



CHAPTER 46

An Act respecting the Montreal Catholic School Commission

[Assented to, the 4th of April, 1929]

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

That it is urgent for it to acquire new school sites, to erect and acquire new schools; to enlarge, improve and repair existing schools; to perform the work of establishing playgrounds for the pupils, and to pay any hypothecary obligation maturing during the year 1929-1930, and that for such purposes it is necessary for the said Commission to contract a loan;

Whereas it would be of advantage to authorize the corporation to sell by private sale immoveable property not used for school purposes;

Whereas it is expedient to proceed before the Quebec Public Service Commission to acquire, by expropriation, any immoveable property;

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 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 54 Viet., c. 53, s. 1, am.

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, and 18 George V, chapter 49, section 1, is again amended by adding thereto, after subsection *dd* thereof, the following subsection:

Issue of
bonds au-
thorized.

“*ee*. The Montreal Catholic School Commission is authorized to issue, in addition to the loans already authorized, bonds or debentures for an additional amount not exceeding two million dollars, to purchase school sites, acquire or erect schools or residences for the religious teaching staff; to enlarge, improve and repair existing schools; to acquire sites to be used as playgrounds for the pupils, and to pay any hypothecary obligation maturing during the fiscal year 1929-1930. Such bonds or debentures shall be issued in accordance with the act 54 Victoria, chapter 53, section 3, or any other act and the amendments thereto, governing loans by the said Commission.”

Authoriza-
tion to sell
by private
sale.

2. Notwithstanding section 240 of chapter 133 of the Revised Statutes of Quebec, 1925, the Montreal Catholic School Commission is authorized to sell by private sale, to exchange or to otherwise alienate the immoveable property belonging to it, not used for school purposes. Every such transaction must be approved by the Lieutenant-Governor in Council and be preceded by two public notices in a French newspaper and in an English newspaper of the city of Montreal at least thirty days before it is effected.

Approval.

Expropria-
tion proce-
dure.

3. Notwithstanding the provisions contained in chapter 133 of the Revised Statutes of Quebec, 1925, stating expropriations to be under the jurisdiction of a board of arbitrators, the Montreal Catholic School Commission shall, in future, proceed before the Quebec Public Service Commission for acquiring by expropriation any immoveable property (including the fixing of the indemnity). Articles 421 to 452, inclusively, and their amendments, of the charter of the city of Montreal shall apply, *mutatis mutandis*.

Provisions
applicable.

5 Geo. V, c.
38, s. 3, re-
placed.

4. Section 3 of the act 5 George V, chapter 38, as replaced by the act 11 George V, chapter 49, section 8, and amended by the act 15 George V, chapter 43, section 3, and again replaced by the act 16 George V, chapter 46, section 3, is again replaced by the following:

Endowment
fund for lay
teachers.

“**3.** 1. The Administrative Board of the Montreal Catholic School Commission may create an endowment fund for lay teachers of both sexes. Participation in such fund

shall be obligatory for every male teacher of an age of less than forty-five years, and for every female teacher of an age of less than forty years.

2. Such endowment fund shall be formed by means ^{Formation thereof.} of a contribution of one per cent retained out of the annual salary of every male or female lay teacher and of a contribution by the Montreal Catholic School Commission of a like amount. The total amount contributed by the Montreal Catholic School Commission shall not in any case be more than that contributed by the said teachers.

3. Any such lay teacher who ceases to be employed by the Commission after having contributed to the endowment fund for less than five years shall be entitled to the ^{Taking back of contributions.} repayment of the amount retained, capitalized, and in such case the Commission shall take back its contribution. ^{Effect.} He or she shall, thereupon, cease to be insured.

4. Any male or female lay teacher who, for any reason ^{Repayment of share.} other than those hereinafter mentioned, ceases to be employed by the Commission, after having contributed for five years or more to the endowment fund, shall be entitled to the repayment of his or her capitalized share, and shall ^{Effect.} cease to participate in the group insurance effected by the Commission.

5. Nevertheless, every male or female teacher who ^{Capitalized share or life rent.} has contributed to the endowment fund for a period of five to twenty years and who retires: (a) on account of ill health after ten years of teaching; (b) after twenty years of teaching; (c) at fifty-six years of age,—shall be a pensioner of the Commission, and remain insured if insured previously; and he or she may then demand the repayment of his or her capitalized share or receive a life rent payable on the 30th of June of each year, such rent to be the simple interest at five per cent on his or her capitalized share.

6. Every male or female lay teacher who has contributed ^{Idem.} to the endowment fund for twenty years becomes a pensioner of the Commission and remains insured if previously insured. His or her annual contribution shall cease, as well as the contribution by the Commission; at the expiration of the following year, the male or female teacher shall, on demand, receive the repayment of his or her capitalized share, or receive annually, from the expiration of the following year, the interest on his or her capitalized share.

7. The Commission is authorized to make all ^{Regulations.} regulations it deems necessary for the organization and administration of such endowment fund.

"Capitalized share".

8. For the purposes of this section, the words "capitalized share" mean the capitalized amount of the contribution paid by the male or female lay teacher, increased by the capitalized contribution paid by the Commission.

Bonus.

9. Every male or female lay teacher who is not a participant in the endowment fund, upon retiring: (a) on account of ill health after at least ten years of teaching; (b) after twenty years of teaching; (c) at fifty-six years of age,—shall be a pensioner of the Commission, shall remain insured if previously insured, and be entitled to the bonus granted by the regulations of the Commission. Such teacher shall be entitled to receive in capital the repayment of his or her bonus, or receive every year a rent equal to the interest produced by the amount of the bonus.

Drawing of bonus.

10. Every male or female lay teacher who is not a participant in the endowment fund, retiring under other conditions than those mentioned in the preceding paragraph, shall draw, on leaving, the total bonus granted by the regulations of the Commission, and shall cease to participate in the group life insurance or any other method of insurance determined by the Commission.

Effect.

Retentions to cover premiums.

11. Whenever, under the provisions of subsections 5, 6 and 9 of this section a male or female teacher asks for the repayment of the capital coming to him or her from the endowment fund or bonus, the Commission must retain sufficient capital to yield interest equal to the annual premiums on the group life insurance or other method of insurance, if such teacher was previously insured. Whenever, under the provisions of the same subsections, a male or female teacher selects payment of an annual rent, representing the interest produced by his or her capital in the endowment fund or bonus, the Commission shall apply the whole or part of such rent to the payment of the annual premium of the group life insurance or other method of insurance determined by the Commission, and, if the interest be insufficient, the capital itself may be used for such purpose."

7 Geo. V, c. 28, s. 22, am.

5. Section 22 of the act 7 George V, chapter 28, as replaced by section 19 of the act 18 George V, chapter 50, is amended:

a. By replacing the words: "two hundred dollars", in the last line of the second paragraph thereof, by the words: "not over seven hundred dollars";

b. By adding thereto the following paragraph:

"The commissioners who form part of the two boards, pedagogical and administrative, receive a further indemnity of five hundred dollars."

6. Section 31a of the act 7 George V, chapter 28, as 7 Geo. V, enacted by the act 18 George V, chapter 50, section 29, is ^{c. 28, s. 31a,} amended by adding thereto, after the word: "corporation", ^{am.} in the second line of the sixth paragraph thereof, the following words: "Nevertheless, all wage or salary cheques for the teachers, officers and employees of the Commission may be signed by any officer or employee designated by the Administrative Board."

7. Section 31d of the act 7 George V, chapter 28, as Id., s. 31d, enacted by the act 18 George V, chapter 50, section 29, is ^{am.} amended by adding thereto the following paragraph:

"The cheques for teachers' salaries signed by the general- ^{Cheques to} chairman, or by an officer or employee designated by the ^{be initialed} Administrative Board, must be initialed by the treasurer." ^{by treasurer.}

8. 1. The school municipality of St. Charles Bas du Sault ^{Annexation.} in the county of Laval is annexed to the school municipality under the jurisdiction and control of the Montreal Catholic School Commission.

2. From the date of the annexation, the Montreal Cath- ^{Rights, etc.} olic School Commission shall stand in the rights and obligations of the School Commission of the municipality of St. Charles Bas du Sault in the county of Laval, and the assets and liabilities of the latter shall be consolidated with the assets and liabilities of the said corporation of the Montreal Catholic School Commission.

3. Nevertheless, the present rate of taxation in force in ^{Rate of} the municipality of St. Charles Bas du Sault shall remain ^{taxation.} the same until the receipts derived from the said tax and the expenses incurred by the said municipality be equalized.

4. The present annexation is however subject to the ^{Approval.} approval of the ratepayers of the school municipality of St. Charles Bas du Sault, which shall be expressed by a referendum.

5. The referendum shall be held on the 20th of May, ^{Referen-} 1929, at the city hall of Montreal North, under the direc- ^{dum.} tion and supervision of the secretary of the town of Montreal North then in office, or, in case of incapacity, under the direction and supervision of his assistant secretary then in office.

6. The polling-station shall be open from seven o'clock in ^{Poll.} the morning until eight o'clock in the evening (standard time).

7. The powers and duties of such officer for the purposes ^{Duties, etc.,} of the referendum shall be assimilated to those of a return- ^{of sec. of} ing-officer acting under the election law of the Province of ^{Montreal} Quebec and for the purposes of registering the votes of ^{North.}

the ratepayers and for noting of any incidents; he shall require the services of a clerk or secretary whom he shall swear.

List of rate-
payers.

8. For the purposes of the said referendum the secretary of the school commission of St. Charles Bas du Sault shall supply the said officer and each school commissioner then in office at least fifteen days before the 20th of May, 1929, with a list, certified under his oath of office, of all ratepayers appearing on the valuation roll then being used in the school municipality of St. Charles Bas du Sault.

Voting.

9. The vote shall be given by secret ballot and upon ballot-papers previously printed, made in the form of the ballots used in the elections of the Province of Quebec and containing in two distinct lines the following words:

“For annexation”

“Against annexation”

Each ballot-paper being made so as to leave a space for marking a cross. The ratepayer will answer by placing a cross on the ballot-paper opposite to the question he wishes to answer in the affirmative.

Majority of
votes.

10. The absolute majority of votes registered shall be considered as the approval or disapproval of the ratepayers of the annexation.

Report.

11. The officiating officer shall immediately prepare his return and transmit the same without delay to the Honourable the Provincial Secretary who shall publish the result in the *Quebec Official Gazette*.

In force by
proclama-
tion.

12. Where the report thus published shall establish a majority in favour of the said annexation, the provisions of this section respecting the annexation shall come into force on the 1st of July, 1929, under a proclamation of the Lieutenant-Governor in Council.

Costs.

13. The costs occasioned by the said referendum shall be borne by the School Commission of St. Charles Bas du Sault.

Coming into
force.

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