

C H A P. 45

An Act respecting Protestant schools in and around
the city of Montreal

[Assented to, the 3rd of April, 1925]

Preamble.

WHEREAS a commission was appointed by the Lieutenant-Governor in Council to study and make a report upon, among other things, the question of what measures were required to improve the financial system governing the Protestant school municipalities in and around the city of Montreal, so as to relieve those which were in financial difficulties;

Whereas the said commission has duly made its report;

Whereas it is expedient to give effect, in the main, to the recommendations of such report, so as to distribute evenly the cost of Protestant education among the various Protestant school municipalities in the territory affected, at the same time preserving the identity, and, so far as possible, the autonomy of the various local boards;

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

Incorporation; name.

1. The Montreal Protestant Central School Board, hereinafter termed the "Central Board", is hereby incorporated.

Perpetual succession, etc.

The said corporation shall, from and after the 15th of May, 1925, when the members thereof shall have been appointed, have perpetual succession and possess all the rights and powers generally vested in corporations, subject to the special provisions of this act.

Jurisdiction.

2. Its jurisdiction in relation to the matters hereinafter mentioned shall extend to the Protestant school municipalities subject to the jurisdiction of the following Protestant school boards:

1. The Protestant Board of school commissioners of the city of Montreal;

2. The Protestant Board of school commissioners of Lachine;

3. The Protestant Board of school trustees of Verdun;

4. The Protestant Board of school commissioners of Côteau St. Pierre;

5. The Protestant Board of school commissioners of the town of Westmount;

6. The Protestant Board of school trustees of the town of St. Laurent;

7. The Protestant Board of school commissioners of the town of Mount Royal;

8. The Protestant Board of school trustees of Sault au Recollet;

9. The Protestant Board of school trustees of Pointe aux Trembles;

10. The Protestant Board of school trustees of the city of Outremont;

11. The Protestant Board of school commissioners of the town of Hampstead.

3. If any school municipality of the island of Montreal other than those mentioned in section 2 is hereafter annexed to any one of such municipalities, the territory of such municipality shall, for Protestant school purposes, come *ipso facto* under the jurisdiction of the corporation created by section 1, and the assets and liabilities of such school municipality shall be merged with the assets and liabilities of the municipality to which it is annexed, subject always to the award of the Superintendent of Public Instruction, given in accordance with article 2604 of the Revised Statutes 1909.

4. 1. The Central Board shall consist of seven members professing the Protestant religion, and residing within the territory of the school municipalities mentioned in section 2 of this act.

2. Such members shall be appointed in the manner following:

a. Four shall be appointed by resolution of the Protestant Board of School Commissioners of the city of Montreal, within twenty days after the coming into force of this act;

b. One shall be chosen by the Protestant Board of School Commissioners of the town of Westmount at its first regular meeting or at a special meeting held within the twenty days from the coming into force of this act;

c. One, by the Protestant boards of school commissioners or trustees of the school municipalities of Lachine, Côteau St. Pierre, Mount Royal, and Verdun. Each such Protestant board, at its first regular meeting or at a special meeting held within the twenty days following the coming into force of this act, shall appoint a delegate to proceed with the election of such member of the Central Board. The delegates so appointed shall meet at the place appointed by the Director of Protestant Education in the Province, during the thirty days following the coming into force of this act, upon convocation by written notice of five days given by the said Director by registered letter,

and shall then and there choose such member by the majority of the delegates present. The omission by any board to appoint its delegate shall not prevent the making of the appointment:

One, by the boards of Outremont, St. Laurent, Hampstead, Sault au Recollet and Pointe aux Trembles.

d. One, by the Protestant boards of school commissioners or trustees of the school municipalities of Outremont, St. Laurent, Hampstead, Sault au Recollet, and Pointe aux Trembles. Each such Protestant board, at its first regular meeting or at a special meeting held within the twenty days following the coming into force of this act, shall appoint a delegate to proceed with the election of such member of the Central Board. The delegates so appointed shall meet at the place appointed by the said Director of Protestant Education in the Province, during the thirty days following the coming into force of this act, upon convocation by written notice of five days given by him by registered letter, and shall then and there choose such member. The omission by any municipality to appoint its delegate shall not prevent the making of the appointment.

Term of office.

3. Every such member shall be appointed for the term of four years.

Vacancies.

4. If, on the 10th of May, 1925, the Director of Protestant Education in the Province has not been notified of the appointment of all the members as above-mentioned, any vacancies shall be filled by the Lieutenant-Governor in Council.

Chairman.

5. The Central Board shall elect a chairman from among its members at its first meeting or at any adjournment thereof. Such election shall be upon the vote of the majority of the members present. It shall at the same time appoint a secretary-treasurer.

Secretary-Treasurer

The chairman shall hold office until the expiry of the four years for which the board electing him was appointed.

Term of office of chairman. Id., etc., of sec-treas.

The term of office and duties of the secretary-treasurer shall be fixed by the regulations to be adopted by the Central Board.

Casting vote.

The chairman, or chairman *pro tem*, shall have a casting-vote in addition to his vote as member.

Communication of appointment.

6. Every appointment made under the authority of this act must be communicated in writing to the Director of Protestant Education in the Province by the authority bound to make such appointment on or before the 10th of May of the year in which an appointment is to be made.

Appoint-

7. The Lieutenant-Governor in Council may, at any

time, make any appointment authorized by this act, when such appointment has not been made by the proper authority within the required delay or in accordance with the provisions of this act.

ment by Lt.-Gov. in C. in certain cases.

His decision shall be final and without appeal, and may be altered only by another order-in-council.

Decision final.

8. Any vacancy in the Central Board due to death, accepted resignation, absence from the Province for three consecutive months, or other cause deemed sufficient by the Director of Protestant Education, shall be filled in the same manner as that in which the appointment of the member to be replaced was made. In such cases, the delay for filling a vacancy shall be fixed by the said Director so that such delay may be in harmony with the provisions of this act.

Vacancy in Central Board.

9. Any member appointed to fill a vacancy shall perform the duties entrusted to him only until the expiration of the term of office of the member he replaces.

Duties of member filling a vacancy.

10. The Central Board is also authorized to make and amend such regulations as it may deem necessary for establishing the procedure according to which subsequent appointments may be made, provided such regulations are not inconsistent with the laws in force.

Regulations by Central Board.

Such regulations shall come into force after they are sanctioned by the Lieutenant-Governor in Council, on the recommendation of the Director of Protestant Education in the Province and of the Superintendent of Public Instruction.

Coming into force of such regulations.

11. The first duty of the Central Board shall be to establish the actual assets and liabilities of all the local boards now forming part of the territory over which it has jurisdiction, and to make out a detailed statement of the sums required for the payment of the interest and sinking-funds of the loans. And it shall be the duty of the Secretary-Treasurer of each local board to furnish to the Central Board, by the 15th of May, 1925, a detailed statement of the actual assets and liabilities of such board.

Actual assets and liabilities.

Statement.

12. The Central Board—within the bounds fixed by the laws in force respecting schools in the various local Protestant school municipalities subject to its jurisdiction, as well as by this act—shall receive from the treasurer of each city, town or other local municipality comprised in the territory subject to the jurisdiction of the Central Board all the sums that have to be paid and the available proceeds of all taxes imposed for the share of the Protestant

Proceeds of taxes to Central Board.

schools in the whole of the territory subject to the jurisdiction of the Central Board, the whole as more fully set out in section 16.

Other duties
of Central
Board.

13. It shall also be the duty of the Central Board:

1. To comply, as regards the accounts and registers kept by the secretary-treasurer, with all instructions, whether special or general, given by the Superintendent of Public Instruction;

2. To cause to be made each year, before the 15th of September, a report to the Superintendent of Public Instruction upon a form which he shall furnish;

3. To keep a register in which shall be entered the minutes of its meetings, which shall be signed by the chairman and by the secretary-treasurer, in accordance with the provisions of article 2707 of the Revised Statutes, 1909;

4. To keep books of account in the manner and according to the forms indicated by the Superintendent of Public Instruction;

5. To verify and pay its debts;

6. To acquire and hold moveable and immoveable property, sums of money or income, and to apply the same for the purposes for which they are intended;

7. To study the reports of the local boards in order to establish their general financial condition.

Idem.

14. 1. It shall likewise be the duty of the Central Board to prepare a general financial statement from the reports of the various local boards.

In so doing, the Central Board must maintain equilibrium between revenue and expenditure, and must provide for interest on indebtedness, and for all sinking-funds established or to be established, subject to the application of the laws in force for matters therein indicated.

2. It shall also examine and pass upon the budget submitted by each local board for the ensuing year, and shall finally approve of the same, with or without amendments.

3. No administration expenses shall be made by any local board unless they are included in the budget; provided however that in case of emergency the Central Board may approve other expenditures in the course of any one year.

4. The Central Board may, by resolution, fix the date at which the reports and budgets of the various local boards will be taken into consideration by its members, so that the financial statement may be drawn up at the proper time and be adopted at a precise date specified in the resolution.

15. It shall be the duty of every local board:

Duties of
every local
board.

1. To make regulations for the management of the schools under its control, and to communicate them in writing to the teachers;

2. To engage teachers, qualified as required by law, to teach in the schools under its control;

3. To pay its teachers at the end of each month of teaching;

4. To cancel the engagement of teachers and other employees of the board on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality;

5. To take the measures necessary to have the course of study, authorized by the Protestant Committee of the Council of Public Instruction, followed in each school;

6. To furnish, if necessary, text-books to indigent children attending the schools under its control; such books to be paid for out of the board's school funds;

7. To fix the time of the annual public examination, and to attend the same;

8. To pay the insurance premiums and to see that the property and furniture of the board are properly insured for at least one-half their value;

9. To make and carry out such regulations respecting hygiene in schools as are not contrary to those of the Superior Board of Health of the Province of Quebec;

10. To comply, as regards the accounts and register kept by its secretary, with all instructions, whether special or general, given by the Central Board;

11. To cause to be made each year, before the 15th of September, a report to the Central Board upon a form to be furnished by it;

12. To prepare its estimates or budget for the ensuing year, and to submit it to the Central Board on or before the 1st of May, but, for the year 1925, such estimates or budget shall be submitted by the 15th of May;

13. To keep a register in which shall be entered the minutes of its meetings, which shall be signed by the chairman and by the secretary, in accordance with the provisions of article 2707 of the Revised Statutes, 1909;

14. To keep books of account in the manner and in the form indicated by the Central Board;

15. To settle all disputes arising in relation to the schools in its territory between the parents or children and the teachers;

16. To dismiss from the school any pupil who is habitually insubordinate or whose conduct is immoral either in word or deed;

17. To select, with the approval of the Central Board, the necessary grounds for the school sites, and, under the control of the Central Board, to build or reconstruct its schoolhouses and dependencies;

18. To repair and maintain such schoolhouses and dependencies, to purchase or repair school furniture, and to lease temporarily or accept free of charge the use of the houses or other buildings fulfilling the conditions required by the regulations of the Protestant Committee of the Council of Public Instruction for keeping schools therein;

19. To associate with itself supervisors, permanently or temporarily, to assist in administering, building, repairing, heating and cleaning the schoolhouses, and keeping the moveable and immoveable property belonging to the local board in good order;

20. To take a census of the children in its territory.

Such census may be taken by the city of Montreal, or by any other municipality, for its territory subject to the jurisdiction of the Central Board, at the same time as the census for municipal purposes, by arrangement with the Central Board, and, in such case, it shall replace that which the local board is hereby required to take;

21. To follow the general or special instructions given by the Central Board;

22. To administer its moveable or immoveable property;

23. To engage the necessary employees in accordance with the regulations adopted in that respect by the Central Board;

24. To exercise the powers generally conferred upon school commissioners or trustees by the laws in force, to perform the duties not specially allotted to the Central Board, and to administer all the schools under its control from a pedagogical standpoint.

Uniform
tax, at the
rate of ten
mills.

16. 1. From and after the 1st of July, 1925, in the various cities, towns or other local municipalities the territory of which is subject to the jurisdiction, for Protestant school purposes, of the Central Board, there is hereby imposed a uniform tax, to be entitled the Protestant School Tax, at the rate of ten mills in the dollar, upon all immoveable property in such municipalities belonging to Protestant property-owners.

Id., at the
rate of
twelve mills.

2. From and after the 1st of July, 1925, in the various cities, towns or other local municipalities mentioned in paragraph 1 of this section, there is hereby imposed a uniform tax at the rate of twelve mills in the dollar, upon all the immoveable property inscribed in the neutral panel of each such city, town or local municipality, to be appor-

tioned between Protestant and Roman Catholic education as by law provided.

3. The taxes mentioned in paragraphs 1 and 2 of this section are hereby substituted for and shall take the place of all other taxes heretofore imposed upon property inscribed upon the Protestant or neutral panel of any such city, town or local municipality. Taxes substituted.

4. In every municipality under the jurisdiction of the Central Board in which there is no neutral panel under the law, the neutral panel referred to above shall include all immoveable property which, according to the law now in force in the city of Montreal, forms panel No. 3, as defined by the act 2 George V, chapter 28, section 8. Neutral panel.

5. The taxes above mentioned shall be levied and collected by the proper municipal authorities, at the same time as the municipal taxes, and, notwithstanding any special or general provision of law governing any such municipality, the amount of the said Protestant school tax so levied and the share of the said tax upon the neutral panel accruing for the benefit of Protestant education, shall be paid over to the Central Board by the proper municipal authorities, as soon as collected, in accordance with the provisions of section 12, at such date or dates as may be fixed by the Central Board; insofar, however, as the city of Montreal is concerned, the payment of the amounts accruing under this act shall be made in accordance with the provisions of the act 10 George V, chapter 40, section 5. Levying of taxes.

6. Out of the monies so received the Central Board shall pay over from time to time, to each local board, the amount necessary to meet the budget requirements of each local board as approved by the Central Board. Meeting of budget requirements.

7. The town of Mount Royal and the town of Hampstead shall be exempted from the application of the taxes imposed by this section for the three years next after the coming into force of this act, and during such three years the school taxes in the said towns shall be fixed by their respective local boards, provided that they be not lower than those now in force. Certain exemption for Mount Royal and Hampstead.

17. The expenses for the acquisition of lands or buildings or for the construction or reconstruction of school-houses or of other buildings shall be incurred by a local board only if approved by the Central Board. Approval of certain expenses.

18. The Central Board shall have general supervision over all financial matters affecting the local boards. The same shall apply to the temporary loans that any local board is authorized to contract. General supervision.

Borrowing power, etc., of Central Board.

19. Besides the power which corporations have under the Civil Law, the Central Board may borrow and guarantee or become security for the loans, debts and obligations contracted by each of the local boards affected by this act. It may also give and accept bonds for the payment or guarantee for the payment of any sum of money due by or to it.

Authorization for loans.

20. No local board may contract or renew a loan or issue bonds unless it be specially authorized by a resolution of the Central Board; but if a local board obtain such authorization, the loan shall be subject to the provisions of the acts governing it. Any such local board may, however, with the consent of the Central Board, contract temporary loans in anticipation of the collection of its revenues.

Loan by Central Board for benefit of local board.

21. Instead of authorizing a local board to contract or renew a loan or to issue any bonds, the Central Board may, with the consent of such local board, and without prejudice however to other borrowing powers already possessed by it, effect such loan in its own name, for the benefit and on behalf of such local board; provided the formalities required by the acts governing the latter be observed.

Guarantee.

22. Every loan made by the Central Board shall be on the guarantee of the immovable property belonging to Protestant property-owners and taxable under section 16, in proportion to the value of the taxable property of each of the said school municipalities.

"Notes of the Montreal Protestant Central School Board".

23. The Central Board may issue notes to order, designated under the name of "Notes of the Montreal Protestant Central School Board" in anticipation of the floating of long-term loans, provided that such notes shall not be issued for a longer term than twelve months. Nevertheless, such notes may be renewed from time to time until the long-term loans have been floated; but such notes shall not be issued until the formalities required for long-term loans have been fulfilled.

Temporary loans.

The Central Board may also contract temporary loans in anticipation of receipt of revenue.

Decision of disputes.

24. If, in carrying out this act, any dispute should arise between the Central Board and any local board regarding any matter affecting the powers, duties or obligations given to or imposed upon the Central Board or any local board by this act, or generally by the laws applicable thereto, such dispute shall be submitted to the Lieutenant-Governor in Council, who shall decide the same.

On special application of either of the boards interested an appeal from such decision may be taken before the Protestant Committee of the Council of Public Instruction, whose decision shall be final and may be altered only by the same authority.

Such appeal shall be brought within the thirty days following that upon which the award of the Director of Protestant Education in the Province was sent by registered letter to the boards interested.

25. Every dispute between two or more local boards shall be decided by the Central Board.

An appeal from such decision may also be taken before the Lieutenant-Governor in Council, within the thirty days following that upon which the decision of the Central Board was sent by registered letter to the local boards interested.

The decision of the Lieutenant-Governor in Council that respect shall be final and may be altered only by the same authority.

26. 1. The Central Board or any local board may amend or repeal such regulations as it may deem necessary or expedient for the exercise of the powers conferred upon it by the laws applicable thereto, provided however that such regulations are not inconsistent with such laws.

2. The regulations made by a local board shall come into force only after having been approved by the Central Board.

3. The regulations made by the Central Board shall come into force only after having been sanctioned by the Lieutenant-Governor in Council, on the recommendation of the Superintendent of Public Instruction.

27. With the approval of the local boards, the Central Board may make, amend or repeal any regulations respecting matters within the special competence of the local boards, providing such regulations are applicable in all the territories subject to its jurisdiction.

28. Unless derogated from by this act, or unless there should be in the context of its provisions anything indicating a different meaning,—

a. the provisions of the laws respecting education in this Province; and

b. the special or general laws applying to any of the local boards subject to the jurisdiction of the Central Board,—

shall continue to apply or be applicable to the Central Board as well as to the local boards.

Union of local boards. **29.** With the consent and approval of the Central Board any local board may unite with any other local board for all school purposes, to form one local board.

Approval. Any such union or amalgamation of local boards shall take effect only on the approval of the Lieutenant-Governor in Council.

By-laws, etc. in force. **30.** All by-laws, resolutions or ordinances, agreements, engagements or other public acts passed or consented to by any local board affected by this act, and now in force, shall remain in force and retain their legal effect so long as they are not inconsistent with any provision of this act, and so long as they are not set aside, amended or cancelled, and so long as their object is not accomplished.

Current administrative acts only, for certain period. **31.** Between the date of the sanction of this act and the 30th of June, 1925, the local boards affected by this act shall perform only acts of current administration; any matter relating to the building of a schoolhouse or to a loan may be settled only subject to the approval of the Director of Protestant Education in the Province.

Extent of repeals. **32.** All provisions of any act either general or special, affecting any of the local boards placed by this act under the jurisdiction of the Central Board, are hereby repealed insofar as they may be incompatible with the provisions of this act.

Coming into force. **33.** This act shall come into force on the day of its sanction.

C H A P. 46

An Act to amend the acts respecting the Board of Roman Catholic School Commissioners of the City of Quebec

[Assented to, the 4th of March, 1925]

Preamble. **W**HEREAS the Board of Roman Catholic School Commissioners of the City of Quebec has, by its petition, represented that it is necessary for the Board of Roman Catholic School Commissioners of the City of Quebec to contract new loans in order to erect new school houses, to improve and furnish the same, and to enlarge existing schools, and to consolidate and convert into bonds old