



## CHAPTER 63

### An Act respecting the education of certain children in Montreal and Outremont

*[Assented to, the 4th of April, 1931]*

**W**HEREAS, by the act 20 George V, chapter 61, pro-Preamble. vision was made for the creation of a commission under the name of the "Jewish School Commission of Montreal";

Whereas the Jewish School Commission of Montreal was authorized by such act to enter into an arrangement with any board of school commissioners or school trustees for the education of children of the Jewish faith in the schools under the control of such board of school commissioners or school trustees;

Whereas an agreement, reproduced as schedule A to this act, has been entered into between the Protestant Board of School Commissioners of the City of Montreal and the Jewish School Commission of Montreal, respecting the education of children of the Jewish faith in Montreal;

Whereas an agreement, reproduced as schedule B to this act, has been entered into between the Protestant Board of School Trustees of the City of Outremont and the Jewish School Commission of Montreal, respecting the education of children of the Jewish faith in Outremont;

Whereas the Roman Catholic and the Protestant Committee of the Council of Education, the Montreal Protestant Central School Board, the Protestant Board of School Commissioners of the City of Montreal and the Protestant Board of School Trustees of the City of Outremont have approved of the passing of this act, insofar as each may be concerned;

Whereas the Montreal Catholic School Commission has approved the provisions of section 10, insofar as it is concerned;

Whereas it is in the public interest that such agreements be confirmed, ratified and validated and that legislation to that effect be adopted;

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

Validation of certain deed of agreement.

**1.** 1. The deed entered into on the 4th of December, 1930, before Mtre. Robert Barron, notary, residing and practising in the city of Montreal, by the Protestant Board of School Commissioners of the City of Montreal and the Jewish School Commission of Montreal, setting forth the agreement arrived at between both these parties respecting the education of children of the Jewish faith in Montreal, reproduced as schedule A to this act, is confirmed, ratified and validated.

Idem.

2. The deed entered into on the 20th of January, 1931, before Mtre. Robert Barron, notary, residing and practising in the city of Montreal, by the Protestant Board of School Trustees of the City of Outremont and the Jewish School Commission of Montreal, setting forth the agreement arrived at between both these parties respecting the education of children of the Jewish faith in Outremont, reproduced as schedule B to this act, is ratified, confirmed and validated.

Powers.

3. The Protestant Board of School Commissioners of the City of Montreal, the Protestant Board of School Trustees of the City of Outremont and the Jewish School Commission of Montreal shall be vested with all the powers necessary for the carrying out of the provisions of such deeds of agreement.

Commission continued for certain purposes.

**2.** The Jewish School Commission of Montreal created under the act 20 George V, chapter 61, composed of seven members of the Jewish faith, one of whom being president, is continued in existence for the purpose of carrying out the present act and the agreements mentioned in section 1 thereof.

Perpetual succession.

Such Commission, for the above purposes, shall have perpetual succession and shall be subject to the provisions of this act.

Term of office of present members.

The president and present members of such Commission appointed by the Order-in-Council No. 774, of the 24th of April, 1930, shall remain in office until the first day of May, 1935, but they may be replaced for cause, at any time, by the Lieutenant-Governor in Council.

**3.** On the expiration of the term of office of the present members of such Commission, or of those appointed to replace them, the Lieutenant-Governor in Council shall again appoint members of the Commission and designate which of the members shall act as president. Replacement of members.

The president and members of the Commission shall remain in office for a period of five years, but may be replaced at any time, for cause, by the Lieutenant-Governor in Council. Term of office.

**4.** The territory over which the jurisdiction of the said Commission extends shall be that over which the Protestant Board of School Commissioners of the City of Montreal and the Protestant Board of School Trustees of the City of Outremont have control. Territory affected.

**5. 1.** The affairs of the Commission shall be administered by its members, four of whom shall constitute a quorum. Administration. Quorum.

2. In the event of a tie in the deciding of any matter, the president shall have a casting-vote. Casting-vote.

**6.** The Commission shall not be dissolved through one or more vacancies amongst its members or the disappearance of all its members. Any such vacancy or vacancies shall be filled by the Lieutenant-Governor in Council. No dissolution through vacancies.

**7.** In the territory under the control of the Protestant Board of School Commissioners of the City of Montreal, the school taxes payable by property-owners of the Jewish faith shall be imposed at a like rate to that exacted from Protestant property-owners and such taxes shall be paid by property-owners of the Jewish faith to the Protestant Panel. School taxes payable by Jewish property-owners.

The assessors of the city of Montreal shall indicate on the valuation roll all property-owners professing the Jewish faith by marking the letter "J" opposite the names of such property-owners. Indications on valuation roll.

**8.** When, for the purposes of imposing and collecting the school tax, in the territory under the jurisdiction of the Protestant Board of School Commissioners of the City of Montreal and in that under the jurisdiction of the Protestant Board of School Trustees of the City of Outremont, the immoveable property belonging to persons professing the Jewish faith is entered in a statement comprising the immoveable property of persons who do not profess either the Roman Catholic or Protestant faith, the immoveable Correction of statement of immoveable property.

property belonging to persons professing the Jewish faith shall be removed from such statement and be entered in the statement comprising the immoveable property of persons who are of the Protestant faith.

Certain provisions repealed. Every provision in any act, whether general or special, conferring upon persons of the Jewish faith the right, in such territory, to have their immoveable property entered in any statement other than that in which the immoveable property of Protestants is entered, is repealed.

Division of grant. **9.** When the grant annually voted by the Legislature for public schools is to be divided by the Superintendent between the Montreal Catholic School Commission and the Protestant Board of School Commissioners of the City of Montreal, or, as the case may be, between the Roman Catholic school commissions having jurisdiction in the City of Outremont and the Protestant Board of School Trustees of the City of Outremont, the Superintendent shall include among the Protestants the persons of the Jewish faith.

Tax leviable on immoveables in Neutral Panel of Montreal. **10.** Notwithstanding any law to the contrary, in the territory subject to the control of the Protestant Board of School Commissioners of the City of Montreal, there is hereby imposed a uniform tax at a rate of twelve mills in the dollar, upon all the immoveable property inscribed in the Neutral Panel, to be apportioned in the following manner:

Apportionment. *a.* The board of assessors of the city of Montreal shall enter on the Neutral Panel, preceded by the letter "N", the names of all property-owners professing neither the Protestant faith, nor the Roman Catholic faith, nor the Jewish faith.

Indication in Neutral Panel. *b.* The cost of educating the non-Roman Catholic, non-Protestant children in the schools of either system, exclusive of children of the Jewish faith, is fixed at seventy-five dollars *per capita, per annum*. The total cost of educating such children shall be a first charge on the funds of the Neutral Panel and shall be paid over to the two boards.

Fixed *per capita* cost. *c.* After the payment provided for by the preceding subparagraph *b* has been made to the Montreal Catholic School Commission and to the Protestant Board of School Commissioners of the City of Montreal, the remainder of the neutral tax shall be apportioned between the two boards in the relative proportion of the Roman Catholic and Protestant populations of the said city according to the then last decennial census. Persons of the Jewish faith shall be considered as Protestants in calculating such apportionment.

First charge on funds.

Apportionment of remainder.

d. The cost of educating children professing the Jewish faith, attending the Protestant schools of the city of Montreal, is fixed at a *per capita* cost of seventy-five dollars *per annum*, for a period of five years to be computed from the first of July, 1931. Fixed *per capita* cost.

e. The difference between such cost and the total of the tax leviable upon properties of property-owners of the Jewish faith coming to the Protestants in virtue of section 7 of this act, with what they derive from the Neutral Panel owing to the Jewish population being added to the Protestant population in the division of such tax, shall be borne by the Protestant and Roman Catholic boards, in the proportion of the Roman Catholic and Protestant populations, persons of the Jewish faith not to be considered as Protestants for such purpose. The share of such difference imputable to the Montreal Catholic School Commission shall be deducted from the amount coming to it from the Neutral Panel, under paragraph c of this section, and shall be paid over to the Protestant school board. Payment of difference between cost and taxes collected.

f. Insofar as same concern the Montreal Catholic School Commission, the foregoing provisions shall apply exclusively to children of the Jewish faith and non-Roman Catholic, non-Protestant children residing in the territory under its jurisdiction. Application.

g. In all the territory under the jurisdiction of the Protestant Board of School Commissioners of the City of Montreal over which the Montreal Catholic School Commission has no jurisdiction, the Roman Catholic school board concerned shall bear the cost of educating the children of the Jewish faith and other non-Roman Catholic, non-Protestant children residing in its territory, in the same manner as the Montreal Catholic School Commission. In any portion of such territory where the proceeds of the Neutral Panel are insufficient to cover the payment due by the Roman Catholic school board concerned to the Protestant Board, the balance shall be paid by the Roman Catholic school board concerned direct to the Protestant Board, out of the proceeds of the Neutral Panel tax collected in the rest of its territory. Other Rom. Cath. school boards. Payment by Rom. Cath. school boards, in certain event.

h. Each of the school boards of the city of Montreal shall send to the city treasurer, on or before the 15th of September of each year, a report duly certified by the chairman and the secretary-treasurer of the board, and approved by resolution of such board, showing the total enrolment of the Jewish and other non-Roman Catholic, non-Protestant children up to the 30th of April of the preceding school year. Annual report.

Provisions respecting education of Jewish children in Outremont. **11.** Notwithstanding the provisions of any general or special law to the contrary, in the territory under the jurisdiction of the Protestant Board of School Trustees of the City of Outremont:

Payment of taxes by Jewish property-owners. *a.* The school taxes paid by property-owners of the Jewish faith shall be at a rate equal to that exacted from Protestant property-owners and such taxes shall be paid by the property-owners of the Jewish faith to the Protestant Panel;

Mode of apportionment. *b.* Persons professing the Jewish faith shall be considered as Protestants, for computing and allotting the proportions of the funds of the Neutral Panel, accruing to the Protestant Board of School Trustees and to the two Catholic School Commissions having jurisdiction in the city of Outremont;

*Per capita* cost. *c.* The cost of the education of children professing the Jewish faith shall be estimated at the *per capita* cost calculated by taking as a basis the total number of pupils enrolled up to the thirtieth day of April of the preceding school year;

Payment of difference out of Neutral Panel. *d.* Each year, the difference, if any, between the amount paid to the Protestant Panel by property-owners of the Jewish faith and the cost *per capita*, computed as aforesaid, of the education of children of the Jewish faith attending schools of the Protestant Board of School Trustees of the City of Outremont, shall be paid to the said Board out of the funds of the Neutral Panel and shall constitute a charge thereon;

Indication on valuation roll. *e.* The assessors of the city of Outremont shall indicate on the valuation roll all property-owners professing the Jewish faith by marking the letter "J" opposite the names of such property-owners.

20 Geo. V, c. 61, repealed. **12.** The act 20 George V, chapter 61, is repealed.

Coming into force. **13.** This act shall come into force on the day of its sanction.

## SCHEDULE A

ON this day, the fourth of December, in the year of Our Lord one thousand nine hundred and thirty.

Before ROBERT H. BARRON, the undersigned Notary Public for the Province of Quebec, residing and practising in the City of Montreal.

## APPEARED :

THE PROTESTANT BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF MONTREAL, a corporation duly constituted according to law, herein acting and represented by all its members, namely: James Arthur Mathewson, King's Counsel, the Chairman; Reverend James Smyth, D.D., LL.D., J. Newton Drummond, Esquire, Reverend Malcolm A. Campbell, D.D., Very Reverend Dean Arthur Carlisle, D.D., and Frederick W. Gilday, Doctor of Medicine, all of the said City of Montreal, and hereunto duly authorized by resolution passed by the said board at its meeting held on the twenty-fifth of November last (1930), copy whereof is annexed hereto signed for identification by the said Commissioners and the undersigned Notary; hereinafter referred to as the "Protestant Board";

*Party of the First Part.*

AND

THE JEWISH SCHOOL COMMISSION OF MONTREAL, a corporation duly constituted according to law, herein acting and represented by all its members, namely: Samuel W. Livingston, of the said City of Montreal, mining engineer, Reverend Doctor Herman Abramowitz, Rabbi, Edgar M. Berliner, Gentleman, Abraham Z. Cohen, merchant, Michael Garber, advocate, Nathan Gordon, King's Counsel, and Max Wiseman, Doctor of Medicine, all of the City of Westmount, in the said Province; and hereunto duly authorized by resolution passed by the said Commission at its meeting held on the twenty-eighth day of November last (1930), copy whereof is annexed hereto signed for identification by the said last mentioned commissioners and the undersigned Notary; hereinafter referred to as the "Jewish Commission";

*Party of the Second Part.*

Which said parties declared unto me, the said Notary, that they have agreed and do hereby agree together as follows:

1. Within the school municipality now or hereafter under the jurisdiction of the Protestant Board, the Jewish Commission agrees that all Jewish children shall attend the schools of the Protestant Board and the Protestant Board hereby agrees to receive the said children into its said schools.

2. All Jewish children shall be subject in all respects to all the rules and regulations of the Protestant Board applying to Protestant children and shall receive the same treatment and be subject to the same obligations and enjoy the same advantages in all respects as Protestant children.

3. Jewish children shall attend the school of the regular school district (as defined from time to time by the Protestant Board) within which they reside and within the schools so attended by them there shall be no division or separation of Jewish children from Protestant or other children.

4. No Jewish pupil shall be compelled to read or study any religious or devotional book or to take part in any religious or devotional exercise to which the father or in his absence the person in *loco parentis* shall object.

5. Jewish children shall suffer no loss or reduction in marks because of absence from school on the following Jewish holidays:

New Year	Two (2) days
Day of Atonement	One (1) day
Tabernacles	Four (4) days
Passover	Four (4) days
Pentecost	Two (2) days

6. The policy of the Protestant Board is to consider Jewish applicants eligible for appointment to the teaching staff and for promotion. This declaration of policy shall not be construed as in any way affecting the rights, powers, authority and duties of the Protestant Board.

7. All communications by one Party hereto or its successor to the other Party hereto or its successor shall be effected through their respective Chairmen.

8. This agreement shall be deemed to have gone into effect on the first of July, nineteen hundred and thirty, and shall continue for a period of fifteen (15) years from that date. It shall thereafter automatically continue for further periods of fifteen (15) years each, unless notice of termina-

tion hereof shall have been given in writing by one Party or its successor to the other Party or its successor at least two (2) clear years before the expiration of any fifteen (15) year period. If such notice is given, this agreement shall expire at the end of the then current fifteen (15) year period.

9. This agreement is made in virtue of rights and powers vested in the Parties hereto and the exercise thereof as herein set forth shall not be deemed to constitute a waiver of any such rights and powers.

10. This agreement is contingent upon the enactment by the Legislature of the Province of Quebec at its session which opened on the second of December instant (1930) of such legislation as may be necessary to make provision for the distribution of the cost of educating Jewish children, in a manner satisfactory to the Protestant Board of School Commissioners of the City of Montreal, the Montreal Protestant Central School Board, the Jewish School Commission of Montreal and the Montreal Catholic School Commission.

WHEREOF ACTE.

DONE AND PASSED at the City of Montreal, on the day, month and year first hereinbefore written, under the number twenty-five thousand one hundred and forty-eight of the original minutes of Robert H. Barron, the said Notary, and signed by the said parties hereto with and in the presence of the said Notary after due reading hereof.

(Signed)	SAMUEL W. LIVINGSTON,
"	H. ABRAMOWITZ,
"	EDGAR M. BERLINER,
"	A. Z. COHEN,
"	MICHAEL GARBER,
"	NATHAN GORDON,
"	MAX WISEMAN, M.D.,
"	J. ARTHUR MATHEWSON,
"	JAMES SMYTH, (Seal)
"	MALCOLM CAMPBELL,
"	J. N. DRUMMOND,
"	FRED. W. GILDAY,
"	ARTHUR CARLISLE,
"	R. H. BARRON, N.P.

A true copy of the original hereof remaining of record in my office.

R. H. BARRON, N.P.

## SCHEDULE B

ON this day, the twentieth of January in the year of our Lord one thousand nine hundred and thirty-one.

Before ROBERT H. BARRON, the undersigned, Notary Public for the Province of Quebec, residing and practising in the city of Montreal.

## APPEARED:

THE PROTESTANT BOARD OF SCHOOL TRUSTEES OF THE CITY OF OUTREMONT, a corporation duly constituted according to law, herein acting and represented by all its members, namely: Walter J. Collins, manager, the Chairman, and J. Forester Roy, manager, J. Hector A. Mackay, assistant registrar, W. Allan S. Ayerst, manufacturer, Charles P. Tucker, gentleman, and Harry R. Cockfield, advertising agent, all of the said city of Outremont and hereunto duly authorized by resolution passed by the said board at its meeting held on the twenty-second of December last (1930), copy whereof is annexed hereto signed for identification by the said Trustees and the undersigned notary; hereinafter referred to as the "Protestant Board";

*Party of the First Part;*

## AND

THE JEWISH SCHOOL COMMISSION OF MONTREAL, a corporation duly constituted according to law, herein acting and represented by all its members, namely: Samuel W. Livingston, of the said city of Montreal, mining engineer, the President, and Reverend Doctor Herman Abramowitz, Rabbi, Edgar M. Berliner, gentleman, Abraham Z. Cohen, merchant, Michael Garber, advocate, Nathan Gordon, King's Counsel, and Max Wiseman, Doctor of Medicine, all of the city of Westmount, in the said Province; and hereunto duly authorized by resolution passed by the said Commission at its meeting held on the twelfth day of January instant (1931), copy whereof is annexed hereto signed for identification by the said last mentioned Commissioners and the undersigned Notary; hereinafter referred to as the "Jewish Commission";

*Party of the Second Part;*

Which said parties declared unto me, the said notary, that they have agreed and do hereby agree together as follows:

1. Within the school municipality now or hereafter under the jurisdiction of the Protestant Board, the Jewish Commission agrees that all Jewish children shall attend the schools of the Protestant Board and the Protestant Board hereby agrees to receive the said children into its said schools.

2. All Jewish children shall be subject in all respects to all the rules and regulations of the Protestant Board applying to Protestant children and shall receive the same treatment and be subject to the same obligations and enjoy the same advantages in all respects as Protestant children.

3. Jewish children shall attend the school of the regular school district (as defined from time to time by the Protestant Board) within which they reside, and within the schools so attended by them there shall be no division or separation of Jewish children from Protestant or other children.

4. No Jewish pupil shall be compelled to read or study any religious or devotional book or to take part in any religious or devotional exercise to which the father or in his absence the person in *loco parentis* shall object.

5. Jewish children shall suffer no loss or reduction in marks because of absence from school on the following holidays:

New Year	Two (2) Days
Day of Atonement	One (1) Day
Tabernacles	Four (4) Days
Passover	Four (4) Days
Pentecost	Two (2) Days

6. The policy of the Protestant Board is to consider Jewish applicants eligible for appointment to the teaching staff and for promotion. This declaration of policy shall not be construed as in any way affecting the rights, powers, authority and duties of the Protestant Board.

7. All communications by one Party or its successor to the other Party hereto or its successor shall be effected through their respective Chairmen.

8. This agreement shall be deemed to have gone into effect on the first day of July, nineteen hundred and thirty, and shall continue for a period of fifteen (15) years from that date. It shall thereafter automatically continue for further periods of fifteen (15) years each, unless notice of termination hereof shall have been given in writing by one Party or its successor to the other Party or its successor at least two (2) clear years before the expiration of any fifteen (15) year period. If such notice is given this agreement shall expire at the end of the then current fifteen (15) year period.

9. This agreement is made in virtue of rights and powers vested in the Parties hereto and the exercise thereof as herein set forth shall not be deemed to constitute a waiver of any such rights and powers.

10. This agreement is contingent upon the enactment by the legislature of the Province of Quebec at its session which opened on the second of December last (1930) of such legislation, satisfactory to the Parties hereto and to The Montreal Protestant Central School Board, as may be necessary to make provision for the distribution of the cost of educating Jewish children as follows:

(a) All school taxes paid by Jewish proprietors (which shall be at the same rate as those paid by Protestant Proprietors) within the school municipality now and hereafter under the jurisdiction of the Protestant Board shall be paid into the Protestant Panel.

(b) Jews shall be counted as Protestants for the purpose of calculating and distributing the proportions of the funds of the Neutral Panel accruing to the Protestant Board and to the two Roman Catholic school commissions having jurisdiction in the city of Outremont.

(c) The cost of educating Jewish children shall be reckoned at the *per capita* cost calculated on the basis of the total enrollment up to the thirtieth of April of the preceding school year.

(d) The Protestant Board shall be paid out of the funds of the Neutral Panel, as a charge thereon, the difference (if any) for each year between the amount paid into the Protestant Panel by Jewish proprietors and the *per capita* cost, calculated as aforesaid, of the education of the Jewish children attending the schools of the Protestant Board.

## WHEREOF ACTE:

DONE AND PASSED at the said city of Montreal, on the day, month and year first hereinbefore written, under the number twenty-five thousand two hundred of the original minutes of Robert H. Barron, the undersigned notary, and signed by the said parties hereto with and in the presence of the said notary after due reading hereof.

(Signed)	JOHN F. ROY,
"	W. J. COLLINS,
"	CHAS. P. TUCKER,
"	W. A. S. AYERST,
"	J. H. A. MACKAY,
"	H. R. COCKFIELD,
"	SAMUEL W. LIVINGSTON,
"	H. ABRAMOWITZ,
"	EDGAR M. BERLINER,
"	A. Z. COHEN,
"	MICHAEL GARBER,
"	NATHAN GORDON,
"	MAX WISEMAN, M.D.,
"	R. H. BARRON, N. P.

A true copy of the original hereof remaining of record in my office.

R. H. BARRON. N. P.