late province of Canada; but the said city of Sherbrooke shall be divided into four wards; known as the north ward, the south ward, the east ward and the centre ward, bounded as follows: North ward to comprise all that part of the said city lying north of the river Magog and west of the river St. Francis; South ward to comprise all that part of the said city lying south of King street and west of the river St. Francis; East ward to comprise all that part of the said city lying east of the river St. Francis; and the Centre ward to comprise all that part of the said city lying north of King street and between King street and the river Magog and St. Francis.

North ward.

South ward.

East ward.

Centre ward.

Councillors. **5.** There shall be elected, at such time as shall be fixed by this act, seven fit persons, who shall be and be called the

"Councillors of the city of Sherbrooke," and such councillors for the time being shall form the council of the said city and shall be designated as such, and shall represent, for all purposes whatsoever, the corporation of the said city of Sherbrooke ;

2. Of the said councillors, two shall be elected for the North ward, one for the South ward, one for the East ward, and three for the Centre ward, the said seven councillors shall as hereinafter provided, elect one of their number as mayor, and the said mayor shall be designated "The mayor of the city of Sherbrooke."

Number of councillors for each ward.  
Mayor.

6. No person shall be capable of being elected mayor of the said city of Sherbrooke, unless he be possessed, as owner of real estate within the said city of the value of one thousand dollars after payment or deduction of his just debts.

Qualification of Mayor.

No person shall be capable of being elected a councillor of the said city, unless he shall have been a resident of the said city for one year immediately preceding such election, nor unless he be possessed as owner, either in his name or in his wife's name, of real estate within the said city, of the value of six hundred dollars, after deduction of his just debts.

Of the councillors.

2. No person shall be capable of being elected councillor of the said city of Sherbrooke, unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years.

Persons who may not be councillors.

3. No person being in holy orders nor the ministers of any religious belief whatever, nor the members of the executive council, nor judges, district magistrates, sheriffs, or clerks of any court of justice, nor officers on full pay in Her Majesty's army or navy, nor any person accountable for the revenues of the said city, nor any other person receiving any pecuniary allowance from the said city for services, nor any keeper of a tavern, hotel or house of public entertainment nor any person who has acted as such, within the twelve months, preceding, nor any officer or person presiding at the election of the councillors, while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having directly or indirectly, in person or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being a councillor for the said city.

Idem.

4. Provided however that no person shall be held incapable of acting as mayor or councillor for the said city, from the fact of his being a shareholder in any incorporated company which may have a contract or agreement with the said city.

Proviso.

5. The following persons shall not be obliged to accept the office of councillor of the said city nor any other office to be filled by the council of the said city :—members of the provincial legislature, or of the parliament of the dominion, practicing physicians, surgeons, and apothecaries, schoolmasters actually engaged in teaching, persons over sixty years of age, and the members of the council of the said

Exemption from office.

city at the time of the coming into force of this act or who have been so the two years next preceding, or members of the said city council, and the person who shall have filled any of the offices under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office during the two years next after such service or payment.

**Right to vote.** **7.** The persons entitled to vote at the municipal elections of the said city shall be of the male sex of the age of twenty-one years, and possessed at the time, either in their own name or that of their wife, of real property in the said city of the value of two hundred dollars; and also the male tenants of the age of twenty-one years, who shall have resided in the said city and paid rent during the year immediately preceding an election, on a dwelling house or part of a dwelling house, or other real property therein, at the rate of not less than twenty dollars per annum, and the qualification in all cases referred to in this act, shall be determined by the valuation roll then in force in said city.

**Proviso.** **2.** Provided always, that no person qualified to vote at any municipal election in the said city shall have the right of having his vote registered unless he shall have paid his municipal taxes due, before offering to vote at such election; and it shall be lawful for any candidate at the said election, and for the person presiding over the said election, to require the production of the receipts setting forth the payment of such taxes, as aforesaid, before registering such vote, and in case the same is not produced, such vote shall not be registered, unless such person make oath before the person presiding at such election that he has paid such taxes.

**Time of elections.** **8.** The municipal elections for the said city, under this act, shall be held on the second monday in the month of january of each year, at nine o'clock in the morning, and public notice thereof shall be given at least eight days previous to such election, in the french and english languages, by notices posted up at the doors of the churches, and at other places which may be determined by the council of the said city, by resolution for that purpose, and the said notice shall be signed for the first election under this act, by the then mayor of the town of Sherbrooke, and shall specify the day, place and hour upon which the said election for the said city shall take place; and for all the following elections the said notice shall be signed by the mayor or secretary-treasurer of the said city, and shall also specify the day, places and hour upon which the said elections are to take place.

**Presiding officer at the election.** **9.** Before the publication of the notices announcing such election, the present council of the town of Sherbrooke, for the first election to take place on the second monday of the month of january next, and afterwards the council of the said city, for the following elections, shall appoint a presiding officer for each of the wards within which an election

is to be held to preside at and to conduct such election, and to specify in the said four wards of said city, the place where the same shall be held in the several wards of the said city; such presiding officer shall appoint a poll clerk for his ward, where an election is to be held, under his own handwriting, and the poll shall be open for the reception and registration of votes, when a poll is demanded, from ten of the clock in the forenoon until five of the clock in the afternoon, of the day appointed for such election.

1. Provided however that the election shall not have taken place by acclamation; and at such election each elector shall be entitled to vote for the councillor or councillors to be elected in the ward in which such elector is entitled to vote, and each elector shall be entitled to vote in each ward where he is a qualified elector; and, at the closing of the poll in any ward, the officer presiding at such poll shall declare the person or persons who shall have received the largest number of votes, to be duly elected members of the said council; and in case two or more candidates have received an equal number of votes, the said officer shall be entitled to vote—but in this case only, and he shall then give his casting vote in favor of the candidate or the candidates, whom he shall think fit to choose, and he shall have the right to give such casting vote and shall be bound to give the same, immediately after the votes shall have been counted;

2. If at any time after the votes have commenced to be polled, one hour elapses without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as councillors as aforesaid, such candidates as shall be entitled to be so declared elected; provided that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

3. The mayor shall be elected by the council for one year only, (but he shall be eligible) for re-election, and remain in office until his successor shall have entered in charge: the councillors elected at any of the municipal elections shall remain in office during three years, except those who shall be elected at the first election, of whom two shall retire at the expiration of the first year, and two at the expiration of the second year, and three at the expiration of the third year, and it shall be declared by lot, in the manner established by the council, which of the councillors shall thus retire from office, at the end of the first and second years;

4. The subsequent annual elections of councillors for the said city shall take place in the same manner and within the same delays as the first;

5. Before proceeding to the holding of any election under this act, the presiding officer and his deputies and poll clerks shall take the following oath, which any justice of the peace is hereby empowered to administer;—to wit:

“ I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of presiding officer (or of deputy presiding officer or

Poll clerk.

Voting.

Persons elected.

Case of equality of votes.

Duty of the person presiding in certain cases.

Duration of the office of mayor.

Subsequent elections.

Oath of presiding officers and poll clerks.

"poll clerk) at the election which I am about to hold (or "which is about to be held) of a person or persons to serve "as councillors for the said city of Sherbrooke. So help me "God."

Powers of  
presiding  
officers.

6. The persons who shall preside at an election, in the several wards where elections are being held, shall, during such election, be guardians of the peace, and shall be invested with the same powers for the preservation of the peace and the apprehension, imprisonment, and holding to bail, of persons charged with violations of the law and breakers of the peace, as are vested in justices of the peace, and this, whether the said persons do or do not possess the property qualification of a justice of the peace, as required by law; and it shall be lawful for the presiding officer and his deputies at an election, to appoint special constables in sufficient numbers to preserve peace at such election, if he or they shall think it necessary, or be required to do it by five electors;

Hotel keepers  
&c., bound to  
close.

7. Every hotel, tavern and saloon keepers shall close their bars during the days of voting under a penalty of fifty dollars, or imprisonment in the common jail for three months in default of payment;

Penalty.

Notice to  
elected.

8. The presiding officer at any such election, shall, within three days from the closing of the election, give each of the councillors so elected special notice of his said election, as well as of the place, the day and the hour appointed by him for the first session of the council to take place after the said election, which shall be not more than eight days from the giving of the notice. The councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors;

Entry and  
duration of  
office.

Delivery of  
poll books to  
secy.-treas.  
&c.

9. The person so presiding at any such election, shall deliver up immediately to the secretary-treasurer of the city council, if there be such officer, and, if not, then, as soon as such officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the secretary-treasurer, shall be authentic in any court of justice;

First session  
of council  
after first  
election.

10. The first session of the council, after the first election, shall take place within eleven days immediately following such election, and at such meeting or prior thereto, the councillors elected shall take the following oath before a justice of the peace:

Oath of  
councillors.

"I (A. B.) do solemnly swear faithfully to fulfil the duties "of member of the city council of the city of Sherbrooke, "to the best of my judgment and ability. So help me God;"

Quorum.  
Election of  
mayor.

12. And the members then present, provided they form a majority of the council, which number shall constitute a quorum under this act, shall be authorized to act as the council, and shall immediately proceed to elect one of their number as mayor: and the members absent, without just cause, shall be held to have refused office and shall be liable to the fine

hereinafter provided for in like cases, unless they be persons exempt from serving ;

13. The councillors elected at the elections subsequent to the first, shall enter into office upon receiving notice from the presiding officer as aforesaid, and upon taking the oath aforesaid, and a meeting of the council shall take place within eleven days after, in the same manner as after the first election, and the councillors elected shall take the same oath, and those absent without just cause, shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such case, unless they be persons who are exempted from serving ;

Session after subsequent elections.

14. The expense of every election shall be defrayed out of the funds of the corporation.

Election expenses.

10. The general sessions of the council of the city of Sherbrooke shall be held on the first monday in each month at such hour as shall be fixed by resolution of the council, and in case the said first monday, shall be a holiday, then the session shall be held on the next following juridical day at the hour fixed for other general meetings.

Time of general sessions.

11. It shall be lawful for the mayor of the said city, whenever he shall deem it necessary or useful, to call special meetings of the said council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the mayor to call such meetings, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the secretary-treasurer of the said council their object in calling such special meeting and the day on which they are desirous that it shall be held, and the said secretary-treasurer shall, upon receipt of such written notification, communicate the same to the other members of the council, and shall give public notice of the same, and no other business shall be transacted at such meeting, except the business mentioned in such notice.

Special meetings.

Business transacted.

12. In any case in which one of the persons so elected shall refuse to act as councillor, or in case his election shall be declared null, the electors of the ward for which such election is necessary, shall proceed to a new election and elect a person to replace the said councillor within one month after the said refusal shall have been made known.

Case of refusal to act.

2. In case of the death of a councillor, or in case of his absence from the city, or incapacity, sickness, or any other cause, during two calendar months ; the other councillors, at the first meeting of the council which shall take place after such decease, or at the expiration of the said period of two months, shall declare the seat of such councillor to be vacant and 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 that notwithstanding the decease, absence or inability to act, of the said councillor, the remaining councillors shall continue to exercise the same powers, and fulfil the same duties which they would have had

Vacancies.

to exercise and fulfil, had not such decease, absence or inability to act, on the part of the said councillor, taken place.

Councillors  
elected in  
place of  
others.

3. Every councillor elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Oath of per-  
son presiding  
at election.

13. Before any person shall proceed to hold an election in conformity with this act, he shall take the following oath, which any justice of the peace is hereby authorized to administer, that is to say :

“ I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer at the election which I am about to hold of a person (or persons) to serve as members of the city council of the city of Sherbrooke. So help me God.”

His powers  
and duties.

14. The officers presiding at any election under this act, shall have authority, and are hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party is allowed by law to affirm), any candidate for the office of member of the said council, respecting his qualification to be elected to the said office, and shall also have authority, and are hereby required upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the presiding officers in both cases, shall be in the form following :

Voter's oath.

“ You shall true answer make to all questions put to you by me, in my capacity of presiding officer respecting your qualification to be elected a member of the city council (or respecting your qualification to vote at this election—as the case may be.) So help you God.”

Questions.

2. And the presiding officer shall himself put the questions when he shall think necessary, but in no case shall the presiding officer at any ward have the power to refuse or reject the nomination of any person duly nominated, or to refuse to record the votes cast for such candidate, and the fact that the person was sworn shall be entered in the poll-book.

Contestation  
of elections.

15. If the election of all, or of one or more of the councillors be contested, such contestation shall be conducted and decided according to the provisions of the municipal code, except in so far as the same is provided for, in and by the following section.

Failure of  
annual elec-  
tion.

16. In case it shall at any time happen that an annual municipal election shall not be held for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the said city council shall not, for that cause, be deemed to be dissolved, and it shall be lawful for such members of the said council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such annual municipal election ; and

in such case, the notices and publications required by this act, shall be published and posted up, not less than eight clear days before the election, and if, within fifteen days after the day in which such election ought to have been held, the members of the said council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each. Penalty.

17. The mayor of the said city, if he be present, shall preside at the meetings of the council, shall maintain order thereat and shall have a right to express his opinion, but not to vote on all questions which shall be brought before the said council; provided always, that when the said councillors, after having voted on any question, shall be found to be equally divided, then and in that case only, the mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office; provided also, that whenever the mayor shall not be present at any regular or special meeting of the said city council, the councillors present shall choose one of their number to fill the place of the mayor during the sitting. Duties of the mayor.  
Casting vote.  
Absence of mayor.

18. The council, at its first general session, or at a special session held within the fifteen days which shall follow the first day of such general session, shall appoint an officer who shall be called the "secretary-treasurer." Secretary-treasurer.

2. The secretary-treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours, and every copy or extract of or from any such book or register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper certified by such secretary-treasurer shall be deemed authentic. His duties in general.  
Authenticity of his certificates.

3. Every person appointed secretary-treasurer shall, before acting as such, give such security as shall be fixed and determined by the council; provided such security shall be hypothecary or by a guarantee company. His security.

4. The secretary-treasurer of the council shall receive all moneys due and payable to the corporation; and he shall, after having been authorized to that effect by the council or by the mayor, be bound to pay out of such moneys all drafts or orders drawn upon him by any person thereto authorized by this act, for the payment of any sum to be expended or due by the corporation, whenever thereunto authorized by the said council; but no such draft or order shall be lawfully paid by the said secretary-treasurer, unless the same shall show sufficiently, the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby. Receives and pays over moneys.  
Proviso.

Keeps books  
of account.

5. The secretary-treasurer shall keep in due form, books of account, in which he shall respectively enter each item of receipt and expenditure according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively ; and he shall keep in his office the vouchers of all expenditures.

Renders  
accounts.

6. The secretary-treasurer shall render to the council every six months, that is to say, in the months of june and december in each year, or oftener if required by the council, a detailed account of his receipts and expenditure, attested by him under oath.

Inspection of  
books.

7. The secretary-treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, to the council and to each of the members thereof, and the municipal officers thereof, and to any person liable to assessment in the city.

Neglect to  
render ac-  
count.

8. The secretary-treasurer, or any other person who shall have filled the said office, may be sued by the mayor in the name of the corporation, before the circuit court or the district magistrates' court, for having failed to render an account, and in any such action he may be condemned to pay damages, and interest, for having failed to render such account, and if he render an account, he shall be condemned to pay such balance as shall have been found or declared to be in his hands, together with such other sums as he ought to have debited himself with, or as the court shall think he ought to be held accountable for, and every judgment pronounced in any such suit shall include interest by way of damages, together with the costs of suit.

Suit.

Damages.

*Contrainte par  
corps.*

9. Every such judgment shall carry *contrainte par corps* against the said secretary-treasurer according to the laws in force in like cases, in the province of Quebec, if such *contrainte* be demanded in the action to compel the rendering of the said account.

Power of  
council to  
appoint  
officers.

10. The council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this act or any by-law or regulation of such council.

Duty of officer  
leaving office.

11. Every municipal officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office.

If he die, &c.

12. If any such officer die or absent himself from the province of Quebec without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death or from his departure from the said province.

Rights of his  
successor.

13. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie*

*revendication* or otherwise, to recover from such officer or from his legal representatives or from any other person in possession of the same, all such moneys, keys, books, papers, and insignia together with costs and damages in favor of the corporation, and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in the province of Quebec, when the *contrainte* is demanded by the declaration.

**19.** The said city council shall have power, whenever they may deem advisable, to appoint three assessors or valuers of property, and it shall be the duty of the said valuers to estimate the taxable property in the said city, distinguishing each category according to its real value, and in the manner, and within the periods, which shall be fixed by the said council. Valuators.  
Their duties.

**20.** Every person so appointed valuator shall be bound, before proceeding to the valuation of any property in the said city, to take the following oath before the mayor of the said city or before a councillor, to wit: "I [A B] having been appointed one of the valuers of the city of Sherbrooke, do solemnly swear that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability. So help me God." Their oath.

**21.** The valuers who shall be appointed for the said city, shall be proprietors of real estate in the said city, of the value of at least six hundred dollars currency of this province. Their qualification.

**22.** When the valuers shall have made a valuation of all the taxable property of the said city, the valuation-roll shall be placed in the hands of the secretary treasurer, and shall be revised in the manner provided by the municipal code; provided always, that if the said valuation-roll shall have been declared closed, and any property in the said city should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said council upon the petition of the proprietor to remit such portion of the taxes laid on such property for the then current year as after a report by the valuers of the diminution referred to shall seem right; and provided also that the said valuers shall, when directed by the said council, make a yearly valuation of the stocks in trade held in the said city. Deposit of the  
valuation roll  
Revision.  
Case of dimi-  
nution in  
value.  
Stocks.

**23** At the first meeting after each annual municipal election, two persons shall be appointed by the said city council, to be auditors of the accounts of the said council; and such auditors shall take the following oath before any one of the justices of the peace residing in the said city; that is to say: Auditors.

Their oath.

"I (A.B.) having been appointed to the office of auditor of the city of Sherbrooke, do hereby swear that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not directly or indirectly, any share or interest whatever in any contract or employment with, by or on behalf of the city council of the said city of Sherbrooke. So help me God."

Their duties.

**24.** It shall be the duty of the auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said council or concerning the latter, and which may relate to any matter or thing under the control of, or under the jurisdiction of, the said city council, before the annual municipal elections.

Persons who cannot discharge such duties.

**25.** Neither the mayor, councillors nor secretary-treasurer of the said city, nor any person receiving any salary from the said council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said city.

Mayor is a justice of the peace.

**26.** The mayor of the said city shall, during the period of his office, be a justice of the peace within the limits of the said city; provided always that he shall not be bound to take any other oath than the official one to act as such, any law to the contrary notwithstanding.

Persons who cannot serve as councillors

**27.** Every person holding the office of councillor of the said city, who shall be declared bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a judge, district magistrate or clerk of any court of justice, or a member of the executive council, or who shall become responsible for the revenues of the city, in whole or in part, or who shall make any contract with the said corporation to execute work or furnish supplies, 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, shall, by virtue of any of these causes, become disqualified, and his seat in the said council shall become vacant, and such person shall be replaced in accordance with the provisions of this act; provided always that the word "judge" employed in any part of this act, shall not apply to a justice of the peace.

Proviso.

General power to make by-laws.

**28.** It shall be lawful for the said city council from time to time to make such by-laws as may seem to them necessary or expedient for the preservation of order at the sittings of the council, for the internal government of the city, for the

improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares and vacant or occupied lots, for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said city.

**29.** It shall be lawful for the said city council to appoint, remove and replace, when they shall think proper, all such officers, constables and policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet, to ensure the due execution of their duties.

Power to name officers, &c.  
Their security.

**30.** In order to raise the necessary funds to meet the expenses of the said city council and to provide for the several necessary public improvements in the said city, the said city council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said city, the taxes hereinafter designated, that is to say:

To levy taxes;

2. On all lands, city lots and parts of city lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding two cents on the dollar on their whole value, as entered on the assessment roll of the said city;

On lands, &c;

3. On all stocks in trade or goods kept by merchants or traders and exposed for sale on shelves in shops or kept in vaults or storehouses, a tax of not more than one quarter *per cent.* on the estimated average value of such stock in trade, and in case any person or persons shall come temporarily into the said city to dispose of any bankrupt or other stock of goods, wares and merchandize, either at public auction or at private sale, the said council may, by resolution passed as soon as convenient, after the same shall come to their knowledge, levy on such person or persons a license fee of not less than twenty dollars, and not more than fifty dollars, for the sale of said goods so brought into the said city and exposed for sale therein, such duty to be payable by such person or persons on demand being made therefor by the secretary-treasurer, and if not paid when demanded, the same may be collected by distress-warrant issued under the hand and seal of the mayor or pro-mayor, immediately after such failure to pay, and said goods may be attached and shall be held for the payment of the same;

Stocks ;  
License ;  
Recovery of duties in certain cases ;

4. On each tenant paying rent, an annual sum equivalent to two *per cent* on the amount of his rent;

On tenants.

5. On each male inhabitant of the age of twenty one years who shall have resided in the said city for six months, not being a proprietor, tenant, an apprentice, nor a domestic servant, an annual sum of one dollar;

Capitation ;

Dogs ; 6. On every dog kept by persons residing in the said city, an annual sum of not less than one, or more than three dollars, and if the proprietor or harbinger of any dog shall fail to pay the said tax when legally notified so to do, by the municipal officer entrusted with the collection of the said dog-tax, then it shall be lawful for the said council to order the said dogs upon which the tax has not been paid, to be killed by poison or otherwise, and the council shall have the power to order dogs to be kept muzzled or tied up, and to cause to be destroyed such as are vicious or dangerous ;

Destruction of dogs ;

On proprietors of houses of public entertainment ;

7. And it shall be lawful for the said city council to fix by a by-law or by-laws, and to impose and levy certain annual duties or taxes in the discretion of the said council, on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating-houses, and on all retailers of spirituous liquors, and on all pedlers and itinerant traders selling in the said city, articles of commerce of any kind whatsoever, and on all proprietors, possessors, agents, managers and keepers of theatres, menageries, circuses, billiard rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever, and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters and livery-stable keepers, and on all traders and manufacturers and their agents, and on all proprietors or keepers of wood-yards or coal-yards and slaughter-houses in the said city, and on all money-changers or exchange-brokers, pawn-brokers and their agents, and on all bankers and agents of bankers and banks, and on all insurance companies or their agents, and generally on all commerce, manufactures, callings, arts, trades and professions which have been or which may be introduced into, or exercised in the said city, whether the same be or be not mentioned therein.

Pedlers ;

Keepers of theatres, &c ;

Auctioneers, grocers, &c ;

Yard keepers ;

Brokers ;

Manufacturers, &c ;

Tax on liberal professions.

31. Every person in the said city practicing the profession of an advocate, physician, land surveyor, notary or any other liberal profession within the limits of the said corporation, shall be assessed at the sum of not less than three dollars annually, and the said city council may name a person or persons, to make the roll of the persons and moveable property, mentioned in the different parts of the foregoing sections.

Roll of moveable property:

By-laws respecting ;

Opening of streets ;

Markets ;

Duties of clerks, &c ;

Stalls ;

Conduct ;

32. The said council shall also have power to make by-laws :

2. For opening new streets in the said city, to such extent as may from time to time, be required ;

3. For establishing market-places and for extending them hereafter ;

4. For determining and regulating the duties of the clerks of the market in the said city, and all other persons they may deem proper to employ to superintend the said markets, and for letting the stalls or places for selling upon and about the said market-places, and for fixing and determining the duties to be paid by any person selling on any of the said markets any provisions or produce whatever, and for regulating the conduct of all such persons in selling their goods and all produce whatever offered for sale on the said markets ;

5. For amending, modifying or repealing all by-laws made by the municipal council who have had the management of the internal affairs of the said city ; Amendments to by-laws ;
6. For regulating and placing all vehicles in which any article shall be exposed for sale on the said markets ; Vehicles on markets ;
7. For compelling proprietors to cause trees to be planted in front of their properties ; Trees ;
8. For preventing persons bringing articles into the said city, from selling or exposing them for sale in any other place than the markets of the said city, or for making all other by-laws, which they shall judge requisite to regulate the sale of such articles, and for punishing by confiscation of their articles, goods or provisions, persons who in exposing them for sale in the markets or streets of the said city, contravene the by-laws passed by the said council as to the weight or quality of such articles, goods or provisions ; Sale of merchandize ; Confiscation ;
9. For the establishment of public weigh-houses ; Public weigh-houses ;
10. For preventing obstructions of any nature whatsoever in the streets ; Obstructions on public streets ;
11. For preventing the sale on the public highway of any wares or merchandize whatsoever ;
12. For restraining, regulating or prohibiting the sale of any spirituous, alcoholic or intoxicating liquors ; Sale of spirituous liquors ;
13. For regulating and governing shopkeepers, tavern keepers and other persons selling such liquors by retail, and in whatever places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ; Hotelkeepers ;
14. For taxing saloons and saloon keepers ;
15. For preventing the sale of any intoxicating beverage to any child, apprentice or servant ; Saloons ; Sale of spirituous liquors to children, &c ;
16. For regulating, fixing and determining the weight and quality of bread, sold or offered for sale, within the limits of the said city ; Bread ;
17. For regulating the conduct and duties of apprentices, domestics, hired servants and journeymen in the said city, and also duties and obligations of masters and mistresses towards their servants, apprentices, journeymen and domestics ; Masters and servants ;
18. To prevent the keeping of gaming houses, places for gambling, or any description of house of ill fame in the said city ; Gaming houses ;
19. To establish as many public pounds, as the said council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said city ; Public pounds ;
20. For regulating, arming, lodging, clothing and paying a police force in the said city, and for determining their duties ; Police ;
21. To compel the proprietors of all land and real property within the said city, their agents or representatives, to enclose the same, and to regulate the height, description and material of every such enclosure ; Enclosure of lands ;
22. To compel the proprietors or occupants of lots of land in the said city, upon which is stagnant or filthy water, to Drains ;

- Low lands,  
&c ;
- Fences ;
- Special  
Hypothec ;
- Encroach-  
ments ;
- Old walls ;
- Width and  
level of  
streets ;
- Drainage tax  
on proprie-  
tors ;
- Idem to water  
the streets ;
- Removal of  
snow ;
- drain or raise such lands, so that the neighbours may not be incommoded nor the public health endangered thereby, and in the event of the proprietors of such lands being unknown or having no representative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained or raised, or to fence in and enclose them, at the cost of the proprietor, if they are not already fenced in and enclosed ; and the said council shall have a like power, if the proprietors or occupants of such lands are too poor to drain, raise or fence in the same, and in every case, the sum expended by the said council in improving such lands, shall remain as a special hypothec on such lands and have privilege over all other debts whatsoever without its being necessary to register the same ;
23. To oblige all proprietors or occupants of houses in the said city to remove from the streets all encroachments or obstructions of any sort, either hanging over, or placed thereon, such as steps, galleries, porches, posts, sign-boards or other obstacles whatsoever ;
24. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys, and buildings of any description which may be in a state of ruin, and to cause to be removed from the streets, all sheds, stables and other buildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;
25. For regulating the width of the streets to be opened hereafter in the said city, and for increasing the width of those already opened, for regulating and altering the height or level of any street or sidewalk in the said city ; provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said city, after a grade has been established, such damage shall be paid to such person after having been assessed by arbitrators, if any of the parties shall require it ;
26. For assessing the proprietors of property situate in any street or portion of a street of the said city for the purpose of making sewers or drains in said street or portion of street, such assessment being in proportion to the assessed value of such property, and for regulating the mode in which such assessment shall be collected and paid ; provided always that the said council shall not be authorized so to assess the proprietors in any street or portion of a street, for making such common sewers, unless the majority of the proprietors in such street or portion of a street, shall have prayed for such undertaking, or called for such assessment ;
27. For assessing, at the request of a majority of the citizens residing in any street or portion of a street or public square of the said city, all the citizens residing in such street or portion of a street or public square in any sums necessary to meet the expenses of sweeping, watering and keeping clean such street or portion of a street or public square, and for removing the snow from any such street or portion of a street, lane or public

place, such assessment being in proportion to the assessed value of the property therein ;

28. To prohibit the erection of steam-engines within the limits of the city for manufacturing or other purposes, except by leave of the council ;

29. To fix the place for the erection of any manufactories or machinery worked by steam in the said city ;

30. For establishing a board of health and investing them with all the privileges, powers, and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring all useful information on the progress or general effects of all contagious diseases, or for making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases or for diminishing the effects or the danger thereof.

33. For the better protection of the lives and property of the inhabitants of the said city, and for more effectually preventing accidents by fire, the said council may make by-laws for the following purposes, to wit :

2. For regulating the construction, dimension, height and elevation of chimneys above the roofs, or even, in certain cases, above the neighbouring houses and buildings, and within what delay they shall be raised or repaired ;

3. For defraying out of the funds of the said city, any expenses that the council shall deem necessary to incur, for the purchase of fire engines or apparatus of any kind, to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ;

4. For preventing thefts and depredations which may be committed at any fire in the said city, and for punishing any person who shall resist or illtreat any member or officer of the said council in the execution of any duty assigned to him, by the said council under the authority of this section ;

5. For making or authorizing, or requiring to be made, after each fire in the said city an enquiry into the cause and origin of such fire, for which purpose the said council or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath they are empowered to administer ;

6. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney-sweeps, as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city, to allow their chimneys to be swept by such licensed chimney sweeps, and for determining what rates shall be paid either to the council or to such chimney sweeps, and for imposing a penalty of not less than one dollar, nor more than five dollars, on all persons who shall refuse to allow their chimneys to be swept as aforesaid, and all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any justice of the peace ; and whenever any

chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said justice of the peace shall have power to impose the above penalty in full on the occupant of each house or family, or to divide the same among them in proportion to the degree of negligence, shown on proof before him ;

Keeping of  
ashes and  
quick-lime ;

7. For regulating the manner in which ashes and quick lime shall be kept in the said city, and for preventing the inhabitants of the said city from carrying fire in the street without necessary precaution, from making a fire in any street, or from going from their houses to their yards and outbuildings and entering therein with lights not enclosed in lanterns, and generally for making such regulations as they may deem necessary for preventing accidents by fire ;

Lights gene-  
rally ;

Conduct of  
persons pre-  
sent at fires ;

8. For regulating the conduct of all persons present at any fire in the said city, for obliging idle persons to assist in extinguishing the fire or in saving effects which may be in danger, and for obliging all the inhabitants of the said city, to keep at all times upon and in their houses, ladders and fire-buckets, in order the more easily to check the progress of fire ;

Ladders, &c ;

Aid to  
wounded, &c ;

9. For defraying out of the funds of the said city any expenses which the said council shall deem expedient to incur in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said city, or in any other service for the city, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in any other service for the city, or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said city ;

Demolition  
in case of  
fire ;

10. For vesting in such members of the said council, or in the fire inspectors or in the said members and inspectors who shall be designated in such by-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire and endanger the other property of the inhabitants of the said city, saving the obligation of paying to the proprietors of the buildings so demolished, the damages to which they may be entitled ;

Appointment  
of officers ;

11. For appointing all such officers as the council shall deem necessary, for carrying into execution the by-laws to be passed by them, in relation to accidents by fire, for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city ;

Inspection of  
houses, &c ;

12. For authorizing such officers as the council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, that is to say : between nine o'clock in the morning and four o'clock in the afternoon, either the inside or the outside of all houses and buildings of any description within the said city, for the purpose of ascertaining whether the rules and regulations passed by the said council, under the authority of this act, are regularly observed, and for obliging all proprietors or occupants of houses in the said city to admit all officers of the corporation for the purpose aforesaid ;

**13.** For imposing a penalty, of at least one dollar and not more than twenty dollars, for any infraction of by-laws legally made. Penalty.

**34.** The secretary-treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, according to the manner provided by the municipal code. Collection of rates.

**35.** Every tax or assessment imposed under this act upon any property or house in the city may be recovered either from the proprietor, tenant or occupant of such property or building. Recoverable from whom.

**36.** All the debts now due or hereafter to become due to the said corporation, for all taxes or assessments imposed upon moveable or immoveable property in the said city shall, under this act, be privileged debts according to the municipal code. Taxes privileged.

**37.** All the fines and penalties recovered under the provisions of this act shall be paid into the hands of the secretary-treasurer of the said city council, and the proceeds of all licenses granted under this act shall form part of the public fund of the said city, any law to the contrary notwithstanding; also all fines and penalties sued for and recovered, in the magistrates' court in the said city of Sherbrooke (save and except for the infraction of the laws relating to the sale of liquors,) under and by virtue of this act and under the summary convictions act, shall belong to and form part of the general funds of the said city of Sherbrooke and shall be paid over to the secretary-treasurer of the said city council, by the justice rendering judgment, and in all such cases the evidence may be taken *vidé voce* and need not be reduced to writing, unless at the time of the fying of the plea, the defendant requests the same to be taken in writing. Penalties, to whom paid. Licenses. Other penalties. Employment thereof. Proof *vidé voce*.

**38.** Before any by-law of the said council shall have force or be binding, such by-law shall be published by publication for two consecutive weeks in two newspapers published within the limits of the said city, in one newspaper in the french language, and in the other in the english language. Publication of by-laws.

**39.** The said council may contract loans for all objects falling within the scope of their power, by complying with the provisions of the municipal code, and may make a by-law or by-laws granting such bonus or bonuses, as they may think desirable and proper in aid of any manufacturing company or companies as may be established within the limits of the said city of Sherbrooke; but no such by-law shall be operative until the same shall have been approved of by the municipal electors of the said city under and by virtue of the provisions of the municipal code; provided however, that none but owners of real property who by the valuation roll are entitled to vote Power to borrow. Aid to manufacturing companies. Approval. Proviso.

at other municipal elections under this act shall be entitled to vote, either for or against any by-law for the purposes aforesaid.

Issue of debentures.

**40.** The said council may issue debentures for the purpose of raising money upon the credit of the city for all objects falling within the scope of their powers, such debentures to be issued subject to the provisions of the municipal code, and the amendments thereto; provided however, that none but owners of real property as aforesaid shall be entitled to vote for or against any by-law passed for the purposes aforesaid;

Mode of issue.

Proviso.

Issue of debentures for \$25,000, without approval of rate-payers.

2. But inasmuch as the said town of Sherbrooke has promised by way of bonus to the Canadian meat and produce company, the sum of eight thousand dollars, and inasmuch as there is due by said town, certain other debts which are now due and exigible, amounting in all to a sum not exceeding twenty-five thousand dollars, the said council may and they are hereby authorized to issue debentures for the purpose of raising money to pay these debts upon the credit of the city and without submitting the same to the rate-payers of the said city to an amount not exceeding twenty-five thousand dollars, such debentures to be issued in the form and under the provisions set forth in the municipal code and its amendments; save and except however, that they may be issued by virtue of a resolution of the council of the said city of Sherbrooke, and such resolution shall not require the sanction or approval of the municipal electors of the said city nor of the lieutenant-governor of this province, but such debentures shall have the same validity as though sanctioned by the lieutenant-governor.

Mode of issue.

Properties exempt from taxation.

**41.** The following property shall be exempt from taxation in the city of Sherbrooke:

All lands and property belonging to Her Majesty, Her heirs and successors, held by any public body or office or person, in trust for the service of Her Majesty, Her heirs and successors;

2. All provincial property or buildings;

3. Every place of public worship, presbytery, parsonage or manse and appurtenances and every burying-ground;

4. Every public school house and the ground on which the same is constructed, provided that such ground does not exceed one acre;

5. Every educational establishment and the ground on which the same is constructed, provided that such ground does not exceed two acres;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable institutions, not exceeding three acres.

Encroachments upon the streets.

**42.** It shall be lawful for the said city council to order the inspector of the said city to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said city by means of houses, fences,

buildings or obstructions 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 delay specified, the said corporation may itself remove the same and shall recover the sum expended for such purpose from the person in default.

Power to cause the removal of them in certain cases.

**43.** From and after the passing of this act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said city such a receipt or certificate falsely representing the value of the rent paid by such tenant in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof before the mayor or a justice of the peace, to a penalty of twenty dollars currency or less, with costs, or in default of payment to imprisonment during one calendar month or less, according to the judgment of such mayor or justice of the peace.

False representation.  
Penalty.

**44.** The said council shall have full and unlimited power to purchase and acquire out of the funds of the said city such lots, lands and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or for the erection thereon of a public building, or generally for any object of public utility of whatsoever nature.

Power to acquire land for the opening of streets, &c.

**45.** When the proprietor of a lot which the said council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, and also refuses or neglects within ten days after notification, to appoint an arbitrator to act jointly with an arbitrator chosen by the corporation, and to enter into a bond with the corporation to accept the award of the said arbitrators as compensation for said land, or in case such proprietor shall be absent from the province or in case such lot of land shall belong to minors, issue unborn, lunatics, idiots, or *femes covert*, the said council may apply to any judge of the superior court for Lower Canada in and for the district of Saint Francis after having given notice of such application to the party interested, an absentee in such case being notified by a notice for such object published during two months in the newspapers, one published in the english language and the other in the french language in the district of Saint Francis, for the appointment of an arbitrator by the said judge, to make, conjointly with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators however appointed, in case of a difference of opinion, to appoint a third, without being bound, in case of such latter appointment, to notify the parties; and when the said arbitrators or two

Expropriation for public utility.

of them shall have made their report to the said council, at a regular meeting thereof, it shall be lawful for the said council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court, for the district of St. Francis, for the use of the person entitled thereto; provided always, that in all matters of expropriation it shall be the duty of the said arbitrators in making their valuation, to declare if the residue of the said land, part whereof has been detached, is benefitted by the expropriation, and if such be the case, such value so given to the residue of the land shall be by them taken into consideration, in making the estimate of indemnity, and shall be deducted therefrom, and the decision of the said arbitrators, or of a majority of them, shall be final, and within ten days after notification of the deposit of such money, with the said prothonotary, which notification in the case of an absentee shall be published in the newspapers as required by this section, the owner of such land shall be bound to execute a deed of sale of said land to and in favor of the corporation, and in case of his failing to do so, then the registration in the registry office of the proper registration division, of the said award, and a certificate from the prothonotary of the deposit of such money, shall constitute a good and sufficient title to said land in the said corporation.

Penalty for refusal of charge or neglect.

**46.** Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office or to perform the duties of such office during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list, or designation of such office, that is to say :

Mayor ;

1. The office of mayor, fifty dollars ;

Councillors ;

2. The office of councillor, twenty-five dollars ;

Valuators ;

3. Whenever the valuers neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll to the secretary-treasurer of the council within two months from the date of their appointment, every such valuator shall incur a penalty of fifty dollars ;

Members of the council ;

4. Every member of the council, every officer appointed by the council, who shall refuse or neglect to do any act or perform any duty required of or imposed upon him by this act shall incur a penalty not exceeding twenty dollars and not less than one dollar ;

Voters not qualified ;

5. Every person who shall vote at any election of councillors, without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

Road inspectors ;

6. Every inspector of roads or road-officer who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council shall, for each day on which such offence shall be committed or such neglect shall continue incur a penalty of two dollars, unless some other and heavier penalty be by law imposed on him for such offence

7. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council in the exercise of any of the powers or in performance of any of the duties conferred 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 ;

8. Any person contravening any of the provisions of this act, the penalty for the infraction whereof is not already prescribed by any provision of this act, shall incur a penalty not exceeding twenty dollars.

47. All the penalties imposed by this act, or by any by-law made by the council, shall be recovered in the manner provided by the municipal code ; provided however, that in all summary trials for such penalties had before the district magistrate or any two magistrates in the said city of Sherbrooke, the evidence may be taken orally, unless the party prosecuted do make a demand that the same shall be taken in writing, and in all such cases, conviction shall carry costs.

48. All the powers conferred by the municipal code of the province of Quebec and the amendments thereto, upon any such council and not inconsistent with this act of incorporation, shall apply to the corporation of the city of Sherbrooke, to the municipal council and to the councillors and officers of the said corporation ; and wherever this act is silent, all the provisions of the said code and its amendments shall apply, and be law, in relation to all municipal matters in the said city of Sherbrooke and to all matters and things provided for in the said code.

49. An appeal shall lie to the circuit court from any decision of the council of the said city of Sherbrooke with reference to any valuation-roll, *proces-verbal*, expropriation of property, or any other thing with regard to which any party shall deem himself aggrieved by the decision of the council, and the decision of the court shall be binding upon all parties ; such appeal shall be prosecuted in the manner provided by articles 1064 to 1079 inclusive of the municipal code relative to appeals from decisions of county councils.

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