

Province de
Q U E B E C

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RAPPORT

DE LA

Commission Spéciale d'Éducation

Nommée par un arrêté ministériel en date du 31 juillet 1924,
et chargée d'étudier les trois questions suivantes:

1. L'extension des pouvoirs de la Commission des Écoles Catholiques Romaines de Montréal;
2. L'instruction des enfants juifs dans les Écoles Protestantes ou autres;
3. La situation financière des Écoles Protestantes de Verdun.

Publié par ordre du gouvernement de la province

Published by order of the Government of the Province.

REPORT

OF THE

Special Commission on Education

Appointed by order-in-council dated July 31, 1924, and charged
to study the three following questions:

1. The extension of the powers of the Board of Roman Catholic School Commissioners of Montreal;
2. The education of Jewish children in Protestant schools or in others;
3. The financial situation of the Protestant schools of Verdun.

QUEBEC
IMPRIME PAR **Le-A. PROULX**
Imprimeur de Sa Majesté le Roi.
1925.

QUEBEC
PRINTED BY **Le-A. PROULX**
Printer to His Majesty the King.
1925.

A106

A29

E33

1925

Ex. 2

QL

Magasin

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RAPPORT

DES

Représentants Catholiques

DE LA

Commission Spéciale d'Éducation

Concernant l'extension des pouvoirs de la Commission des Écoles Catholiques
de Montréal



Montréal,
le 27 décembre 1924.

L'honorable Alexandre TASCHÉREAU,
Premier Ministre de la Province de Québec,
Hôtel du Gouvernement.
QUEBEC.

Monsieur le Premier Ministre,

Les Commissaires catholiques de la Commission d'Éducation chargés spécialement d'étudier l'extension des pouvoirs de la Commission des Écoles Catholiques de Montréal ont l'honneur de vous présenter le rapport suivant.

L'extension des pouvoirs de la Commission des Écoles Catholiques de Montréal présente deux aspects différents :

- A—Augmenter la juridiction territoriale de cette Commission en annexant certaines municipalités indépendantes;
- B—Centraliser certains pouvoirs au Bureau Central de la Commission.

—A—

De l'année 1910 à l'année 1917, dix-sept municipalités scolaires indépendantes qui exerçaient leur juridiction scolaire dans le territoire de la Cité de Montréal furent annexées successivement à la Commission des Écoles Catholiques de Montréal, et le premier juillet 1917; par la loi 7 Georges V, chapitre 28, une nouvelle corporation était créée, fusionnant d'un seul coup vingt-trois autres municipalités scolaires indépendantes et l'ancienne Commission des Écoles Catholiques de Montréal. Depuis cette fusion générale deux autres municipalités scolaires furent annexées: la Municipalité Scolaire du Sault-au-Récollet et la Municipalité Scolaire de Saint-Bernardin-de-Montréal. Ce même mode de fusion fut adopté par la Commission des Écoles Protestantes de Montréal, et ni les contribuables ni les deux Commissions Scolaires de la Cité de Montréal n'ont eu à se plaindre du nouveau régime.

Ce principe de fusion qui a produit des résultats très satisfaisants dans le passé doit justifier son application pour l'avenir, et les commissaires catholiques de cette Commission se déclarent favorables au principe des annexions des municipalités scolaires, et elles devraient se faire au fur et à mesure que les circonstances le permettent.

Le système actuel d'administration de la Commission des Écoles Catholiques de Montréal fut étudié à une séance publique qui eut lieu lundi matin le 6 octobre à l'École Technique de Montréal. Plusieurs commissaires du Bureau Central et des Commissions de Districts furent présents à cette réunion, et à la demande de monsieur le Président de la Commission d'Éducation, y ont exprimé leurs vues.

La nouvelle corporation de la Commission des Écoles Catholiques de Montréal est en existence depuis le premier juillet 1917. Cette corporation suivant le paragraphe "4", tel qu'amendé par la loi 11 Georges V, chapitre 49, se compose d'un Bureau Central et de quatre Commissions de Districts. "Elle est gouvernée et administrée par le Bureau Central. Chacune des quatre Commissions de Districts possède des attributions que leur confère cette loi." Le Bureau Central est composé de sept membres: un membre choisi par le lieutenant-gouverneur en conseil; un membre choisi par l'archevêché de Montréal; un membre choisi par l'hôtel-de-ville et quatre membres élus par les Commissions de Districts. Le mode d'élection est défini par la loi. Chaque Commission de Districts se compose de six membres, dont deux membres nommés par le lieutenant-gouverneur en conseil; deux membres nommés par l'archevêché de Montréal et deux membres nommés par l'hôtel-de-ville.

Le premier devoir du Bureau Central fut d'établir le passif et l'actif de toutes les municipalités fusionnées, de solder les dettes mobilières en souffrance de ces municipalités et de consolider également leurs dettes immobilières. Les principaux devoirs du Bureau Central sont du domaine financier, alors que ceux des Commissions de Districts sont du domaine pédagogique. Depuis le premier juillet 1917, les Commissions de Districts se sont evertuées à mettre de l'uniformité dans l'enseignement. Les programmes d'études promulgués par le comité catholique du Conseil de l'Instruction publique sont suivis dans toutes les écoles; l'uniformité des livres décrétée par le Bureau Central est respectée; les examens et les promotions se font uniformément dans les Commissions de Districts et l'échelle de salaires des instituteurs adoptée par le Bureau Central est appliquée de la même manière dans tous les Districts.

Après avoir entendu les membres du Bureau Central et des Commissions de Districts qui se sont déclarés en faveur de certaines modifications à apporter au système actuel de comptabilité qui comporte cinq comptabilités distinctes, les commissaires catholiques de cette Commission recommandent de le simplifier en centralisant toutes les comptabilités des Commissions de Districts et du Bureau Central en une seule. Cette fusion fera disparaître le manque d'uniformité qui existe présentement: elle produira une économie fort appréciable et permettra d'établir un système de comptabilité qui sera parfait tant par son efficacité que par son

contrôle. Par suite de l'établissement d'une comptabilité unique, il sera possible de créer un bureau de statistiques dont on constate de plus en plus la nécessité et l'urgence. Les administrateurs de la corporation ont le devoir de se renseigner et les contribuables peuvent exiger certaines informations. Ce bureau compilerait les statistiques financières et pédagogiques.

Les représentants de la Commission des Écoles Catholiques de Montréal ont également signalé à l'attention de cette Commission d'Éducation qu'il résulterait de grands avantages pour la corporation, si les Commissions de Districts procédaient de concert avec le Bureau Central pour l'achat du mobilier et du matériel scolaires, du combustible et des matériaux devant être utilisés dans l'exécution des travaux de construction et de réparation des écoles et résidences. Cette Commission suggère la création d'un comité conjoint composé de huit commissaires, dont quatre membres du Bureau Central et un membre par chaque Commission de Districts. Ce comité ainsi constitué aura le pouvoir de faire, à même les fonds appliqués pour cette fin, tous les achats mobiliers pour le bénéfice des quatre Commissions de Districts.

Les remarques faites par plusieurs témoins entendus, induisent cette Commission à recommander que ce comité conjoint ait aussi le pouvoir, lorsqu'il croira qu'il est de l'intérêt de la Commission des Écoles Catholiques de Montréal et de l'administration de ses écoles, qu'il y ait uniformité dans la pratique ou les méthodes des quatre Commissions de Districts sur des points qui relèvent de leur juridiction, de suggérer au Bureau Central de cette Commission qu'un règlement décrétant une pratique ou une méthode uniforme en la matière soit adopté; si ce règlement est adopté sur telle recommandation, il devra devenir obligatoire pour les quatre Commissions de Districts.

Quelques autres modifications furent suggérées par certains membres de la Commission des Écoles Catholiques de Montréal, lors de la réunion publique du six octobre dernier—elles sont contenues dans les dépositions qui sont annexées à ce rapport.

Les commissaires catholiques désirent exprimer leur profonde sympathie à l'occasion du décès de leur collègue, monsieur J.-Auguste Richard qui, jusqu'au 12 novembre 1924, s'est montré un collaborateur éclairé et assidu.

Nous vous prions d'agréer, Monsieur le Premier Ministre, l'assurance de notre haute considération.

Le Président,

(Signé) Lomer GOUIN
" Aimé GEOFFRION.

REPORT
OF THE
PROTESTANT MEMBERS

Concerning the financial position of the School Commission of the
Municipality of Verdun,

MEMORANDUM OF CONCLUSIONS OF THE PROTESTANT
MEMBERS OF THE SCHOOL COMMISSION APPOINTED
TO INVESTIGATE THE FINANCIAL POSITION OF
THE SCHOOL COMMISSION OF THE
MUNICIPALITY OF VERDUN.

The Commissioners, having heard representatives of the School Commission of the Municipalities of Verdun, Montreal, Outremont and such others as represented themselves at the public session of the Commission called for the purpose after due notice thereof, and having examined all the financial statements, reports, documents and the Statutes of the Province, affecting the said different school municipalities, and having examined the system under and by virtue of which the Roman Catholic School Commission is being governed and operated, have come to the following conclusions,—

1. That pending provision being made for the education of Jewish children in the City of Montreal, and until action has been taken and a decision arrived at on the report of the Provincial Commission on Education, and in view of improving upon the system of the Protestant education now in existence, it is in the interest of the Protestant community to adopt, insofar as possible, the system put in force by the Legislature for the Montreal Catholic Schools as set forth in 7 George V, chapter 28, subject to such modifications as are necessary to make it applicable to the Protestant Educational System.

2. That the Protestant Board of School Commissioners shall be governed and administered by a Central Board.

3. That the territory to be governed and administered by such Central Board shall comprise the following,—

The City of Montreal,
Lachine (including Dorval),
Verdun,
Coteau St. Pierre (Montreal West),
Westmount,
St. Laurent,
Mount Royal,
Sault au Recollet (Montreal North),
Pointe aux Trembles,
Montreal East.

4. That the Central Board shall have jurisdiction over all of the above territory to the same extent and with the same powers as provided for in the said Act hereinbefore referred to.

5. That the local boards, now existing or to be formed, shall have local autonomy to the extent of and as provided for in 7 George V, ch. 28, as regards District Commissions.

6. That the Commissioners would deem it advisable if practicable, to reduce the said local school-boards to the number of four.

7. That, accordingly, the territory hereabove mentioned should be divided into four districts and grouped as follows,—

Central District: City of Montreal.

Western District: Lachine, Coteau St. Pierre (Montreal West), Westmount, Verdun.

Northern District: Outremont, Mount Royal, St. Laurent.

Eastern District: Pointe aux Trembles, Montreal East, Sault au Recollet (Montreal North).

8. That the present Board of Protestant School Commissioners of the City of Montreal be the Central or governing and administrative Board.

9. That the fact of the said Central Board being given the additional powers as herein recommended shall in no way limit or interfere with its presently existing powers.

10. The Commissioners further recommend that there be given to the Districts such representation upon the Central Board as may be found proper.

11. That, notwithstanding the foregoing recommendations, any territory above mentioned may,—instead of forming part of a local district,—be annexed for all purposes and form part of the Central District.

12. That a uniform rate of 10 mills, being the rate now prevailing in the City of Montreal, be imposed for the purposes of Protestant Education in all such municipalities.

13. That a uniform rate of 12 mills, being the rate now prevailing in the City of Montreal, be imposed on all property in the neutral panel.

14. That for the purposes of uniformity, all school taxes in such municipalities shall be levied by the city, town or village municipality, on the same date and the amount thereof paid to the different school boards on a determined date, if levied and not contested.

(signed) Arthur Currie,
“ Walter G. Mitchell,
“ E. W. Beatty.

Montreal, December, 22nd, 1924.

RAPPORT

DE LA

Commission Spéciale d'Education

Concernant l'instruction des enfants juifs dans les Ecoles Protestantes
ou autres de l'île de Montréal.

Montréal,
le 27 décembre 1924.

L'honorable Alexandre TASCHEREAU,
Premier Ministre de la Province de Québec,
Hôtel du Gouvernement,
QUEBEC.

Monsieur le Premier Ministre,

La Commission Spéciale d'Education constituée par l'arrêté ministériel en date du 31 juillet 1924, et composée de sir Lomer Gouin, monsieur Aimé Geoffrion, avocat, c.r., et monsieur J.-Auguste Richard, représentants des catholiques, de sir Arthur Currie, monsieur E.-W. Beatty, avocat, c.r., et l'honorable Walter-G. Mitchell, avocat, c.r., représentants des protestants, et de messieurs Michael Hirsch, Samuel-W. Cohen et Joseph Schubert, représentants des juifs, a l'honneur de vous présenter le rapport de ses délibérations.

Cette Commission fut chargée d'étudier les trois questions suivantes :

- (a) L'extension des pouvoirs de la Commission des Ecoles Catholiques;
- (b) L'instruction des enfants juifs dans les écoles protestantes ou autres;
- (c) La situation financière des écoles protestantes de Verdun.

Cependant, conformément au paragraphe troisième de l'arrêté ministériel, les commissaires catholiques doivent vous adresser un rapport séparé sur la question de l'extension des pouvoirs de la Commission des Ecoles Catholiques de Montréal. Les commissaires protestants vous transmettent également leur rapport sur la situation financière des écoles protestantes de Verdun.

La Commission Spéciale formée des commissaires des dénominations catholique, protestante et juive, vous soumet respectueusement les conclusions de ses délibérations concernant l'instruction des enfants juifs dans les écoles protestantes ou autres. Cette question fut discutée pendant douze sessions. Cinq de ces sessions furent publiques, et vingt-quatre personnes se sont présentées et y ont exposé leurs opinions. Ces opinions sont contenues dans des dépositions qui sont jointes à ce rapport. La Commission a ensuite délibéré privément durant sept sessions.

Les commissaires protestants ont présenté à la Commission générale le mémoire suivant :

**MEMORANDUM TO COMMISSION APPOINTED TO STUDY
AND REPORT ON THE SCHOOL SYSTEM OF THE
ISLAND OF MONTREAL.**

The Protestant Commissioners of the above mentioned Commission, having heard the representations of the different commissioners of the Protestant community, as well as those of the representatives of the Jewish community, at open and public sittings, of which due notice was given, and having examined all the representations made verbally and in writing and all documents and statutes governing the question of non-Catholic and non-Protestant education in the Province, beg to state as follows:

(1) That the Educational system of the Province of Quebec, created pursuant to the terms of the British North America Act, provided for dual or separate school systems—one under the control of the Roman Catholic and the other under the control of the Protestants. This system of education, although possibly open to certain criticisms which were directed against it at the time of its creation, is nevertheless, in the opinion of the Commissioners the best system that has yet been suggested for meeting the educational requirements of the Province.

(2) That at the time of Confederation, the population of the province was composed almost entirely of Roman Catholics and Protestants, and no provision was then, or has since, been made for a separate school system for the education of children or persons who are neither Roman Catholics nor Protestants.

(3) That from the time of Confederation, the children of persons neither Roman Catholics nor Protestants, and in particular the children of persons of the Jewish faith, have been as a matter of fact educated mainly in the Protestant schools of the Province, and up to the year 1903, no serious difficulties had arisen in connection with the education of such children.

(4) That about the year 1903, certain difficulties arose in connection with the question of the education of Jewish children in the Protestant schools of Montreal. These difficulties ultimately resulted in litigation, and the question of the rights of Jews in the Protestant schools of the City of Montreal was determined by a judgment of His Lordship Mr. Justice Davidson, rendered on the 14th day of February, 1903, in the case of Pinsler vs The Protestant Board of School Commissioners of the City of Montreal (O.R. Vol. 23 S. C. page 365.)

(5) That as a result of the difficulties referred to in the preceding paragraph, and of the judgment in the Pensler case, and as a result further of conferences which were subsequently held between the interested parties, the Protestant Board of School Commissioners of the City of Montreal, with a view to defining the attitude which the Board proposed to adopt with respect to the question of the education in the Protestant schools of the City of Montreal of the children of non-Catholics and non-Protestants, passed a resolution at a meeting held on the 2nd day of March, 1903, reading as follows:

WHEREAS an action has recently been instituted against the Board by certain Jews, and as a result, the judgment has in substance stated that by law the Jews have no rights in the public schools of this Province, either Roman Catholic or Protestant, we hereby declare our opinion that this glaring anomaly and injustice which deprives so large and respectable an element of our population as the Hebrew people of their rights as regards elementary education should be removed.

Further, we declare our readiness to co-operate with our Jewish fellow-citizens in seeking such equitable remedial legislation as will remove this unjust inequality.

At the same time we must call the attention of our Protestant constituents to the danger there is that their rights may be imperilled while the wrongs of the Jews are being rectified. If the non-Christian elements of the community should become a charge upon the Protestant Board of School Commissioners, while the revenue from them is so small, a burden will be imposed upon us which will seriously prejudice the excellent school system which for some years we have been laboriously striving to establish.

If the enactment be proposed that all citizens who are neither Protestants nor Roman Catholics have the right to send their children to whichever system of schools they choose, provided always that the school taxes of such parties be distributed to the two systems according to school attendance, we cannot object to the equity of such a remedy. At the same time, the creation of such rights, while perfectly just, does not bring to this Board the relief it so urgently needs. It simply means that the financial embarrassment heretofore felt from this cause will continue. Indeed, it is morally certain that with Montreal as a seaport of growing importance, there will be landed here from

Europe an increasing number of people of various races, necessarily of limited means, who, it is morally certain, will be to a great extent an educational charge upon this Board. In the absence of the single system of public schools which generally obtains on this continent, this constitutes an unjust inequality to our prejudice.

At the same time, we readily declare our willingness to educate the children of all citizens who may come to us, whatever their race or religion, provided we have the means to do so, and consider that necessary steps be taken at an early date to secure the necessary revenue for the purpose."

(6) That at the session of legislature following the adoption by the Protestant Board of School Commissioners of the above recited resolution, the legislation of 1903 was enacted. This legislation contained the following, amongst other provisions:

"Any provision to the contrary notwithstanding, in all the Municipalities of the Province, whether governed, as regards schools, by the Education Act or by special laws, or by the Education Act and by special laws, persons professing the Jewish religion shall, for school purposes, be treated in the same manner as Protestants, and for the said purposes shall be subject to the same obligations and shall enjoy the same rights and privileges as the latter.

6. After the coming into force of this Act, the children of persons professing the Jewish religion shall have the same right to be educated in the public schools of the Province as Protestants, and shall be treated in the same manner as Protestants for all school purposes.

No pupil of the Jewish religion, can, however, be compelled to read or study any religious or devotional books or to take part in any religious exercises or devotions, to which the father, or in his default, the mother or tutor, or person having care or maintenance of such pupil shall object."

(7) That from the year 1903 up to the enactment of the legislation of 1922 hereinafter referred to, Jewish children were educated in the Protestant schools, pursuant to the provisions of the legislation above mentioned.

(8) That between the years 1903 and 1923 there was a very large increase in the number of Jewish children attending the Protestant schools in the City of Montreal, as appears from the following report of the Protestant School Board:

Attendance	Jewish	Other non-Protestants	Protestants
1903	2,144	820	6,610
1923	11,974	820	18,597

(9) That as a result of this increase in the number of Jewish children attending the Protestant schools, the cost of the education of these children has for some time been, and is, considerably in excess of the revenue received from Jewish school taxes, the excess being largely borne by Protestant ratepayers.

(10) That in the year 1922 the Protestant Board of School Commissioners made representations to the Government of the Province in connection with the matters referred to in the preceding paragraph, as a result of which, and after conferences with all parties interested, the legislation of 1922 was enacted.

(11) That in the year 1923 the Protestant Board of School Commissioners of the City of Montreal presented a petition to the Legislature praying for the passing of an Act amending the legislation of 1903 in such manner as more clearly to define the respective rights of Protestants, non-Protestants and non-Catholics, in the Protestant schools of the City of Montreal.

(12) That as a result of differences of opinion which arose in connection with the subject matter of such proposed Act, the Lieutenant-Governor appointed the present Commission to examine and report on the school system of the Island of Montreal.

(13) That the Commission, after making a careful study of the reports made by Messrs. Michael Hirsch and Samuel Cohen on the one hand, and by Mr. Joseph Schubert on the other (these three gentlemen representing the Jewish community on the Commission) copies of which reports are hereto annexed, deemed it advisable to obtain the opinion of Mr. Eugene Lafleur, K.C., upon certain points connected with or arising out of the matters under investigation.

(14) That for the foregoing purpose, the following questions were submitted to Mr. Lafleur:

1. Does the statute of Quebec, 1903, chapter 16, permit the appointment of Jews to the Protestant Board of School Commissioners of the City of Montreal?
2. If the above question is answered in the affirmative, is the said statute to that extent unconstitutional?
3. Would the Protestant Board of School Commissioners of the City of Montreal be bound under the statute of 1903 to appoint Jewish teachers in their schools, and if

so, would the provisions of the statute in that regard be unconstitutional?

4. Would the appointment of Jews on the proposed Metropolitan Financial Commission outlined in the project submitted by Messrs. Hirsch and Cohen be authorized by the statute of 1903?
5. If the answer to question 4 is in the affirmative, are the provisions of the statute of 1903 in that regard constitutional, or would any new legislation by the province on the subject be constitutional?
6. Can Jews be lawfully appointed as Advisory Members of the Protestant Board of School Commissioners of the City of Montreal, or of the Protestant Committee of Public Instruction?

(15) That the opinion given by Mr. Lafleur in answer to the foregoing questions was to the following effect:

- (a) That the statute of 1903 is ultra-vires; 1o—insofar as it confers on the Jews equal rights with Protestants, depriving the Protestants of their undivided control in the administration of their schools; 2o—insofar as it compels the Protestant Board of School Commissioners to recognize the qualifications of Jewish teachers.
- (b) That the appointment of Jews on the Protestant Committee of Public Instruction would be unconstitutional.
- (c) That the appointment of Jews as advisory members to the Protestant School Board would be unconstitutional.
- (d) That the appointment of Jews on a central Board having the financial control of education, as proposed by the majority of the members of the Jewish commission, would be unconstitutional.

A copy of Mr. Lafleur's opinion, which is dated the 11th day of November, 1924, is hereto annexed to form part hereof.

(16) That upon the whole, and having regard to the foregoing opinion of counsel, the Commissioners have come to the conclusions, and beg to make the recommendations, hereinafter set forth:

(A) That it is not in the interests of the community that a statute of general public importance which is open to attack on the ground of its unconstitutionality, should remain in existence.

(B) That it would be useless to seek any amendment to the British North America Act.

(C) That the dual or separate school systems created at Confederation should be maintained.

(D) That it is not advisable to create more panels and thus add further to the complexity of the existing system.

(E) That the reason advanced for the appointment of Jewish representatives on a central Board, such as is referred to in the foregoing paragraphs, viz: "No taxation without representation" is unfounded in view of the fact that Jewish citizens of Montreal have exactly the same rights as all other citizens to elect representatives to the City Council and to the local legislature, the only bodies having the right to impose and control taxation for school purposes.

(F) That all children, irrespective of race or religion are entitled to an education in the schools of the Province.

(G) That the attitude adopted in 1903 by the Protestant Board of School Commissioners of the City of Montreal with regard to the education of non-Catholic and non-Protestant children, was proper and commendable and that in the interests of harmony and national unity, all the facilities of Protestant education should, in so far as circumstances permit, be continued and made available for the education of such children.

(H) That every facility should be afforded such non-Catholic and non-Protestant children to obtain an education of a standard equivalent to that afforded the Protestant children of the Province, due regard being had at all times to the welfare and interests of such Protestant children.

(I) That for the foregoing reasons, the Act of 1903 should be repealed, or amended in such manner as to eliminate all such provisions as are open to attack on the ground of unconstitutionality, and that such further legislation should be enacted as may be necessary for the following purposes:

1. To clearly define and determine the rights of non-Protestants and non-Catholics.
2. To provide for and assure the undivided control and administration of the Protestant schools by Protestants as contemplated by the British North America Act.
3. To make provision for the equitable distribution and apportionment of the cost of the education of non-Protestants and non-Catholics on the whole populations, irrespective of faith or denomination.

(J) That questions of Jewish holidays, Jewish teachers, and of segregation, are questions of administration and as such must remain subject to the discretion and control of the Protestant Board of School Commissioners. Such questions should be approached, considered and dealt with by all those interested in a spirit of equity, fairness and tolerance.

(K) That while submitting the recommendations hereinbefore set forth, the Commissioners appreciate the justice of the claim advanced by the non-Catholic and non-Protestants, that they should be afforded some proper means of making representations to the educational authorities, so that their various suggestions and grievances, if any, may from time to time be given due consideration, and with this in mind, the Commissioners suggest the creation of a non-denominational committee to be appointed by the Lieutenant-Governor in Council, with such powers as may be determined by the Legislature, including in particular the right to make representations to all school boards, not only on the Island of Montreal, but throughout the Province, in such manner and form as the Legislature may deem advisable, such committee to have the right to appeal, if deemed advisable, from the decision or decisions of any such Boards to either the Protestant or Roman Catholic Committee of Public Instruction, as the case may require.

The Commissioners desire to add that after deciding upon the foregoing conclusions and recommendations they received a copy of an opinion which has been obtained by the majority of the Jewish representatives on the Commission from Mr. Wallace Nesbitt, K.C. A copy of this opinion is annexed hereto to form part hereof. As will appear from an examination of this opinion, the views expressed in it with regard to the question of the constitutionality of certain parts of the legislation of 1903 differ radically from those set forth in the opinion of Mr. Eugene Lafleur, K.C., referred to above. The Commissioners under these circumstances think proper to make the further suggestions that should it be felt that doubt exists in respect of the question of constitutionality above referred to, and that such doubt should be removed before final action is taken upon the conclusions and recommendations herein set forth, or any thereof, this question might be submitted for judicial determination in such manner as may be deemed expedient, and the matter then reconsidered if necessary.

(Signed) E. W. Beatty,
“ W. C. Mitchell,
“ Arthur Currie.

Montreal, December 22nd, 1924.

Les commissaires juifs, messieurs Hirsch et Cohen, ont également présenté le mémoire suivant :

MEMORANDUM OF MAJORITY OF JEWISH COMMISSIONERS TO COMMISSION APPOINTED TO STUDY AND REPORT ON THE SCHOOL SYSTEM OF THE ISLAND OF MONTREAL.

The Jewish Commissioners, in addition to hearing the opinions and receiving the statement of the representatives of the different groups who appeared before the Commission, convened three public meetings to hear the opinions and receive the statements of Jewish citizens and representatives of Jewish organizations (anticipating that most of these opinions and statement would not be presented to the Commission as a whole). They have carefully considered all records, representations, reports, financial statements, and other data submitted to the Commission, and, furthermore, have studied the conditions of Education in the Province of Quebec, and the Laws pertaining thereto, and we, the majority of the Jewish Commissioners, wish to state as follows:

1. PRIOR to Confederation, namely, in 1831, Jews were given "full rights and privileges with all other subjects of His Majesty to all intents, constraints and purposes whatsoever.....and were held capable of taking, having, and enjoying any office or place of trust whatsoever within the Province" (1 William IV, Chap. 57; and 5 Victoria Chap 7, 1841). These laws existed and were not repealed at the time of Confederation, and are included in the Consolidated Statutes of Lower Canada 1861, Chap. 34, Section 7.

2. At the time of Confederation, the educational system existing in Lower Canada, provided for Elementary or Common Schools for the whole of the then population, including the Jews. Consequently, it cannot be argued that any system of education in the Province of Quebec at the time of Confederation was not intended to be applicable to Jews, that is, the fact that provision was made for only two systems of education, demonstrates that the Jews were a part of one of these systems (See Consolidated Statutes of Lower Canada, Chap. 15).

The then Statute also provided that those who differed in religious faith from the majority, would be called "dissentients", and could establish schools of their own, to be managed by trustees, who, for such purposes, would have the same powers as Commissioners, (the latter operating and managing schools for the majority of the population).

The whole of the educational system of Lower Canada was under the supervision of a Council of Public Instruction, the members of which were appointed by the Governor-in-Council. The said Council was undenominational in character. (See Consolidated Statutes, 1861, Chapter 15, Section 18 and following.)

It was only after Confederation, viz, in 1869, that the School Law of the Province of Quebec, was amended so as to, for the first time, define "religious majority" and "religious minority" respectively as being "Roman Catholic" and "Protestant."

3. The Jews and other non-Protestants-non-Catholics, from the time of Confederation, attended the Protestant Schools with no serious difficulty until the year 1902 when the anomalous position of the Jews became glaringly apparent in the Pinsler case. The judgment of His Lordship, Mr. Justice Davidson, rendered February 14th, 1903, made pointed reference to the unjust and untenable position of the Jews in the statement with which the learned Judge concluded his judgment as follows:—

"THERE are now over 10,000 Jews in the City, and besides, a great many property-owning taxpayers who are neither Protestants nor Roman Catholics. These numerous and important groups of our population create problems which did not exist when the foundations of our present educational system were laid. Their solution by the Legislature, if this judgment correctly interpretes the Law, has become of pressing importance."

4. As a result of this judgment and of conferences held between representatives of the Jewish citizens and the then Protestant School Commissioners of the City of Montreal, an agreement was arrived at as outlined by a Resolution passed at the meeting of the Protestant Board of School Commissioners held on March 2nd. 1903, and this was followed by the legislation of 1903, and as appears by the preamble of the said act, this legislation was the legal ratification of the agreement. The attitude and action of the then Protestant Board of School Commissioners was fair, commendable, and in the interest of harmony and National unity.

5. From the year 1903, until the year 1922, Jewish children were educated in the Protestant Schools, and the percentage of Jewish children in the Protestant Schools, increased from 23% in 1903, to 39% in 1922. During the same period, and in virtue of the same law, Jewish proprietors were obliged to pay their taxes into the Protestant panel.

6. In the year 1922, the Protestant Board of School Commissioners caused to be introduced a Bill before the Legislature having as its pur-

pose the abrogation of the law of 1903 above referred to. This Bill was not submitted for approval to the Jewish community, and was strenuously contested, and was not passed in the form in which it was presented. Instead, the Legislature enacted a law (13 George V, Chap. 44) which provided, amongst other things, firstly for the increase of the taxes of the neutral panel; and secondly, for the payment to the Protestant Board of School Commissioners out of the Neutral Panel, of the difference between the amounts received from Jewish taxpayers, and the cost of education of Jewish children, on the basis of Sixty dollars (\$60.) per child.

7. In the year 1923 (December), the Protestant Board of School Commissioners of the City of Montreal, caused to be introduced in the Legislature, a Bill seeking to amend the Legislation of 1903 in such manner as would take from the Jews all rights held by them hitherto under this Act 1903, and substituting only the privilege to Jewish children to attend the Schools of either the Roman Catholics or the Protestants, subject to such regulations as said Boards might enact. This Bill did not become Law.

8.—As a result of the differences of opinion which arose in connection with the proposed Act of 1923, the Lieutenant-Governor appointed the present Commission to examine and make recommendations with regard to the conditions of the School System of the various school municipalities included on the Island of Montreal.

9. At the beginning of the present School year, and notwithstanding the appointment of this Commission, the Protestant Board of School Commissioners of the City of Montreal, put into effect regulations resulting in the segregation of Jewish children in certain classes and schools, and limiting the appointment of Jewish Teachers regardless of qualification. These regulations, and the acts and statements thereon, taken together with the proposed legislation previously referred to, caused a grave feeling of apprehension and concern to the Jewish population of Montreal as being contrary to the intent and spirit of the Education Acts then existing.

10. Having regard to all the factors affecting the problem, the majority of the Jewish Commissioners have come to the following conclusions:—

- (a) All of the children of the Island of Montreal irrespective of race, religion or creed, are entitled to an elementary education in the Schools of the Island of Montreal.
- (b) The Jews and other non-Protestants-non-Catholics are entitled to equal rights for themselves and their

children with regard to all school matters on the Island of Montreal to the same extent as enjoyed by the Catholics and Protestants, and must assume equal obligations.

- (c) Provided the non-Protestant-non-Catholic population of the Island of Montreal be given effective representation, and their children be given that same equality in the Protestant Schools of Montreal as is enjoyed by the Protestant children, and proper legislation be enacted prohibiting discrimination against the children of the non-Protestant-non-Catholic population, then it is not advisable to create additional panels that must necessarily add to the complexity of the existing system.
- (d) The Act of 1903, if interpreted in a broad spirit, gives the Jews in the Protestant Schools, such "equality, protection, and representation."
- (e) The Act of 1903 was a legal ratification of an agreement between the then representatives of the Jews of the City of Montreal, and the then Commissioners of the School Board of the City of Montreal (the latter representing the Protestant population for School purposes); and the intention of the said legislation is evidenced by the Resolution of the Protestant School Board in the 2nd. March, 1903, and by the Act of 1903; and it was intended by all the parties that the said law would be valid. Subsequent legal opinion, to the effect that the Act is not constitutional, cannot justify either party to the agreement in attempting to abrogate or disregard the provisions of the Act, except to make legal the intention of such Act.
- (f) The right to elect representatives to the Council of Montreal and to the Provincial Legislature, does not in and of itself give to the Jews effective representation with regard to School matters. Should clause 1. of the Act of 1903 be abrogated, it would definitely mean "taxation without representation" for the Jews, as well as for the other non-Protestants-non-Catholics in the Province.

11. Believing that we were appointed to find a solution of the problems submitted for our consideration, based on the broad principles of

equality, justice, patriotism, and moral and educational advancement, and having applied ourselves to the study of the questions at issue from a non-partisan point of view, we submitted a plan (copy of which is herewith annexed), not as advocates for the particular group that we were appointed to represent, but as mediators endeavouring to do justice to all parties to the controversy, so as to bring about that unity and harmony in the community in which we live, which is essential to the highest degree of Canadian citizenship; and further, we take the position that the Commission was not meant to be a legal body, whose duty it is to weigh the technicalities of the law, particularly as there is the most absolute and radical differences of opinion, in regard to the legal questions involved, between two eminent legal authorities, viz; Mr. Eugene Lafleur, K.C, and Mr. Wallace Nesbitt, K.C., to whom the following questions were submitted: —

I. Does the Statute of Quebec, 1903, chapter 16, permit the appointment of Jews to the Protestant Board of School Commissioners of the City of Montreal?

II. If the above question is answered in the affirmative, is the said Statute to that extent unconstitutional?

III. Would the Protestant Board of School Commissioners of the City of Montreal be bound under the Statute of 1903 to appoint Jewish teachers in their schools, and, if so, would the provisions of the Statute in that regard be unconstitutional?

IV. Would the appointment of Jews on the proposed Metropolitan Financial Commission outlined in the project submitted by Messrs. Hirsch and Cohen be authorized by the Statute of 1903?

V. If the answer to question IV is in the affirmative, are the provisions of the Statute of 1903 in that regard constitutional, or would any new legislation by the province on the subject be constitutional?

VI. Can Jews be lawfully appointed to the Protestant Committee of Public Instruction?

VII. Can Jews be lawfully appointed as Advisory Members of the Protestant Board of School Commissioners of the city of Montreal, or of the Protestant Committee of Public Instruction?

THE summary of the opinions rendered by Mr. Lafleur and Mr. Nesbitt respectively in answer to the questions above enumerated were to the following effect:

(a) Mr. Lafleur: That the Statute of 1903 is **ultra vires**. 1. Insofar as it confers on the Jews equal rights with Protestants depriving the Protestants of their undivided control in the administration of their schools; 2, insofar as it compels the Protestant Board of School Commissioners to recognise the qualifications of Jewish teachers.

(a) Mr. NESBITT: That the Quebec legislation of 1903 is clearly Constitutional. That its language was wide enough to cover the appointment of Jews to the Protestant Board. That if Jewish teachers are appointed, such appointment would be legal, and if the Protestant Board refuse to appoint them simply because they are Jews that would be an undue discrimination.

(b) Mr. LAFLEUR: That the appointment of Jews on the Protestant Committee of Public Instruction would be unconstitutional.

(b) Mr. NESBITT: That the Jews can lawfully be appointed on the Council of Public Instruction.

(c) Mr. LAFLEUR: That the appointment of Jews as advisory members to the Protestant School Board would be unconstitutional.

(c) Mr. NESBITT: That the appointment of Jews as advisory members is constitutional.

(d) Mr. LAFLEUR: That the appointment of Jews on a Central Board having the financial control of education, as proposed by the majority of the members of the Jewish Commission, would be unconstitutional.

(d) Mr. NESBITT: That the appointment of Jews on such a Central Board is constitutional.

The full texts of the respective opinions of Mr. Lafleur and Mr. Nesbitt with regard to the above mentioned questions, and other questions presented to these Gentlemen, is herewith attached.

12. The creation of an undenominational Committee with restricted powers, as was suggested by the Protestant Members of the Commission after the opinion of Mr. Lafleur was rendered, and before the opinion of Mr. Nesbitt was secured, can in no manner be construed as providing effective representation consistent with the dignity of the Jewish people who provide 40% of the school population attending the Protestant Schools of the City of Montreal.

13. CONSIDERING the fear as expressed by the Protestant Board of School Commissioners of the City of Montreal, that the control of the Protestant Schools may go out of Protestant hands; and CONSIDERING the statements made, that in all other regards, the Protestants are prepared to offer the Jews absolute equality in the Schools; and CONSIDERING the moral rights of the Jews to effective representation; and further CONSIDERING the financial difficulties of the Protestant Schools of Verdun and other Municipalities on the Island of Montreal, WE offer as a solution, the plan herewith annexed, which we believe to be consistent with the principles above stated, as being fair and equitable to all the non-Catholic citizens of the Island of Montreal, and to their general welfare and common good.

14. The Protestant Members of the Commission having refused to take action on the plan presented by us until the legality thereof is decided by the Courts, we desire to make it clear that we cannot bind the Jewish people of the Island of Montreal for the future to an acceptance of such plan, and in all fairness, we must leave to them full right to use all other means that they may have to extricate themselves and their children from the humiliating position of inferiority in which they have been, and are being placed as regards the Schools of the Island of Montreal.

MAJORITY OF JEWISH COMMISSIONERS

(Signed) Samuel W. COHEN

(Signed) Michael HIRSCH

Montreal,
December 29th 1924.

SKELETON PLAN FOR THE SOLUTION OF THE NON-CATHOLIC SCHOOL PROBLEM ON THE ISLAND OF MONTREAL.

INTRODUCTION.

As stated in the heading, our proposed plan is only a skeleton outlining suggestions for the solution of the **NON-CATHOLIC SCHOOL PROBLEM** on the **ISLAND OF MONTREAL**. We necessarily have concentrated our attention on the important principles only, and we welcome any additions, amendments or suggestions that will improve the plan as outlined, or that will facilitate the working out of the details in connection with the plan.

We believe this plan to be the solution of the various difficulties created by the financial inequalities of the Municipalities on the **ISLAND OF MONTREAL**, and that it will correct most, if not all, of the present injustices and irritations of both Protestants and non-Protestants, safeguarding at the same time, the legal and moral rights of both. We believe that it will raise the standard of education on the whole Island of Montreal, and that it will effect savings and economies that will result in reduced cost of education.

We have tried to consider the solution of this problem only from the standpoint of the common good of all the school children of the Island of Montreal, to the end that they may become the best type of Canadian citizens. We realize that this plan is naturally not a perfect one, and that it may result in incidental inequalities, but we believe that it has in it the fundamental principles of British justice and modern progressiveness that should make it the forerunner of educational, civic, and national advancement, and further, we believe that it will be gratefully accepted by the great majority of Protestants and non-Protestants as a fair and practical solution of existing difficulties between them, without prejudice to the rights, dignity, or prestige of either.

The plan has two general divisions, which, while independent of each other in procedure, necessarily supplement each other in principle; they cannot be separated without affecting the interests, particularly of the non-Protestants, so that the plan to be equitably effective must be taken as a whole.

The two divisions are:

- (a) **THE CREATION OF A METROPOLITAN-FINANCIAL SCHOOL COMMISSION.**

(b) **THE ABROGATION OR AMENDMENT OF EXISTING LAWS AND THE ENACTMENT OF NEW LEGISLATION.**

(a) **Metropolitan Commission.**

(1) **PERSONNEL**

The Commission shall consist of fourteen Members of whom one-half shall be appointed by the Protestant School Boards on the ISLAND OF MONTREAL, and one-half by the Lieutenant-Governor-in-Council.

The PROTESTANT SCHOOL BOARD of the CITY OF MONTREAL, shall appoint four Members, and the remaining three Members shall be appointed by the other PROTESTANT SCHOOL BOARDS on the ISLAND OF MONTREAL.

The seven Members appointed by the Lieutenant-Governor shall be selected at large from the ISLAND OF MONTREAL, and THREE of these Members shall be non-Protestants.

The term of appointment of each Member shall be for three years and the appointments shall be rotating so that three Members retire each year, but these Members may be eligible to reappointment.

(2) **FINANCE**

The COMMISSION shall have full control of all finances for non-Catholic School education on the ISLAND OF MONTREAL.

The COMMISSION shall recommend the rate of School taxation and all such taxes collected shall be placed under the jurisdiction of the COMMISSION.

All expenditures for buildings, properties, improvements, etc., and all issues of bonds and capital expenditures of every kind are to be referred to and ratified by the COMMISSION.

Each School Board is to submit its Annual Budget to the COMMISSION which shall have the right to ratify or reject the budget, and if satisfactory, shall vote the necessary funds to the respective School Board.

The general powers of the COMMISSION are to be similar to those of the present METROPOLITAN CATHOLIC COMMISSION.

(3) **TAXATION.**

The rate of School taxation for all non-Catholic private property on the ISLAND OF MONTREAL is to be uniform, and it is suggested that ten mills be the present rate fixed.

The rate of taxation for the Neutral or Corporation Panel is to be uniform for the ISLAND OF MONTREAL and it is suggested that twelve mills be the present rate fixed.

All property on the ISLAND OF MONTREAL shall be taxed on the same basis of valuation as now exists in the City of Montreal.

The Neutral Panel tax, by arrangement with the CATHOLIC SCHOOL COMMISSION, shall be divided on the basis of two-thirds to the Catholics, and one-third to the non-Catholics, which is approximately the present existing ratio of division.

(b) **Legislation.**

(1) **GUARANTEES AND PROTECTION.**

The Acts of 1903 and 1922 may be abrogated or amended, and new legislation shall be enacted which shall include the following fundamental provisions:—

(a) All non-Catholic children shall have the right to attend the Protestant Schools, and shall be received into the Protestant Schools and treated in all manners, and exactly on the same terms and conditions as Protestant children.

(b) All non-Catholic ratepayers shall pay their school taxes into the Protestant School Panel.

(c) It shall be illegal for any PROTESTANT SCHOOL BOARD, or any Principal or Teacher, to discriminate in favor of or against any pupil because of race religion or creed.

(d) It shall be illegal to segregate or otherwise separate school children because of race religion or creed.

(e) A Religious-Conscience clause is to be included in the Act.

(f) Non-Protestant pupils shall suffer no disabilities in marks because of absence on Religious Holidays.

(g) Non-Protestant teachers shall not be discriminated against but shall be considered on their merits for both appointment and advancement.

(2) **PROTESTANT COUNCIL OF PUBLIC INSTRUCTION.**

Non-Protestants shall have the right to appointment on the Council of Public Instruction under the same conditions as Protestants, and THREE non-Protestants shall be forthwith appointed to this Board.

(3) **ADVISORY BOARD.**

An Advisory Board of THREE non-Protestants selected at large from the Island of Montreal shall be appointed by the Lieutenant-Governor-in-Council, and the duty of this Advisory Board shall be to confer with the various Protestant School Boards on the ISLAND OF MONTREAL and to advise and make recommendations on all matters pertaining to non-Protestant children.

The Advisory BOARD shall have no vote or voice in the control of the PROTESTANT SCHOOLS.

It is suggested that the non-Protestant Members on the Council of Public Instruction shall constitute the ADVISORY BOARD.

NOTE

The term NON-PROTESTANT as used above means non-Protestant-non-Roman-Catholic.

Plan submitted by:

(Signed) Samuel-W. Cohen,
" Michael Hirsch.

Montreal, October 29th. 1924.

Monsieur Joseph Schubert, commissaire juif, présente le mémoire suivant:—

AN EXPLANATION AND REASONS FOR THE SUGGESTED SOLUTION TO THE MONTREAL SCHOOL PROBLEM

1. ANNULMENT OF 1903 ACT.

It is neither advisable nor useful to keep a Law on the Statute books, which is neither respected nor practised by the majority concerned. The Protestants openly say that had they known that the Act of 1903 guarantees equal rights of representation on the Protestant Board to Jews, they would have not signed the said Contract. On the other hand, the Act as interpreted to-day is not only useless, but also harmful to the best interests of the Jews of Montreal. Under the circumstances, this Act should perhaps be amended, but I prefer a new general arrangement rather than the patching up of the 1903 Act.

2. DIVISION OF THE PRESENT EXISTING MONTREAL PROTESTANT PANEL (FOR EDUCATIONAL PURPOSES) INTO TWO SECTIONS. PROTESTANT OR CHRISTIAN SECTION AND JEWISH SECTION.

(a) PROTESTANT SECTION TO HAVE JURISDICTION OVER THE SCHOOLS WHERE THE MAJORITY OF ATTENDING CHILDREN ARE CHRISTIANS.

(b) JEWISH SECTION TO HAVE JURISDICTION OVER THE SCHOOLS WHERE THE MAJORITY OF CHILDREN ARE JEWS.

(c) THIS JURISDICTION QUESTION TO BE ADJUSTED YEARLY BY THE JOINT BOARDS.

IN asking for a division of the present existing Protestant Panel, (for educational purposes), I feel that this is the only system under which the Protestants would be able to have a full control over the vast majority of the Protestant children, and keep the spirit they desire in the Schools. On the other hand, I feel that the Jews would also have the full control of the schools, where the majority of the children are Jews, without imposing themselves on their Protestant neighbors. The reason why I choose jurisdiction over the Schools where the majority of children are of one faith or another, rather than geographical section,

is' because, as people move about from place to place, a school that may to-day have the majority of pupils of the Protestant faith may have in the next few years a majority of pupils of the Jewish faith, and vice versa. In suggesting that this matter be settled annually, I believe that it could be amicably settled if the spirit of good-will prevailed between the Joint Boards. The separate Jewish section, in having its own elected board members would not interfere in any way with the affairs of the Protestant section, yet they would have gained a point of connection with the exercising of political privileges accorded to all other sections of population in this Dominion. This proposed system is a Federative System.

It is a system which has proven workable and successful in every large enterprise whether private or public. Many Governments are conducted in this fashion, and many a successful school system is carried on under this arrangement. (I am informed that the Nova Scotia System is based on the same Federative System and is satisfactory to all concerned.—minorities as well as majorities.)

3. FORMATION OF A CENTRAL BOARD TO BE KNOWN AS THE METROPOLITAN FINANCIAL COMMISSION TO ARRANGE AND MANAGE ALL FINANCIAL PROBLEMS OF THE SCHOOLS ON THE ISLAND OF MONTREAL UNDER ITS FINANCIAL JURISDICTION.

THE BOARD TO BE COMPOSED OF ONE ELECTED MEMBER OF EACH SECTION AND THREE MEMBERS OF THE MONTREAL SECTION. TWO OF THESE MEMBERS TO BE PROTESTANTS, THE THIRD A JEW.

IT is needless for me to emphasize the advantages of the formation of the suggested Central Financial Board. The only difficulty that I see is that it may not have sufficient funds to carry out its educational work, but that is nothing new. This is felt to-day in Verdun. (i.e., Oct. 15, 1924). It may be felt, a little later, somewhere else, and it is consequently to the benefit of all, that if a higher tax is necessary for educational purposes, that this be spread over a larger population, such as the Island of Montreal, rather than leave the burden to a small section. The composition of the Board, I believe, ought to be democratic in principle and efficient. It would keep the Control Board always informed as to the conditions in which each section finds itself, and the sections of the conditions of the Central Board. In suggesting that Montreal have three instead of one, it is only fair when taking into consideration the vast difference of both Financial contribution and schools jurisdiction: and that one of the three should be a Jew, is also fair, since the Jewish

section would be as large as Verdun, Outremont, and, perhaps, Lachine combined.

4. ALL TAXES TO BE LEVIED ON THE POPULATION FOR SCHOOL PURPOSES SHALL BE UNIFORM IN CHARACTER.

It has always been the desire of all fair-minded people that taxation be uniform. The facts brought out before the Commission as to how property changes hands on account of difference in school taxation, should be sufficient to convince all of the necessity and of the justification of a uniform tax for school purposes. Until the school taxes of both Protestants and Catholics are uniform that it may be possible to equally distribute them on a *per capita* basis either of population or of school attendance, the deficit for the Protestant Panel should be the first charge on the Neutral Panel of Montreal, Verdun, Outremont, and others.

5. EVERY SECTION TO HAVE COMPLETE AUTONOMY AS TO THE ENGAGING OF SCHOOL TEACHERS AND PRINCIPALS.

In this paragraph, there is nothing new with the exception that the newly formed Jewish section would have the same rights and privileges as the Verdun, Outremont, Westmount, and other sections. This would not revolutionize the system of teaching, nor would it lead to the wholesale dismissal or transfer of Protestant teachers from the schools, under the Jewish Board's Jurisdiction. It would take more than five years before the Jews would be able to replace all the Christian teachers employed at present in the schools where the majority of children are Jews. During that time the Protestant section would be able to absorb the teachers into their schools. The question of Jewish teachers cannot be solved, in my opinion, in a better way, and I feel that it is needless for me to argue, that no self-respecting Jew would ever tolerate members of their race to be barred from practising a certain profession, whether it be on the educational, industrial, or other social activity. Apart from the fact that this is to a great extent also an economic question.

6. EACH SECTION TO SUBMIT A SEMI-ANNUAL BUDGET FOR THE APPROVAL OF THE CENTRAL FINANCIAL BOARD.

That each section should submit a semi-annual budget for the approval of the Central Financial Board, is only logical since all monies would be under the direct control of the Financial Board. It goes without saying, that thousands of dollars could be saved in many ways by

the centralizing of the purchasing power of the combined schools on the Island of Montreal.

7. THERE SHALL BE NO DISCRIMINATION AS TO WHAT SCHOOL OR CLASS-ROOM A CHILD SHOULD ATTEND, SO LONG AS HE OR SHE RESIDES WITHIN THE GEOGRAPHICAL SECTION OF THE SCHOOL AND THE SAID SCHOOL IS UNDER THE FINANCIAL JURISDICTION OF THE CENTRAL BOARD.

The suggestion in Paragraph Seven, if carried out would avoid unnecessary segregation and discrimination, which is practised at present and which the Jewish people strongly resent. No better system can be devised under the present circumstances to assure fair treatment to all concerned than the adoption of geographical section as the directing guide. Provided, however, that the ones who administer this provision are fair-minded people.

8. A NUMBER OF COMPETENT JEWS TO BE ADDED TO THE COMMITTEE OF PUBLIC INSTRUCTION.

That a number of competent Jews be added to the Committee of the Council of Public Instruction seems also logical since the Jews would participate in the deciding of secular education and not interfere in religious matters.

9. NO RELIGIOUS SUBJECTS TO BE TAUGHT BEFORE 3 P.M. AFTER THAT HOUR, CHILDREN MAY BE PERMITTED TO REMAIN AND RECEIVE RELIGIOUS INSTRUCTION OR MODERN JEWISH EDUCATION, IF THEY SO DESIRE. THE INSTRUCTORS TO COME FROM OUTSIDE, AND NO CHILD SHALL BE GIVEN OR LOSE MARKS ON RELIGIOUS SUBJECTS (CONSCIENCE CLAUSE TO BE STRICTLY OBSERVED.)

Paragraph Nine needs little explanation except the sentence that teachers should come from outside. My reason for this is that religiously inclined teachers with very rare exception are prejudiced to children who are not desirous of obtaining religious instruction. I do not mention the time to be devoted to modern educational Jewish teaching after three o'clock, since I feel confident that the Board managing the schools would be able to devise ways and means as to how to extend or limit the time for such teaching or for religious instruction.

10. NO CHILD ATTENDING SCHOOL UNDER THE JURISDICTION OF THE PROTESTANT SECTION SHALL LOSE MARKS FOR BEING ABSENT DURING JEWISH HOLIDAYS.

Paragraph ten needs no explanation.

11. ELECTION OF MEMBERS ON THE BOARD OF EDUCATION SHOULD TAKE PLACE UNDER THE NEW ZEALAND SYSTEM. A BOARD OF GOVERNORS, NINE IN NUMBER, HAS JURISDICTION OVER ONE SCHOOL OR PERHAPS OVER THE SCHOOLS OF A WHOLE CITY. OF THIS BOARD, THREE MEMBERS ARE ELECTED DIRECTLY BY PARENTS OF THE PUPIL, FOUR ARE ELECTED INDIRECTLY BY THE PARENTS, WHILE TWO ARE APPOINTED BY THE GOVERNMENT.

I understand that this suggestion is rather a departure from the present method and system of electing members to the Boards of Education. Nevertheless, I consider the proposed system to be the fairest and the most modern one. Not that any other system is bad, but in so far as principles of democracy and fairness are concerned, I do not know of a fairer method than the one I suggest.

12. GOVERNMENT SUBSIDIES TO BE GIVEN TO THE CENTRAL FINANCIAL BOARD WHICH SHALL BE PROPORTIONATELY DISTRIBUTED TO THE SECTIONS IN THE FORM OF SCHOLARSHIPS TO CHILDREN WHO WISH TO CONTINUE THEIR STUDIES BUT ARE UNABLE TO DO SO OWING TO FINANCIAL CIRCUMSTANCES.

IT is needless for me to try to convince anyone of the absolute necessity of extending the age and the limits of education and of providing the benefits derived from secondary education both for the scholar as well as for society. The ideal condition would be the free High and Technical Education, including books and other supplies. But if such a needed reform is not feasible at present, those that have talent and wish to continue their studies and are unable to do so, on account of lack of finance, should be encouraged by the Government through subsidies in the form of scholarships. It is nothing new that Governments should subsidize such children. The question is one only as to how far the Government will go. I am very much interested in the adoption of the principle that the Government should devote a certain sum of money for that purpose, which sum may from time to time be increased.

IN offering all these suggestions, I wish to state that I have made a thorough study of the problem, carefully thought over the remarks, and memoranda offered to the Commission during its sessions and I have reached the conclusion that no more honorable and just settlement for all parties concerned can be found under the circumstances than the Plan I suggest. I would, therefore, recommend that the Government appoint a Committee consisting of three Protestants, three Jews and one Catholic, with deciding powers to work out the details attached to this Plan and to put it into effect at the earliest possible date.

THE whole of which is respectfully submitted.

(Signed) Joseph SCHUBERT

Minority Jewish Representative
On the Special School Commission.

Montreal, December 26h, 1924.

APPENDIX

In submitting the attached "Plan and Explanation" as a solution to the School Problem as it affects the Jewish population on the Island of Montreal, I wish to add the following:

After having carefully considered the question as presented before the Special Commission by the various interested parties, I reached the conclusion, that the main problem is not as to what schools our children shall attend, but as to what legal rights and privileges the parents of Jewish children should exercise regarding the instruction and education of their children. It seems to me that unless the constitutional rights of Jews, regarding education, in this Province are clearly defined, the school problem cannot be satisfactorily solved.

The British North America Act does not clearly define the rights of Jews and other minorities regarding education. It would therefore seem logical that the British North America Act be so amended that it would amply provide for this pressing necessity. The tendency on the part of the majority members of the Commission, however, seem to be opposed to any amendments to the British North America Act.

It is, therefore, advisable, in my opinion, that the provision in the British North America Act which reads that, "In and for each Province the Legislature may exclusively make Laws in relation to Education", be made use of, and grant the Jews a separate panel, wherein they may find the opportunity of exercising rights and privileges accorded to their fellow-citizens.

The "Plan" attached is not a totally separate panel, but an Honorable Compromise which if adopted would satisfy, in my opinion, the majority of Jews on the Island of Montreal, and provide for better understanding and harmony between the Jews and the Protestants in the future.

Should the Government, however, find that this plan cannot be put into effect, then, under the circumstances, to be consistent with constitutionally defined rights and in order to uphold our pride and honor, I can recommend but one solution, and that is a Separate Jewish Panel.

Hoping that the "Plan" submitted herewith will be carefully studied, and that in the event questions will be submitted to the Court of Appeal and to the Privy Council for the decision as to constitutionality, questions arising out of my "Plan" and suggestions will also be incorporated and presented for decision.

(Signed) Joseph Schubert,
Minority Jewish Representative
On the Special School Commission.

December 26th, 1924.

CONCLUSIONS DE LA COMMISSION GENERALE

Comme il y a divergence d'opinions considérable dans ces trois mémoires, et que les commissaires protestants et juifs n'ont pu réussir à arriver à une entente, après avoir longuement délibéré et discuté, la Commission générale formule les conclusions suivantes:—

(a) Les commissaires désirent le maintien des deux systèmes scolaires catholique et protestant dans la Cité de Montréal, et se prononcent contre l'idée de créer un troisième système scolaire pour la population juive de Montréal. Monsieur Joseph Schubert diffère, Messieurs Michael Hirsch et Samuel-W. Cohen concourent à la condition qu'une autre solution satisfaisante de la difficulté soit trouvée.

(b) En vue du dissentiment dans les opinions de Mtre Eugène Lafleur, avocat, c.r., et de Mtre Wallace Nesbitt, avocat, c.r., mentionnées dans le mémoire des commissaires protestants et des commissaires juifs, messieurs Hirsch et Cohen, les commissaires suggèrent unanimement que pour solutionner d'une manière légale et équitable la question du droit des juifs en rapport avec les écoles protestantes et autres sur l'Île de Montréal, le Gouvernement devrait soumettre à la Cour d'Appel, et au besoin au Conseil Privé, les questions posées aux avocats ci-dessus et toute autre question se rapportant à la matière qu'il jugera à propos.

(c) Cette Commission recommande respectueusement au Gouvernement de maintenir le statu quo scolaire jusqu'à ce que les tribunaux aient rendu leur décision sur les questions qui leur seront soumises.

En signant ce rapport, les commissaires désirent exprimer tous les regrets qu'ils ont éprouvés de la mort de monsieur J.-Auguste Richard, membre de cette Commission, qui a démontré un bel esprit de civisme en prenant part d'une façon éclairée et assidue aux sessions et aux délibérations de cette Commission.

Nous vous prions d'agréer, Monsieur le Premier Ministre, l'assurance de notre haute considération.

Le Président,

(Signé) Lomer Gouin,
" Arthur Currie,
" E.-W. Beatty,
" Walter-G. Mitchell,
" Samuel-W. Cohen,
" Michael Hirsch,
" Joseph Schubert.
