



## CHAPTER 80

### An Act respecting the Montreal Catholic School Commission

*[Assented to, the 14th of June, 1940]*

**WHEREAS** the Montreal Catholic School Commission has, by its petition, represented: Preamble.

That, in order to balance its budget for the school year 1940-1941, the Commission must secure additional revenues;

That it is necessary, furthermore, to provide adequately for the payment of the salaries of the professors in the employ of the Commission;

That the deficits of the Commission result from the fact that the amount payable annually by the corporation of the city of Montreal for the maintenance of schools in the territory forming part of the Commission has considerably diminished and has become insufficient to provide for them, and that it is necessary that this amount be increased;

That it is necessary and urgent that the Commission be authorized to borrow, besides the loans already authorized, a sum of one hundred and eighteen thousand two hundred and fifty dollars to pay and reimburse debentures to become due during the school year 1940-1941, and to issue bonds or debentures for this amount;

That it is necessary and urgent to have it decreed that the principal and interest of the loans authorized by the acts 2 George VI, chapter 66, section 2, and 3 George VI, chapter 72, section 3, shall be paid by the director of finance of the city of Montreal from the annual proceeds of the school tax in the city of Montreal

and that the director of finance shall be obliged to sign the bonds or debentures of such loans;

That it is expedient to have amended the provisions of the acts 1 George VI, chapter 66; 2 George VI, chapter 66, and 3 George VI, chapter 72, concerning the loans that the Commission is authorized to make in order to balance the revenue budget of the school years 1936-1937, 1937-1938, 1938-1939 and 1939-1940, so as to provide for the payment of the said loans on a basis of less than forty years starting from the date of their issue, and to authorize the Commission to effect the said loans, if it deems it expedient, by means of bonds or debentures repayable by equal and annual instalments in not more than twenty years;

That it is expedient to have amended section 6 of the act 8 George V, chapter 37, concerning the valuation of lands under cultivation for school purposes;

That by reason of claims of a legal nature made by the heirs of Arthur Eugène Brunet, in his lifetime broker of the city of Montreal, before the purchases of immoveables made by the Commission at judicial sales, hereinafter mentioned, as well as by reason of doubts which might exist as to the validity of the titles that the said Arthur Eugène Brunet might have had to the said immoveables, it is expedient to have ratified, confirmed and validated the sales made by the sheriff of the district of Iberville, on the 1st of August, 1934, and the 14th of November, 1939, of the immoveable properties described in this act and to have enacted that the Commission has an irrevocable right to the ownership of the said immoveables which belonged to the said heirs;

That it is necessary to have ratified, confirmed and validated the transfers made as donations to the Commission by the city of Montreal by deeds made before Mtre. Jean Beaudoin, N. P., on the 26th of January, 1939, and the 30th of March, 1940, respectively, and to have enacted that the Commission, which is owner of all the lots of land included in the quadrilateral situated between Sherbrooke, Valois, Rachel and Chambly streets, of the city of Montreal, and owns a right of way to the exclusion of whomsoever in the lanes and in that part of Nicolet street, included in such quadrilateral, shall have an irrevocable right to the ownership of the said lanes and of the said part of street: the company that owned them originally has ceased to

exercise its corporate powers for a number of years, and it is impossible to obtain the transfer of same; therefore, it is expedient to pass an act, as above stated, in order that the Commission shall have a perfect title to all the land included in the said quadrilateral;

That, as a consequence, it is necessary to amend certain acts governing the Commission and to pass certain new acts;

That it is expedient to accede to the requests contained in the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** Section 1 of the act 34 Victoria, chapter 12, as <sup>34 Vict., c. 12, s. 1,</sup> amended by the acts 36 Victoria, chapter 33, section 1; 55-56 Victoria, chapter 61, section 1; 4 Edward VII, chapter 50, section 1; 6 Edward VII, chapter 84, section 2; and replaced by the acts 8 George V, chapter 37, section 4; 9 George V, chapter 38, section 1; 10 George V, chapter 39, section 1; 11 George V, chapter 50, section 1, and 13 George V, chapter 43, section 1, is again replaced by the following section:

**“1.** Section 23 of the law of this Province, 32 <sup>32 Vict., c. 16, s. 23</sup> Victoria, chapter 16, intituled: An act to amend the <sup>am., as re-</sup> laws respecting Education in this Province, is amended <sup>gards the</sup> as to the amount only to be paid by the corporation <sup>amounts to</sup> of the city of Montreal for the maintenance of the <sup>be paid by</sup> schools in the said city; and, in future, the corporation <sup>the city of</sup> of the city of Montreal shall pay, for the maintenance <sup>Montreal for</sup> of the schools in the said city, instead of a sum equal <sup>the support</sup> to three times the amount of the share of the Govern- <sup>of schools in</sup> ment grant to the schools of the said city, as provided <sup>the city.</sup> for in the said section, a sum equal to one cent on the dollar on the total value of the taxable immoveable property of the said city, entered on list No. 1, and to one cent on the dollar on the total value of the said taxable immoveable property of the said city, entered on list No. 2, as it is provided for by the first and second paragraphs of section 29 of the law of this Province, 32 Victoria, chapter 16, and by section 1 of the act 9 Edward VII, chapter 38, and, subject to the provisions of section 1 of chapter 64 of the act 21 George V, to one cent and two-tenths per dollar on the total value of the taxable immoveable property,

entered on list No. 3, as it is also provided for in paragraph 3 of said section 29 of the act 32 Victoria, chapter 16, and in section 1 of the act 9 Edward VII, chapter 38.

**Application.** This provision, as to lists Nos. 1 and 3, shall apply to the whole territory which shall be declared to form part of the Montreal Catholic School Commission, or which might form part thereof in the future."

**54 Vict., c. 53, s. 1, am.** **2.** Section 1 of the act 54 Victoria, chapter 53, as amended by the acts 63 Victoria, chapter 99, section 1; 5 Edward VII, chapter 90, section 1; 6 Edward VII, chapter 84, section 1; 9 Edward VII, chapter 39, section 1; 1 George V (1st session), chapter 22, section 1; 2 George V, chapter 27, section 1; 3 George V, chapter 30, section 1; 6 George V, chapter 63, section 1; 8 George V, chapter 37, section 1; 10 George V, chapter 39, section 3; 11 George V, chapter 49, section 1; 12 George V, chapter 48, section 1; 14 George V, chapter 35, section 1; 15 George V, chapter 43, section 1; 16 George V, chapter 46, section 1; 17 George V, chapter 41, section 1; 18 George V, chapter 49, section 1; 19 George V, chapter 46, section 1; 20 George V, chapter 58, section 1; 21 George V, chapter 62, section 1; 22 George V, chapter 60, section 1; 24 George V, chapter 42, section 1; 25-26 George V, chapter 55, section 1; 1 George VI, chapter 66, section 1; 2 George VI, chapter 66, section 1, and 3 George VI, chapter 72, section 1, is again amended;

By adding thereto, after subsection *ll* thereof, the following subsection:

**Additional loan authorized.** "*mm.* The Montreal Catholic School Commission is authorized to borrow, over and above the loans already authorized, an additional sum not exceeding one hundred and eighteen thousand two hundred and fifty dollars for the payment and reimbursement of the debentures to become due during the school year 1940-1941 and, thereupon, to issue bonds or debentures for such amount.

**Issuing formalities.** Such bonds or debentures shall be issued in conformity with the act 54 Victoria, chapter 53, section 3, and with any other act and the amendments thereto, governing the loans of the Montreal Catholic School Commission. They shall be in denominations of one hundred dollars and/or five hundred dollars and/or one thousand dollars each, at the option of the Montreal

Catholic School Commission. Each issue shall be made for an amount of not less than twenty-five thousand dollars and shall be redeemable within a period of not less than five years nor more than forty years, and the bonds or debentures shall bear interest at a rate not exceeding five per cent per annum, payable annually or semi-annually.

Every issue made for a period of less than forty years shall be redeemable at its maturity, with the proceeds of the sale of new bonds or debentures; and such new bonds or debentures may be issued for successive terms so that the total duration of the loan shall not exceed forty years. Redeeming, etc., of certain issue.

The director of finance of the corporation of the city of Montreal shall be obliged to provide, out of the revenue of the Montreal Catholic School Commission derived from the city of Montreal's school taxes, for the amortization of the original loans on a basis of forty years from the date of their issue. The sums accumulated in the sinking-funds of the said loans, at the time of their renewal, shall remain in the hands of the treasurer of the city of Montreal and the latter shall continue to provide for the amortization of the renewed loans until the final term of forty years. Redemption of original loans.

In the event of the Montreal Catholic School Commission failing to provide, by a new issue, for the redemption of the said debentures at their maturity, the city of Montreal shall be subrogated in the rights of the Montreal Catholic School Commission and shall have the power to make such issue." Subrogation in certain event.

**3.** The loan authorized by section 2 of the act 2 Loan under 2 Geo. VI, c. 66, s. 2, and 3 Geo. VI, c. 72, s. 3. George VI, chapter 66, and the loan authorized by section 3 of the act 3 George VI, chapter 72, are subject to the following provisions and formalities:

The bonds or debentures of these loans shall be paid in principal and interest out of the revenues of the Montreal Catholic School Commission derived from the school tax in the city of Montreal. Paid out of revenues of school tax.

The said Commission shall give notice in writing to the director of finance of the corporation of the city of Montreal of its decision concerning the issue of the said bonds or debentures, specifying the date and the amount of the issue, the denominations of the bonds or debentures, the rate of interest and the date of reimbursement of the annual payments. Notice given to director of finance of Montreal.

Director of  
finance of  
Montreal to  
sign bonds,  
etc.

The bonds or debentures issued in accordance with the said notice and signed by the general-chairman and the general-secretary and treasurer of the Montreal Catholic School Commission shall be presented to the director of finance of the corporation of the city of Montreal who shall be obliged to sign the said bonds or debentures, providing they do not exceed the amount of the issues authorized by the provisions of the said acts.

Signature of  
director of  
finance of  
Montreal is  
sufficient  
evidence that  
bonds, etc.,  
issued in ac-  
cordance with  
provisions of  
law.

The director of finance of the corporation of the city of Montreal, by thus signing these bonds or debentures, is deemed to acknowledge that they have been served on him and that he shall be obliged to pay them in principal and interest, out of the school tax that he is obliged to pay to the said Commission, and the signature of the director of finance, in such case, shall be for third parties sufficient evidence that the said bonds or debentures have been issued in accordance with the provisions of the said acts and do not exceed the powers granted by this act in relation to the above-mentioned loans.

Duty of  
director of  
finance of  
Montreal.

It shall be the duty of the director of finance of the corporation of the city of Montreal to retain out of the proceeds of the school tax in the city of Montreal, at the time of payment of each of the instalments of the said tax, the amount previously paid or then payable for the principal and the interest of the bonds or debentures of the said issues, and the holders of these bonds or debentures may exact from the corporation of the city of Montreal the payment at maturity of the said bonds or securities, in principal and interest.

54 Vict.,  
c. 53, s. 1,  
subsection  
"jj", am.

4. Subsection "jj" of section 1 of the act 54 Victoria, chapter 53, enacted by section 1 of the act 1 George VI, chapter 66, and amended by section 1 of the act 2 George VI, chapter 66, is again amended by adding thereto the following paragraphs:

Issuing of  
bonds au-  
thorized.

"It shall be lawful for the Commission to issue bonds or debentures which shall be redeemable over a period of not less than three years and of not more than twenty years, for the amounts which it is authorized to borrow to balance the revenue budget for the school years 1936-1937 and 1937-1938 and, in such case, the director of finance of the corporation of the city of Montreal shall be obliged to provide for the amortization of the original loans upon a basis of twenty years counting

from the date of their issue. The sums accumulated in the sinking-funds of the loans thus made, at the time of their renewal, shall remain in the hands of the director of finance and the latter shall continue to provide for the amortization of the renewed loans up to the final term of twenty years.

It shall also be lawful for the Commission, for the loans mentioned in the preceding paragraph, to issue bonds or debentures that shall be redeemable by equal and annual payments in not more than twenty years, and shall be issued in accordance with section 3 of this act.”

Provisions of section 3 of this act shall apply.

5. Subsection “kk” of section 1 of the act 54 Victoria, chapter 53, as enacted by section 1 of the act 2 George VI, chapter 66, is amended by adding thereto the following paragraphs:

54 Vict., c. 53, s. 1, subsection “kk”. am.

“It shall be lawful for the Commission to issue bonds or debentures which shall be redeemable over a period of not less than three years and of not more than twenty years, for the amounts which it is authorized to borrow to balance the revenue budget for the school year 1938-1939 and, in such case, the director of finance of the corporation of the city of Montreal shall be obliged to provide for the amortization of the original loans upon a basis of twenty years counting from the date of their issue. The sums accumulated in the sinking-funds of the loans thus made, at the time of their renewal, shall remain in the hands of the director of finance and the latter shall continue to provide for the amortization of the renewed loans up to the final term of twenty years.

Issuing of bonds authorized.

It shall also be lawful for the Commission, for the loans mentioned in the preceding paragraph, to issue bonds or debentures that shall be redeemable by equal and annual payments in not more than twenty years, and shall be issued in accordance with section 3 of this act.”

Provisions of section 3 of this act shall apply.

6. Subsection “ll” of section 1 of the act 54 Victoria, chapter 53, as enacted by section 1 of the act 3 George VI, chapter 72, is amended by adding thereto the following paragraphs:

54 Vict., c. 53, s. 1, subsection “ll”. am.

“It shall be lawful for the Commission to issue bonds or debentures which shall be redeemable over a period of not less than three years and of not more than twenty

Issuing of bonds authorized.

years, for the amounts which it is authorized to borrow to balance the revenue budget for the school year 1939-1940 and, in such case, the director of finance of the corporation of the city of Montreal shall be obliged to provide for the amortization of the original loans upon a basis of twenty years counting from the date of their issue. The sums accumulated in the sinking-funds of the loans thus made, at the time of their renewal, shall remain in the hands of the director of finance and the latter shall continue to provide for the amortization of the renewed loans up the final term of twenty years.

Provisions of section 3 of this act shall apply.

It shall also be lawful for the Commission, for the loans mentioned in the preceding paragraph, to issue bonds or debentures that shall be redeemable by equal and annual payments in not more than twenty years, and shall be issued in accordance with section 3 of this act."

8 Geo. V, c. 37, s. 6, am.

**7.** The first paragraph of section 6 of the act 8 George V, chapter 37, is replaced by the following:

Valuation of lands under cultivation for school purposes.

**"6.** Notwithstanding any law to the contrary, lands under cultivation shall be valued, for school purposes, Catholic, Protestant and neutral, at their real value like any other immoveables in the city of Montreal, and, for Catholic and neutral school purposes, in any municipality forming part or which shall form part of the territory of the Montreal Catholic School Commission, and, for Protestant and neutral school purposes, in any municipality forming part or which shall form part of the territory of the Montreal Protestant Central School Board; and the assessors of the city of Montreal and of the other municipalities concerned shall be obliged to make such valuation."

Sales validated.

**8.** Notwithstanding any rights or interests that may be claimed by dame Alice Grégoire, widow of Arthur Eugène Brunet, dame Andrée Brunet, wife of Thomas Wheeler, dame Fernande Brunet, wife of Donald Buell, and the heirs of Grégoire Brunet, on certain immovable properties having originally belonged to the late Arthur Eugène Brunet, the sales made by the sheriff of the district of Iberville, to wit:

*a.* That of the first of August, one thousand and nine hundred and thirty-four, in virtue of a writ of execution issued by the Superior Court of the district of Iberville,



in case No. 3023 at the suit of dame Agnès DeCelles, of the city and district of Montreal, widow of Joseph-Auguste Langelier, in his lifetime, of Waterloo, in the district of Bedford, plaintiff, versus Dame Alice Grégoire, above-named, defendant, and Dame Fernande Brunet, also above-named, false bidder, respecting a piece of land situated in the parish of St. Jean, district of Iberville, forming part of number sixty-two (prt. 62) of the official cadastre of the said parish of St. Jean, containing about forty arpents in area, and bounded to the east by the Richelieu river, to the south by number sixty-one of the said cadastre, to the west by the public highway, and to the north by the limits of of the city of St. John's, with all the buildings erected on the said piece of land, which such sale has been duly registered at the office of the Registration Division of the county of St. John's, on the seventh of August, one thousand nine hundred and thirty-four, under No. 45933; and

b. That of the fourteenth of November, one thousand nine hundred and thirty-nine, in virtue of a writ of execution issued by the Superior Court of the district of Montreal, in a case No. 1802 at the suit of the Montreal Catholic School Commission, plaintiff, versus the vacant estate of the said Arthur Eugène Brunet, represented by J. Herman Archambault, deputy-prothonotary of the Superior Court for the district of Montreal, in his capacity as curator of the said vacant estate, respecting a piece of land of irregular form, being a part of the lot known and indicated by number one, on the plan and in the book of reference of the official cadastre of the town of St. John's, with buildings thereon erected, which is bounded to the west by the public highway, to the north by part of the aforesaid lot number one, to the east by the Richelieu river, to the south by lot sixty-two (62) indicated on the plan and in the book of reference of the official cadastre of the parish of St. Jean. The southwest corner of the aforesaid piece of land is a stone landmark marked "G.R.", situated on the east side of the public highway. From there, the south line measures one thousand two hundred and sixty-six feet and five-tenths of a foot (1266.5) more or less, following an approximate direction of north eighty-nine degrees forty-seven minutes east as far as the west bank of the Richelieu river, from there, the east line measures about seventy feet (70'), going to the north and following the bank

as far as its point of intersection with the north limit of certain railway land formerly rented to the town of St. John's. From there, the north limit extends towards the west along the said land as far as its intersection with the east limit of the public highway. From there, the west line follows the east limit of the public highway on a length of ninety feet (90), more or less, as far as the stone landmark above-mentioned, starting point of this description, the whole English measure; which sale has been duly registered in the office of the registration division of St. John's county, on the seventeenth day of November, one thousand nine hundred and thirty-nine, under No. 49830,—

Are confirmed, ratified and validated for all legal purposes and the Catholic School Commission of Montreal is declared to the exclusion of whomsoever to be the absolute and indefeasible owner of the above-mentioned immoveable properties.

Deeds  
validated.

**9.** The following deeds are confirmed and validated and are declared to be valid and legal:

a. A deed of transfer, as a donation, by the corporation of the city of Montreal to the Montreal Catholic School Commission, made before Mtre. Jean Baudouin, N. P., on the 26th of January, 1939, bearing No. 14356 of the minutes of his repertory and registered at the office of the registration division of Montreal, on the 6th of February, 1939, under No. 447808;

b. A deed of transfer, as a donation, by the corporation of the city of Montreal, to the Montreal Catholic School Commission, made before Mtre. Jean Baudouin, N. P., on the 30th of March, 1940, bearing No. 14705 of the minutes of his repertory and registered at the office of the registration division of Montreal, on the 4th of April, 1940, under the No. 473077.

Declaration  
of ownership.

**10.** The Montreal Catholic School Commission is declared, to the exclusion of whomsoever, the absolute and indefeasible owner of the following lots of land comprised within the quadrilateral situated between Sherbrooke, Valois, Rachel and Chambly streets, in the city of Montreal, to wit:

a. The lanes bearing Nos. 1314 and 1323 of the official subdivision of original lot No. 29 (29-1314 and 1323) on the official plan and in the official book of reference of the incorporated village of Hochelaga;

b. The lane bearing No. 568 of the official subdivision of original lot No. 22 (22-568) of the official plan and in the official book of reference of the incorporated village of Hochelaga;

c. The lane known and designated as forming part of lot No. 543 of the official subdivision of original lot No. 22 (Part No. 22-543) on the official plan and in the official book of reference of the incorporated village of Hochelaga; such part measuring fifteen feet in width by a depth of 435 feet in the northeast line and 442 feet in the southwest line, English measure and more or less, forming a total area of 6,577 square feet, English measure and more or less; such part bounded to the northwest, by lot No. 22-568 of the same official plan and book of reference, forming a lane, on the northeast side by lots Nos. 550 to 567 inclusively of the subdivision of lot No. 22 of the same official plan and book of reference, on the southeast side by Sherbrooke street and on the southwest side by lots Nos. 22-524 to 542 inclusively of the same official plan and book of reference ;

d. The lane known and designated as forming part of lot No. 822 of the official subdivision of lot No. 23 (Part No. 23-822) of the official plan and book of reference of the incorporated village of Hochelaga; measuring 20 feet in width by a depth of 345 feet and  $74/100$  of a foot on the northeast side, and 352 feet and  $88/100$  of a foot on the southwest side, forming a total area of 6,986 square feet; such part being bounded on the northwest by lot No. 29-1314 above described, on the northeast side by lots Nos. 23-825 to 838 inclusively, on the southeast side by Sherbrooke street, and on the southwest side by lots Nos. 23-807 to 821 inclusively, of the official plan and book of reference of the incorporated Village of Hochelaga;

e. That part of Nicolet street situated between Rachel street and Sherbrooke street, in Montreal, known and designated as forming part of lot No. 300 of the subdivision of lot No. 22 (Part No. 22-300) of the official plan and book of reference of the incorporated village of Hochelaga; such part measuring fifty feet in width by a depth of 580 feet and  $8/10$  of a foot on the northeast side, and 598 feet and  $17/100$  of a foot on the southwest side, forming a total area of 29,475 square feet, English measure and more or less; such part, being bounded to the northwest by Rachel

street, on the northeast side by lots Nos. 22-524 to 542 inclusively, 22-568 and 569, on the southeast side by Sherbrooke street, and on the southwest side by lots Nos. 23-826 to 838 inclusively, 29-1315 to 1323 inclusively, and 29-1334, all on the official plan and in the book of reference of the incorporated village of Hochelaga.

Coming into  
force.

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