



CHAPTER 66

An Act respecting the Montreal Catholic School Commission

[Assented to, the 8th of April, 1938]

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

That to balance its revenue budget for the school year ^{Preamble.} 1937-1938 it is necessary and urgent for it to have recourse to a loan of a sum of three hundred thousand dollars additional to that of one million five hundred thousand dollars which the Commission was authorized to borrow for such purposes by the act 1 George VI, chapter 66;

That to balance its budget for the school year 1938-1939 the Commission must be assured of additional revenue;

That the deficits of the Commission are due to the fact that the amount payable annually by the corporation of the city of Montreal for the maintenance of the schools in the territory under the control of the Commission has greatly diminished and has become insufficient to provide therefor, and that it is necessary that such amount be increased;

That it is necessary and urgent that the Commission be authorized to borrow, in addition to the loans already authorized and the loan hereinabove mentioned, an additional sum not exceeding three million three hundred and forty-three thousand five hundred dollars, of which eight hundred thousand dollars in order to acquire school sites, erect and acquire new schools and other immoveable property, enlarge, improve and alter already-existing schools and to carry out the work of constructing pupils' playgrounds,

and an amount of four hundred and forty-three thousand, five hundred dollars to pay various hypothecs and obligations due and to become due during the school year 1937-1938 and to become due during the school year 1938-1939, and two million one hundred thousand dollars to balance the revenue budget for the scholastic year 1938-1939, and to issue bonds and debentures for such amounts;

That it is necessary and urgent that the Commission be authorized, in addition to all other loans already authorized and the loans mentioned in this act, to borrow amounts, the total whereof will not exceed six hundred and fifty thousand dollars, for the payment of major repairs to the schools and other immoveable property of the Commission, the loans for such purpose to bear interest at a rate not exceeding five per cent per annum and be repayable by equal annual instalments, in not more than ten years;

That it is expedient to amend the act of this Province, 1 George VI, chapter 65, respecting the Commission and its Pedagogic Council;

That it is expedient to have legislative provisions adopted respecting the census of the children of school age in the territory of the Commission;

That it is expedient that subsection 3 of section 29 of the act 32 Victoria, chapter 16, as replaced by section 8 of the act 2 George V, chapter 28, be again replaced, and that sections 31 and 32 of the act 32 Victoria, chapter 16, be amended;

That it is expedient that subsection *h* of section 10 of the act 21 George V, chapter 63, and section 6 of the act 8 George V, chapter 37, be replaced;

That it is expedient that it be enacted that the notice of the deposit of the valuation roll of any city, town or municipality forming part of the territory of the Montreal Catholic School Commission and of the Montreal Protestant Central School Board be also given by a notice addressed by registered letter to each of the offices of the school commissioners of the city of Montreal; the public notice required by article 661 of the Municipal Code and by section 494 of chapter 102 of the Revised Statutes of Quebec, 1925, being insufficient to acquaint the school boards with the valuation roll of any such city, town or municipality in due time;

That, consequently, it is necessary to amend certain acts governing the Commission and to adopt certain new acts; and

Whereas it is expedient to grant the prayer 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 54 Victoria, chapter 53, as ^{54 Vict. c. 53, s. 1, am.} 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, and 1 George VI, chapter 66, section 1, is again amended:

a. By replacing the first paragraph of subsection *jj* thereof by the following:

"*jj.* The Montreal Catholic School Commission is ^{Additional loan authorized.} authorized to borrow, for the above-mentioned purposes, in addition to the loans already authorized, an additional amount not exceeding the sum of three million, four hundred thousand dollars: of which five hundred thousand dollars to cover the deficit in the 1936-1937 budget; six hundred thousand dollars to make up the balance of the teachers' salaries for the same year; five hundred thousand dollars to provide for acquisitions, constructions, enlargements, improvements and modifications, the construction of pupils' playgrounds and the payment of the mortgages and debentures above enumerated; and one million, eight hundred thousand dollars to balance the revenue budget for the scholastic year 1937-1938, and, in consequence, to issue bonds or debentures for such amount.";

b. By adding thereto, after subsection *jj* thereof, the following subsection:

"*kk.* The Montreal Catholic School Commission is ^{Additional loan authorized.} authorized to borrow, in addition to the loans already authorized, an additional amount not exceeding the sum of three million, three hundred and forty-three thousand, ^{Purposes thereof.}

Issuing of
bonds and
debentures.

five hundred dollars: of which eight hundred thousand dollars to provide for acquisitions, constructions, enlargements, improvements and modifications and the construction of pupils' playgrounds and four hundred and forty-three thousand, five hundred dollars for the payment of hypothecs and debentures due and to become due during the scholastic year 1937-1938 and to become due during the scholastic year 1938-1939, and two million, one hundred thousand dollars to balance the revenue budget for the scholastic year 1938-1939, and, in consequence, to issue bonds or debentures for such amounts.

Issuing form-
alities.

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

Redeeming,
etc., of cer-
tain issue.

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 of not less than ten years so that the total duration of the loan shall not exceed forty years.

Redemption
of original
loans.

The treasurer of the city of Montreal shall be obliged to provide for the redemption 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 redemption of the renewed loans until the final term of forty years.

Subrogation
in certain
event.

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 Commission and be empowered to make such issue."

Additional
loan author-
ized.

2. The Montreal Catholic School Commission is authorized to borrow, in addition to the loans already authorized and the loans mentioned in this act, monies the total amount whereof shall not exceed six hundred and

fifty thousand dollars, for the payment of major repairs to its schools and other immoveable property, and, in consequence, to issue bonds or debentures or other negotiable securities for such amount.

The loans shall bear interest at a rate not exceeding ^{Interest, etc., thereof.} five per cent per annum, payable annually or semi-annually, and shall be repayable by equal annual instalments in not more than ten years.

3. Subsection 3 of section 29 of the act 32 Victoria, ^{32 Vict., c. 16, s. 29, am.} chapter 16, as replaced by the act 2 George V, chapter 28, section 8, is amended by adding thereto the following paragraph:

"Such panel shall also comprise the real estate entered on the valuation roll in the name of a fiduciary administrator, trustee or other mandatary, in the case where the name of the real owner is unknown or is not disclosed." ^{To be comprised in panel.}

4. Section 31 of the act 32 Victoria, chapter 16, is ^{32 Vict., c. 16, s. 31, replaced.} replaced by the following:

"**31.** During the thirty days it shall be lawful for either ^{Filing of complaints.} board of school commissioners or for any person or corporation whose name shall have been entered wrongly or omitted on any of the said panels, or who or which shall find that the name of any other person or corporation has been entered wrongly or omitted in any of the said panels, to file any complaint which they may deem themselves entitled to make with the city treasurer, who shall accordingly alter and revise the said panels if necessary, and within ten days it shall be lawful to appeal from his decision to the recorder."

5. Section 32 of the act 32 Victoria, chapter 16, is ^{32 Vict., c. 16, s. 32, replaced.} replaced by the following:

"**32.** After the expiring of the said delays, the said ^{Bringing of complaints for correction of panels.} panels shall be acted upon for the purposes of this act for the then current year, but may be further corrected as hereinafter provided. And all accounts for the said tax sent and delivered to the ratepayers and the receipts given to the same shall bear conspicuously on their face the words "Panel No. 1, Roman Catholic school tax," "Panel No. 2, Protestant school tax," or "Panel No. 3, neutral school tax" as the case may be, according to the panel on which the property shall have been inscribed. It shall be lawful for each board of school commissioners or for any person or corporation after the expiration of

the said thirty days, but at least thirty days before the last payment to be made by the corporation after the making of the said panels, to bring any complaint they may have in relation to the said panels before the treasurer after giving three days' notice thereof to the board of school commissioners, whose share of the sum may be diminished by reason of such complaint, with a right of appeal within ten days to the recorder, and, according to the decision of the treasurer or the recorder, the panel or panels shall be amended, and on the forthcoming payment the error shall be rectified.

Corrections
made after
expiring of
delay.

After the expiration of the last delay mentioned in this section, the said lists may still be revised as above provided, but the amount to be paid by the corporation of the city of Montreal for the maintenance of schools in the said city shall not be increased through the corrections made at such time."

1 Geo. VI, c. 65, s. 4, re-
placed.

6. Section 4 of the act 1 George VI, chapter 65, is replaced by the following:

General-
chairman.

Salary.

Duties.

General-
secretary.

Salary.

Duties.

Granting of
fees to mem-
bers of Peda-
gogic Council.

"**4.** The Montreal Catholic School Commission shall choose from among its members a person to act as general-chairman, whose yearly salary fixed by the Commission shall not exceed three thousand, six hundred dollars.

The duty of the general-chairman shall be to preside over the meetings of the Commission and, besides his vote as a member of the Commission, he shall have the right to a casting-vote in case of equality of votes.

The Commission shall appoint during pleasure a general-secretary who shall be at the same time treasurer, and whose salary shall not exceed seven thousand, five hundred dollars per annum.

The general-secretary shall be *ex officio* secretary of the Pedagogic Council, and he shall have all the duties and functions which are conferred by the Education Act upon secretary-treasurers of school commissions, subject to the provisions of this act.

Notwithstanding the provisions of section 5 of the act 63 Victoria, chapter 99, as replaced by the act 2 George V, chapter 27, section 2, the Montreal Catholic School Commission is hereby authorized to pass by-laws respecting the fees to the members composing such Commission, except the general-chairman, and the attendance fee to be paid to the members of its Pedagogic Council, who are not members of the Commission, for meetings of such Council, to fix the amount thereof and to determine the

manner in which they shall be paid, provided the amount ^{Proviso.} shall not exceed the sum of one thousand, two hundred dollars per annum, computing from the 1st of July, 1937, to each of the commissioners, and that a sum of not less than five dollars be deducted for each absence from a regular meeting, and provided also that the attendance ^{Proviso.} fee of a member of the Pedagogic Council shall not exceed five dollars per meeting, inclusive of any resumption of such meeting on the same day, the yearly compensation not to exceed the sum of two hundred and fifty dollars counting from the 1st of July, 1937."

7. Subsection *h* of section 10 of the act 21 George ^{21 Geo. V, c. 63, s. 10, am.} V, chapter 63, is replaced by the following:

"*h*. Each of the school boards of the city of Montreal ^{Annual re-} shall send to the city treasurer, and to each other, on or ^{port.} before the 15th of September of each year, a list of the pupils belonging to the Jewish religion and of the other non-Roman Catholic and non-Protestant pupils enrolled, on the 30th of April of the preceding school year, in its schools and residing in the territory under the Montreal Catholic School Commission. The Christian names, surname and address of the father, mother, tutor or other person having charge of the pupil, as the case may be, must also be stated in such list opposite the name of every pupil. Such list must be certified by the chairman and the secretary of the board and approved by resolution of such board.

It shall be the duty of every ratepayer or his authorized representative, whose property is entered in the real estate ^{Giving of certain information.} statement drawn up by the corporation of the city of Montreal, in accordance with section 29 of the act 32 Victoria, chapter 16, to give, on demand, in writing and under oath before a commissioner of the Superior Court or a justice of the peace, to any representative duly authorized to that effect by the one or the other of the school boards of the city of Montreal all information concerning the details which the statement of real estate made by the corporation of the city of Montreal must contain.

Every person who refuses to give such information or ^{Offence and penalty.} who knowingly leads into error or deceives, or who insults or attacks, one of the said representatives in the performance of his duty is liable to a penalty not exceeding twenty dollars recoverable by summary proceedings before any court having competent jurisdiction.

The fine and costs shall be recoverable by seizure and ^{Recovery of fine and costs.} sale of the goods of the person condemned, according to

the ordinary rules for the execution of judgments of the court which pronounced the sentence and the fine shall belong to the school board which brought the suit."

Making of
triennial
census of
children of
school age.

8. Notwithstanding any law to the contrary, the Montreal Catholic School Commission is authorized to make a triennial census of the children of school age in the city of Montreal and any other portion of its territory. In such census, it shall make the distinction between children of five to six years of age and of six to seven years, and those of seven to fourteen years, and those of fourteen to sixteen years, and those over sixteen years of age, indicating the number of those of each category attending school. Such census must be made during the scholastic year. It may be made by the corporation of the city of Montreal or any other interested municipality, at the same time as the census for municipal purposes, by arrangement with the executive committee of the said corporation and other municipal authorities, and, in such case, such census shall replace that which the Montreal Catholic School Commission is obliged to make.

Giving of
certain public
notice.

9. In every city other than the city of Montreal and in every town or municipality forming part of the territory of the Montreal Catholic School Commission and of the Montreal Protestant Central School Board, the public notice required by article 661 of the Municipal Code and by section 494 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) shall also be given by a notice addressed by registered letter to each of the offices of the school commissioners of the city of Montreal.

Coming into
force.

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