



CHAPTER 61

An Act respecting the education of children of the Jewish faith in the Island of Montreal

[Assented to, the 4th of April, 1930]

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

1. A commission is hereby incorporated under the name Jewish School Commission of the Jewish School Commission of Montreal, hereinafter referred to as "the Commission", composed of seven members of the Jewish faith, appointed by the Lieutenant-Governor in Council, one of whom shall be designated as president.

2. Notice of the appointment of the members of such Commission, as well as the date thereof, shall be published in the *Quebec Official Gazette*.

3. From and after such date, the Commission shall have perpetual succession and possess all the rights and powers generally vested in similar corporations, subject, nevertheless, to the provisions hereinafter enacted.

4. The provisions of the Education Act (Revised Statutes, 1925, chapter 133) shall apply to the Commission to the Jewish schools, insofar as not incompatible with the provisions of this act.

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

Jurisdic-
tion.

6. The territory covered by the jurisdiction of the Commission created by this act, for Jewish school purposes, shall include all the territory of the Island of Montreal.

Administra-
tion.

7. 1. The business of the Commission shall be administered by its members, four of whom shall be a quorum.

Casting-
vote of pres-
ident.

2. In case of equality of votes on any question, the president shall have a casting-vote.

Vacancies.

8. The corporation shall not be dissolved by one or more vacancies occurring among the members of the Commission, nor by the disappearance of all its members.

Idem.

9. In case of vacancy in one or more memberships of the Commission, every such vacancy shall be filled in the same manner in which the original appointments to the Commission were made.

Powers.

10. The Commission shall be vested, in respect of the education of persons of the Jewish faith, with all the powers vested in the Montreal Catholic School Commission and the Protestant Board of School Commissioners of the City of Montreal, in respect of education in their schools respectively.

Advisory
capacity.

11. The Commission may, upon the invitation of the Council of Education or of the Superintendent of Education, be summoned to meet with such Council, in an advisory capacity, with respect to any educational question affecting the whole population in general.

Regulations.

12. The Commission may make such regulations as it may deem necessary for the government of its schools. Such regulations shall not come into force until approved by the Lieutenant-Governor in Council upon the recommendation of the Superintendent of Education.

Jurisdiction
of Supt. of
Education.

13. All school questions pertaining to the education of persons of the Jewish faith and to the Jewish School Commission of Montreal shall be solely under the jurisdiction of the Superintendent of Education, and the latter shall, with regard thereto, be vested with the same obligations and powers that he possesses under the law in respect of the education of Catholics and Protestants, and of their schools.

Jewish Cen-
tral Board
of Exam-
iners.

14. The Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Education,

or upon the application of the Jewish School Commission of Montreal, establish, by proclamation, a Jewish Central Board of Examiners, for the examination of candidates for teacher's diplomas for the education of persons of that faith.

15. Any provision to the contrary notwithstanding, in every school municipality of the Island of Montreal, whether governed as regards schools by the Education Act or by a special act or by the Education Act and by a special act, one or more school municipalities for persons professing the Jewish faith may be erected, divided and the boundaries thereof altered, under the first paragraph of section 71 of the Education Act, but such municipality or municipalities so erected in any Protestant School Municipality of the Island of Montreal shall include the whole territory of such Protestant School Municipality, and shall, after their establishment, be governed by the Commission created by this act. Erection of school municipalities.
Proviso.

16. The Commission, instead of establishing separate schools for the education of children professing the Jewish faith in a locality thus erected into a school municipality for persons of that faith, may enter into an arrangement with any other board of school commissioners or school trustees having jurisdiction in the same locality, for the education of such Jewish children in the schools controlled by such other board, provided that all such arrangements shall be subject to the approval of the Lieutenant-Governor in Council on the recommendation of the Superintendent of Education. Arrangements authorized.

Arrangements for the same purpose and subject to the same approval may be entered into with any other school municipality of the Island of Montreal, before the erection therein of a school municipality for persons of the Jewish faith. Idem.

17. 1. Failing an agreement between the Protestant Board of School Commissioners of the City of Montreal or the Montreal Catholic School Commission and the Jewish School Commission previous to April 1st, 1931, the territory of the City of Montreal is hereby erected into a Jewish school municipality under the control of the Jewish School Commission incorporated herein, to take effect from the 1st of July, 1931, without prejudice to any rights which Roman Catholics and Protestants may have in the said territory. Failing an agreement, respecting City of Montreal.

Failing an agreement, respecting City of Outremont.

2. Failing an agreement between the Protestant Board of School Trustees of the City of Outremont or the Roman Catholic School Commissioners of the said city and the said Jewish School Commission previous to April 1st, 1931, the territory of the City of Outremont is hereby erected into a Jewish school municipality under the control of the said Jewish School Commission, to take effect from July 1st, 1931, without prejudice to any rights which Roman Catholics and Protestants may have in the said territory.

Notice of agreement, etc.

3. The Superintendent of Education shall be notified of any agreement entered into prior to April 1st, 1931, and he shall then give notice in the *Quebec Official Gazette* of the said agreement or of the erection of the Jewish school municipality consequent upon the failure of agreement.

Jewish School Commission and school taxes.

18. Notwithstanding any law to the contrary, wherever in the Island of Montreal any such school municipality for persons professing the Jewish faith shall have been erected, the Commission shall be entitled, from July 1st following the date of such erection, to the school taxes at the same rate as for Protestants on the properties of the Jewish ratepayers of such locality, and also to the proportion of the taxes therein paid into the Neutral Panel, if any, on the same proportionate basis as fixed for Protestants and Catholics; and, where in any such territory the school taxes are collected by the municipal corporation and the taxable property divided into separate panels, an additional panel, similar to that made up of the Protestant ratepayers, shall be made up for the Jewish ratepayers.

Additional panel.

13 Geo. V, c. 44, s. 3, replaced.

19. From and after July 1st, 1930, section 3 of the act 13 George V, chapter 44, (temporarily repealed by the act 19 George V, chapter 48, sections 1 and 3) is replaced by the following:

Payment of cost of educating certain children.

“3. 1. The cost of educating the non-Roman Catholic and non-Protestant pupils in the schools of either system, exclusive of those professing the Jewish faith, shall be paid out of the funds of the Neutral Panel to the board educating them, as a charge thereon, and 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.

Idem.

2. Except in a territory where a Jewish school municipality has been erected, the Protestant school board shall be paid out of the funds of the Neutral Panel, as a charge thereon, the difference 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.

3. In the City of Montreal, however, the *per capita* cost is hereby fixed at seventy-five dollars and the difference between that cost and the amount paid into the Protestant Panel by Jewish proprietors shall be borne by the Protestant and Catholic boards in proportion to their respective populations, Jews not being counted as Protestants for this latter purpose. Payment of cost of educating certain children.

4. Until such time as a Jewish school municipality be erected in the City of Montreal, the Neutral Panel tax in the said city, after deduction of the amounts payable to each board under this section, shall be divided between the Roman Catholic and Protestant school boards in the relative proportion of the Roman Catholic and Protestant populations according to the then last census, persons professing the Jewish religion not being counted as Protestants for the latter purpose. Division of Neutral Panel tax.

20. From and after July 1st, 1930, section 4 of the act 13 Geo. V. c. 13 George V, chapter 44 (temporarily repealed by the act 19 George V, chapter 48, sections 1 and 3) is replaced by the following: 44, s. 4, replaced.

"4. Each of the school boards must send to the treasurer of the municipal corporation concerned, 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 that board, showing the total enrollment of non-Roman Catholic, non-Protestant children up to the thirtieth of April of the preceding school year, and, in the case of Jews, showing the number thereof as apart from other non-Roman Catholic, non-Protestant children, and, except in the City of Montreal, a statement, certified by the auditor of the board, showing the total expenditure, exclusive of capital expenditure, made by the board during the preceding school year. The division of the total expenditure of either board by the total enrollment of all pupils in its schools will establish the *per capita* cost. Annual report. Annual statement. Per capita cost."

21. From and after July 1st, 1930, section 5 of the said act (temporarily repealed by the act 19 George V, chapter 48, sections 1 and 3), is replaced by the following: 13 Geo. V, c. 44, s. 5, replaced.

"5. In a territory where a Jewish school municipality has been erected, the Neutral Panel tax, after deduction Apportionment of neu-

tral panel
tax.

of the amounts payable to each board under section 3 of this act, shall be apportioned between Protestant, Roman Catholic and Jewish education proportionately to the number of Protestant, Roman Catholic and Jewish children from five to sixteen years of age respectively, residing in the municipality, as appears by the school census of the previous year. In the city of Montreal, however, such apportionment shall be made between the Roman Catholic, Protestant and Jewish school boards in the relative proportion of the Roman Catholic, Protestant and Jewish populations in the said city according to the then last census."

13 Geo. V, c.
44, s. 7, re-
placed.

22. Section 7 of the act 13 George V, chapter 44, is replaced by the following:

Indications
on valuation
roll.

"7. The assessors of each municipal corporation shall indicate upon the valuation roll all proprietors of the Jewish faith paying school taxes by putting the letter "J" opposite the entries of such proprietors, and shall put the letter "N" opposite the entries of proprietors who are not of the Roman Catholic, Protestant or Jewish faith."

13 Geo. V, c.
44, s. 8, re-
pealed.

23. Section 8 of the act 13 George V, chapter 44, is repealed.

Provisions
not applic-
able in cer-
tain case.

24. Part X of the Education Act (Revised Statutes, 1925, chapter 133) comprising sections 576 to 581 shall not apply to any territory wherein a Jewish school municipality has been erected.

Provisions
applicable.

25. From and after July 1st, 1930, the provisions of the act 13 George V, chapter 44, as amended, with the exception of subsections 3 and 4 of section 3 thereof, as enacted by section 19 of this act, shall apply within the whole territory under the control of the Montreal Protestant Central School Board.

Jurisdiction
of Quebec
Public
Service
Commis-
sion.

26. In any territory where a Jewish school municipality has been erected, should the Protestant school board concerned and the Jewish School Commission fail to agree as to the disposition of school sites, school houses and the equipment therein, and the compensation to be paid therefor, if any, within fifteen days following a notice given by either board to the other, either board may apply to the Quebec Public Service Commission which shall determine the matter in issue, and its decision shall be final.

Coming into
force.

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