



CHAPTER 10

An Act to ratify the contract between the Government of the Province and *La Communauté des Sœurs de la Charité de l'Hôpital général de Montréal*, respecting the custody, care and maintenance of children in its industrial school

[Assented to, the 29th of April, 1941]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The contract respecting the custody, care and maintenance of the children in the industrial school known as *École Notre-Dame-de-Liesse*, passed on the third of September, one thousand nine hundred and thirty-five, between the Government of the Province of Quebec and *La Communauté des Sœurs de la Charité de l'Hôpital général de Montréal*, before Émile Massicotte, notary, under the number 3515 of his minutes, and reproduced as an annex to this act, is approved and ratified as from the 3rd of September, 1935. Contract ratified.

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

ANNEX

Before Mtre. Émile Massicotte, a notary public for the Province of Quebec, residing and practising in the city and district of Montreal,

Appeared:

His Majesty, Our Sovereign Lord, King George the Fifth, herein represented by the Honourable Athanase

David, of the city of Montreal, advocate and King's Counsel, Secretary and Registrar of the Province of Quebec, duly authorized for the purposes hereof by an order-in-council of the Lieutenant-Governor of the Province of Quebec, dated the eighth day of the month of August, nineteen hundred and thirty-five, and approved by His Honour the Lieutenant-Governor of the Province of Quebec on the twelfth day of the month of August, nineteen hundred and thirty-five, a copy whereof, duly certified and signed by the parties for identification, is annexed to the original of these presents, hereinafter called "the Government",

Party of the first part,

AND

La Communauté des Sœurs de la Charité de l'Hôpital général de Montréal, called Grey Nuns, represented by the Reverend Mother Mailloux, née Marie-Élodie Mailloux, *économme générale* of the said community, duly authorized for the purposes hereof by virtue of a resolution passed by the council of administration of the said community, at a meeting held on the thirtieth day of the month of August, nineteen hundred and thirty-five, a copy whereof, duly certified and signed by the parties for identification, remains annexed to the original of this deed, hereinafter called "the nuns."

Party of the second part,

Which parties have covenanted together as follows to wit:

1. The said nuns, represented as aforesaid, bind themselves to receive, lodge, feed, clothe and teach all children, boys or girls, who will be sent to their industrial school known as *École Notre-Dame-de-Liesse*, a fit school, and recognized as such, to receive the children who may be sent there in accordance with the provisions of the Industrial School Act (R. S. Q., 1925, Chap. 160), by virtue of a certificate issued on the fifteenth of July, nineteen hundred and thirty-five, under the seal of the Provincial Secretary of Quebec, and recorded on the seventeenth of July of the same year (Lib. H, Fol. 396); to give them all necessary care, both in health and in sickness, and, in case of death, to have buried at their expense all the bodies which are not claimed by the families concerned;

to instruct them in all work suited to their age and sex, and, in general, to deal with the children so entrusted to them in the said industrial school, and oblige them to work in such manner as to give complete satisfaction and to fulfil the purpose for which the industrial schools of this Province have been established, and more particularly, the said Notre-Dame de Liesse Industrial School.

2. The said Notre-Dame de Liesse industrial school shall be submitted and be subject to the laws in force in this Province governing industrial schools and to those which may in future be passed, as well as to all the laws respecting Government inspection and superintendence.

3. The nuns may establish and maintain branches of the said Notre-Dame de Liesse industrial school, and in particular may maintain the existing branch, situated at Chambly, in the Province of Quebec, intended specially for the reception of female children, the main Notre-Dame de Liesse school, situated in Montreal, to be more particularly devoted to the reception of male children. All the branches of the said Notre-Dame de Liesse industrial school shall be subject to the provisions of this contract.

4. In the event of any of the children confided to the custody of the nuns escaping, the latter shall be obliged to have them apprehended forthwith and brought back at their expense.

5. The nuns shall be obliged to furnish to the Department of the Provincial Secretary of Quebec a half-monthly report, on the first and the fifteenth days of every month, in accordance with the forms supplied for such purpose by the Department of the Provincial Secretary of Quebec, in which they shall give the dates of entry, of escape, of temporary release, of readmission, of final discharge, and of the death of each of the children confided to them. Upon failure by the nuns to furnish such half-monthly report, the Government shall have the right to retain a sum representing the board of the children whose places shall have remained vacant owing to the fact that the report so required has not been furnished to the Department of the Provincial Secretary in compliance with the provisions hereof, during the time such places shall so remain vacant or presumed vacant by reason of such default.

6. The nuns must comply with the instructions which the inspectors of asylums, prisons, hospitals and

other institutions of this Province, whom the Lieutenant-Governor in Council may deem expedient to appoint, and with the instructions which the Provincial Secretary may give them, from time to time, provided that the carrying out of such instructions does not give rise to a marked increase in the cost of maintenance of the children.

7. The nuns shall be bound to furnish the Provincial Secretary with a true copy of the contract of apprenticeship or for domestic service of each child placed, by their efforts, outside their industrial school, and to keep the Provincial Secretary's Department advised, in so far as possible, of the place to which the children went upon leaving their school.

8. In addition to the persons authorized by law so to do, it shall be lawful for the judges of the Sessions of the Peace, the members of the Legislative Council and of the Legislative Assembly of the Province of Quebec, the members of the Executive Council, the director-general of hospitals, asylums for the insane and reformatory and industrial schools of the Province, as well as the bishop of the diocese and his *grands vicaires* at any time to visit, at suitable hours, the said industrial school and its branches which must be kept in accordance with the above cited Industrial School Act.

9. In default by the nuns faithfully to carry out the clauses and conditions hereof and to comply generally with the provisions of the Industrial School Act and of all laws which may be made respecting such schools, this contract shall, at the Government's option, become null and void for all legal purposes.

10. This contract is thus made for a term of ten years, to be computed from the fifteenth of October, nineteen hundred and thirty-five, and shall expire on the fifteenth of October, nineteen hundred and forty-five. The nuns may, nevertheless, receive children confided to their care from this day. Each party shall be entitled to terminate this contract before the expiration of such ten-year term, upon giving at least twelve months' notice thereof.

11. The Government undertakes and binds itself to pay to the nuns, at the office of the Provincial Treasurer, a sum of eleven dollars (\$11.00) per month for each child confided to the nuns' said school, for the period of such child's detention, such payments to be made every three months.

12. The Government shall provide the services of a physician and of a specialist in oto-rhino-laryngology for the treatment of the children, but the maintenance of sick children, the attention they require, as well as medicines shall all be at the charge of the nuns. The appointing of such physician and of such specialist shall be made by the nuns.

13. The nuns shall not be obliged to receive more than three hundred and eighteen (318) children at one time.

14. These presents shall have force and effect only in so far as they shall have been approved and ratified by an act of the Legislature of the Province of Quebec.

15. The nuns shall pay the cost of this deed and of copies and all other expenses connected therewith.

Whereof Acte.

Done and passed at Montreal, on the third day of the month of September, nineteen hundred and thirty-five, under the number three thousand five hundred and fifteen of the minutes of the undersigned notary.

And, after due reading, the parties have signed with and in the presence of the undersigned notary.

(Signed) S^ŒUR MARIE-ÉLODIE MAILLOUX,
" ATHANASE DAVID,
" ÉMILE MASSICOTTE, N.P.

True copy of the minute remaining in my office.

ÉMILE MASSICOTTE, N.P.

Copy of the report of a committee of the Honourable the Executive Council, dated the 8th of August, 1935, approved by the Lieutenant-Governor on the 12th of August, 1935.

Respecting a contract between the Government of the Province of Quebec and the nuns of the Grey Nun's Hospital of Montreal.

The Honourable the Provincial Secretary, in a memorandum dated the 8th of August (1935), recommends that he be authorized to sign, for and in the name of the Government of the Province of Quebec, the contract

to be entered into between the said Government and the nuns of the Grey Nuns' Hospital, of Montreal, for the custody and maintenance of children in their industrial school known as *École Notre-Dame-de-Liesse*.

Certified.

(Signed) WM. LEARMONTH,
Asst. Clerk of the Executive Council.
(Seal).

This is the certified copy of an order-in-council dated the eighth day of the month of August, nineteen hundred and thirty-five, and approved by His Honour the Lieutenant-Governor of the Province of Quebec on the twelfth day of the same month, to which reference is made in a deed of agreement between the Government of the Province of Quebec and *La Communauté des Sœurs de la Charité de l'Hôpital Général de Montréal*, made on the third day of the month of September, nineteen hundred and thirty-five, before Mtre. Émile Massicotte, notary, under the number three thousand five hundred and fifteen of his repertory, and attached to the minute of the said deed of agreement to form part thereof, after having been signed for identification by the parties to the said contract with and in the presence of the undersigned notary.

For identification,

(Signed) SŒUR MARIE-ÉLODIE MAILLOUX
" ATHANASE DAVID
" ÉMILE MASSICOTTE, N.P.

True copy.

ÉMILE MASSICOTTE, N.P.

At a meeting of the Council of *La Communauté des Sœurs de la Charité de l'Hôpital Général de Montréal*, commonly called Grey Nuns, held on the thirtieth day of the month of August, in the year nineteen hundred and thirty-five.

There were present:
Mother M. A. Piché, Superior-General,

Mother M. E. Gallant, Assistant-General,
 Mother M. V. Allaire, Assistant-General,
 Mother Saint-Jean-Baptiste, Assistant-General,
 Mother M. G. Duffin, Assistant-General.

It was resolved:

That Sister Marie-Élodie Mailloux, *économiste générale* of the said Community, be and is hereby authorized to sign, for and on behalf of *La Communauté des Sœurs de la Charité de l'Hôpital Général de Montréal*, Grey Nuns, a contract between the Government of the Province of Quebec, represented by the Honourable Athanase David, of the city of Montreal, advocate and King's Counsel, Secretary and Registrar of the Province of Quebec, and the aforesaid community, for the purpose of establishing an industrial school known as *École Notre-Dame-de-Liesse* and the Branch now existing at Chambly, P. Q. Other branches may be created in future. In these schools children of both sexes shall be received.

The main Notre-Dame de Liesse school shall be intended more particularly for young boys and the Branch at Chambly for the girls.

The said Notre-Dame de Liesse School and its Branches shall be subject to the laws in force in the Province of Quebec governing industrial schools, provided that such laws, in their tenor and application, be in conformity with canonical law.

The said Sister Marie Élodie Mailloux is also authorized to stipulate, in the contract, such clauses and conditions as she may deem expedient to establish, for and on behalf of the said Community.

(Signed) SŒUR M. A. PICHÉ, Superior-General,
 " SŒUR SAINT-JEAN-BAPTISTE,
 Sec.-General.

True extract from the Minute-Book of the Council of
La Communauté des Sœurs de la Charité de l'Hôpital Général de Montréal.

General Hospital of the Grey Nuns,
 Montreal, 30th August, 1935.

(Signed) SŒUR SAINT-JEAN-BAPTISTE,
 Sec.-General.

(Seal.)

This is the certified copy of the resolution of the council of the corporation of *La Communauté des Sœurs de la Charité de l'Hôpital Général de Montréal*, commonly called Grey Nuns, passed at a meeting held on the thirtieth day of the month of August, nineteen hundred and thirty-five, referred to in a deed of agreement between the Government of the Province of Quebec and *La Communauté des Sœurs de la Charité de l'Hôpital général de Montréal*, made on the third of September, nineteen hundred and thirty-five, before Mtre. Émile Massicotte, notary, under the number three thousand five hundred and fifteen of his repertory and attached to the minute of the said deed of agreement to form part thereof, after having been signed for identification by the parties to the said deed with and in the presence of the undersigned notary.

For identification,

(Signed) SŒUR MARIE-ÉLODIE MAILLOUX,
" ATHANASE DAVID,
" ÉMILE MASSICOTTE, N.P.

True Copy.

ÉMILE MASSICOTTE, N.P.
