

C H A P. 28

An Act respecting the Catholic schools of Montreal

[Assented to 22nd December, 1916]

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

INCORPORATION

1. The Montreal Catholic School Commission is hereby incorporated. Corporation created.

The said corporation shall, from the 1st of July, 1917, Powers. when the members composing its administrative body 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.

2. The territory over which the jurisdiction of the Territory. corporation hereby created extends, for Catholic school purposes, shall comprise the whole territory now forming part of the city of Montreal.

Such jurisdiction shall also be exercised over the territory of the former school municipality of the town of Maisonneuve, but shall not include the other territories situated within the limits of the city of Montreal, when such territory forms part, for Catholic school purposes, of another school municipality not situated within the limits of the city of Montreal.

3. If any municipality is hereafter annexed to the city Territory of Montreal, the territory of such municipality shall, for hereafter Catholic school purposes, come *ipso facto* under the jurisdiction of the corporation created by section 1, and the annexed to city of assets and liabilities of such school municipality shall be merged with the assets and liabilities of the said corporation created by section 1, subject always to the award of the Superintendent of Public Instruction, given in accordance with article 2604 of the Revised Statutes, 1909.

4. The Montreal Catholic School Commission shall be Central board and district com- governed and administered by a central board. missions.
Each of the four district commissions hereinafter established shall have the powers and [duties given them by this act.

APPOINTMENT OF MEMBERS OF THE CENTRAL BOARD AND
OF DISTRICT COMMISSIONERS. BOUNDARIES OF
THE DISTRICTS

Composition of central board. **5.** The central board shall consist of seven members chosen from among the Roman Catholics.

The Lieutenant-Governor in Council, the Archbishop of the archdiocese of Montreal, and the city of Montreal, shall respectively appoint a member of the central board.

Appointment of members. The four other members shall be appointed by the members of the district commissions in the manner hereinafter set forth. One of such members shall be chosen from among the Catholic priests, and the three others from among laymen. Such four members must be versed in educational matters and in pedagogical knowledge, and must not already form part of a district commission.

Four school districts. **6.** For the purposes of this act, the territory to which the present incorporation applies, is divided into four school districts respectively called: the central school district of Montreal, the northern school district of Montreal, the eastern school district of Montreal, and the western school district of Montreal.

Alteration of boundaries. The Superintendent of Public Instruction is authorized, when required by circumstances, to alter the limits of the districts hereby established. Every alteration of such limits shall take effect on the date fixed by the Superintendent of Public Instruction.

Territory of central district. **7.** The central school district of Montreal shall comprise the territory included in the following parishes: St. James Cathedral, Notre-Dame, St. Joseph, Sainte-Hélène, St. James, Saint-Louis-de-France, St. Catherine, Saint-Pierre, Sacré-Cœur, St. Bridget, Saint-Eusèbe, Saint-Vincent-de-Paul, Saint-Anselme, Saint-Jean-Baptiste, St. Patrick, St. Antoine, St. Agnès, St. Mary's, St. Anne's, Notre-Dame del Carmine and Saint-Casimir.

Northern district. **8.** The northern school district of Montreal shall comprise the territory included in the following parishes: Saint-Joseph de Bordeaux, Saint-Nicolas d'Ahuntsic, Saint-Alphonse d'Youville, Notre-Dame du Rosaire (Villeray) Sainte-Cécile, Saint-Arsène, Saint-Jean de la Croix, St. Edward, Saint-Etienne, St. George, Saint-Enfant-Jésus (Mile End), Saint-Denis, St. Michael and Notre-Dame della Difesa.

Eastern district. **9.** The eastern school district of Montreal shall comprise the territory included in the following parishes: Saint-

Victor, Sainte-Claire de Térautville, Saint-François d'Assise de la Longue-Pointe, Saint-Jean de Dieu, Notre-Dame des Victoires (Terminal park), Saint-Clément Viauville, Saint-Nom de Jésus (Maisonneuve), Saint-Jean-Baptiste de la Salle, Saint-François Solano, Saint-Rédempteur, Nativité de la Vierge (Hochelaga), Sainte-Philomène, Saint-Marc, Saint-Jean Berchmans, Saint-Stanislas, Saint-Pierre Claver, Immaculée Conception, Saint-Dominique and St. Aloysius.

10. The western school district of Montreal shall comprise the territory included in the following parishes: Western district. Notre-Dame du Perpétuel Secours, Ville Émard, St. Paul, St. Charles, Sainte-Cunégonde, Saint-Irénée, Saint-Henri, Saint-Zotique, Sainte-Élizabeth, Sainte-Clothilde, Notre-Dame de Grâces, Notre-Dame des Neiges, Saint-Pascal Baylon, St. Gabriel and Saint-Thomas d'Aquin.

11. Each district commission shall consist of six members chosen from among the Roman Catholics. Number of members.

The Lieutenant-Governor in Council, the Archbishop of the archdiocese of Montreal, and the city of Montreal, shall respectively appoint two members of each district commission. Appointment.

12. The persons appointed by the city of Montreal to form part of the central board or of any district commission, shall be chosen outside the mayor, commissioners and aldermen of the city of Montreal. Not to be mayor, commissioner or alderman of Montreal.

13. The members of the central board and the members of every district commission shall be appointed for four years, and must be domiciled within the limits of the territories subject to the jurisdiction of the Montreal Catholic School Commission. Term of office.

14. The members of the central board and the members of every district commission, appointed by the Lieutenant-Governor in Council, the Archbishop of the archdiocese of Montreal, and the city of Montreal, shall be appointed before the first of June of the year in which any appointment is necessary. Date of appointment.

15. The four members of the central board who are to be appointed by the district commissioners shall be appointed at a joint meeting of the district commissioners which shall be held before the fifteenth of June of the year in which such an appointment is to be made. Joint meeting to appoint members of central board.

Calling of meeting.

16. The initiative of calling a joint meeting shall be taken by the chairman of the central board, or, failing him, by the secretary-treasurer of the said board, in due time.

Procedure.

The meeting shall be called by registered letter sent at least five days beforehand to each of the persons designated by law to form part of the same.

Such joint meeting shall be private, and shall be presided over by any member of a district commission chosen by the majority.

Voting shall be by ballot, and the result shall be recorded by a minute written by the person presiding.

When votes are equally divided, the person presiding must, in addition, give the casting vote.

The minutes of such meetings shall be entered in the minute-book of the central board.

Superintendent of Public Instruction to be notified.

17. Appointments made under the authority of this act must be communicated in writing to the Superintendent of Public Instruction by the persons bound to make such appointments on or before the second of June or the sixteenth of June, as the case may be, of the year when an appointment is to be made.

The person presiding at the joint meeting of the district commissioners shall be the person bound to communicate the appointments made by such commissioners, within the delay aforesaid.

Lt. Gov. in C. to make appointment in certain case.

18. The Lieutenant-Governor in Council may, at any time, make the whole or any one of the appointments 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.

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

Vacancies, how filled.

19. Any vacancy in the central board or in any district commission due to death, absence from the Province for three consecutive months, or other cause deemed sufficient by the Superintendent of Public Instruction, 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 Superintendent of Public Instruction, so that such delay may be in harmony with the provisions of this act.

Only for balance of original term.

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

21. 1. The first appointments of the members of the central board and of the members of every district commission to be made by the Lieutenant-Governor in Council, the Archbishop of the archdiocese of Montreal, and by the city of Montreal, shall be made before the first day of June, 1917. First appointments.

2. The first appointments of the members of the central board to be made by the members of district commissions shall be made before the fifteenth day of June, 1917.

3. The Lieutenant-Governor in Council may, for the carrying out of paragraph 2 of this section, establish any procedure he may deem necessary or expedient, and may also designate any competent person to summon and preside at the private and joint meeting necessary for the appointment of the four members of the central board. Procedure for first joint meeting.

Voting shall be by ballot, and the result thereof shall be recorded by a minute written by the person presiding.

When the votes are equally divided, the person presiding must give the casting-vote. He shall have no other vote.

The minutes of such joint meeting shall be entered in the minute-book of the central board.

4. If, on the second of June or on the sixteenth of June, 1917, as the case may be, the appointments mentioned in this section have not been communicated in writing to the Superintendent of Public Instruction by the persons bound to make such appointments, the said appointments may be made by the Lieutenant-Governor in Council in accordance with section 18. Appointments to be made by Lt. Gov. in C. in certain case.

The person presiding at the joint meeting of the district commissioners is the person bound to communicate, within the delay above mentioned, the appointments made by the district commissioners.

22. 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—other than those under the control of the Lieutenant-Governor in Council, the Archbishop of Montreal and the city of Montreal—may be made, provided such regulations are not inconsistent with the laws in force. Central board may make regulations.

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

CENTRAL BOARD

23. The first duty of the central board shall be to establish the actual assets and liabilities of all the school Duties of central board.

commissions now forming part of the territory over which the corporation hereby created 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.

The central board—within the bounds fixed by the laws in force respecting schools in the city of Montreal,—shall receive from the treasurer of the said city all the sums that have to be paid and the available proceeds of all taxes imposed for the share of the Catholic schools in the whole of the territory subject to the jurisdiction of the city of Montreal, with the exception set forth in section 2.

It shall likewise receive the amount of the taxes imposed by the laws in force for the share of the Catholic schools in the city of Maisonneuve.

Additional
duties.

24. It shall also be the duty of the central board:

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

2. 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;

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

4. To cause to be made each year, before the first of August, a report to the Superintendent of Public Instruction upon a form which he shall furnish;

5. To keep a register in which shall be entered the minutes of their 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;

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

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

8. To pay their teachers at the end of each month of teaching;

9. To furnish, in whole or in part, school books to all children attending the schools of the commission, if requested by the four district commissions;

10. To establish a uniform series of books for all schools attended by girls and a uniform series of books for all

schools attended by boys, and, as far as possible, establish uniformity between both series;

11. To administer the immovables belonging to the corporation;

12. To verify and pay the debts of the corporation;

13. To acquire and hold for the corporation moveable and immovable property, sums of moneys or income, and to apply the same for the purposes for which they are intended;

14. To fix a scale of salaries for each class of teachers;

15. To exact, subject to the provisions of paragraph 10 above, that in the schools under their control only authorized books,—to be the same for all the schools in the municipality,—shall be used; books relating to religion and morality to be chosen by the majority of the members of the central board and of the district commissioners appointed by the Archbishop of Montreal;

16. To make, amend or repeal regulations for the purpose of establishing, as far as possible, uniformity in the engagement of employees of the board and of the commissions;

17. To establish nursery schools and superior primary schools;

18. To study the reports of the district commissions in order to establish the corporation's annual and general financial condition ;

25. 1. It is likewise the duty of the central board to prepare the annual general financial statement of the corporation from the reports of the various commissions. ^{Additional duties.}

In so doing, the central board must maintain equilibrium between revenue and expenditure, and must provide:

a. For interest on the corporation's debts, and the normal sinking-fund established or to be established, subject to the application of the laws in force for matters therein indicated;

b. For a reserve of two per cent to cover unforeseen expenses;

c. For other charges on the corporation's revenue, including any deficit from a previous year;

d. For repairs, cost of maintenance, salaries and general expenses of administration.

2. The central board may, by resolution, fix the date at which the reports of the various district commissions 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.

Allotment of moneys in financial statement.

26. In settling the various items of the financial statement the central board must, as far as possible, allot the available moneys to each district in proportion to the average attendance of the pupils of each district during the previous year.

Joint meeting of central board and district commissions.

27. Every year, during the first fifteen days of July, a joint meeting of the central board and of the district commissions shall be held for the purpose of taking communication of the reports of the central board, of the district commissions and of the school visitors. Such joint meeting shall be private, and shall be called by the secretary-treasurer of the central board by means of a registered letter deposited in the post office at least five clear days before that fixed for the meeting. Such letter shall be addressed to each member of the central board and to each member of a district commission.

The minutes of such meeting shall be entered in the minute-book of the central board.

DISTRICT COMMISSIONS

Duties of district commissions.

28. It shall be the duty of every district commission:

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. After mature deliberation at a meeting called for the purpose, and subject to the approval of the central board, to cancel the engagement of teachers and other employees of the commission on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality;

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

5. To fix, within the delays determined by the central board, the time of the annual public examination, and to attend the same;

6. To appoint two or more from among its members to visit each school under its control at least once every six months, and to report to the district commission the state of the school houses, the manner in which the school re-

gulations are observed, the progress of the pupils, the character and capacity of the teachers, and every other matter relating to the management of the schools and the manner of teaching;

7. To comply, as regards the accounts and register kept by its secretary, with all instructions, whether special or general, given by the central board;

8. To cause to be made each year, before the fifteenth of July, a report to the central board upon a form to be furnished by it;

9. 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;

10. To keep books of account in the manner and on the forms indicated by the central board;

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

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

13. To select the necessary grounds for the school sites, and, under the control of the central board, to build, repair, and maintain its school houses and dependencies, to purchase or repair school furniture, to lease temporarily or accept free of charge the use of houses or other buildings fulfilling the conditions required by the regulations of the Catholic Committee for keeping schools therein.

14. To associate with itself supervisors, permanently or temporarily, to assist in administering, building, repairing, heating and cleaning the school houses, and keeping the moveable and immoveable property belonging to the corporation in good order;

15. To establish, in its district, schools attended exclusively by girls or by boys;

16. To take a census of the children in the district;

17. To establish school savings banks;

18. To follow the general or special instructions given by the central board;

19. To administer the moveable or immoveable property belonging to the corporation situate in their district, under the direction of the central board;

20. To engage the necessary employees in accordance

with the regulations adopted in that respect by the central board;

21. To exercise the powers generally conferred upon school commissioners by the laws in force, to perform the duties not specially allotted to the central board, and to administer all the schools—including nursery schools and superior primary schools—under its control from a pedagogical standpoint.

SPECIAL POWERS OF THE CENTRAL BOARD

Powers of
central
board.

29. The expenses to be incurred for the acquisition of lands, building of school houses, repairs, purchase of school furniture, temporary leases of houses or buildings, and other expenses generally, shall be authorized only if approved by the central board.

Financial
affairs.

30. The central board alone shall have the management of financial matters affecting the corporation. The same shall apply to the temporary loans it is hereby authorized to contract in accordance with article 2728*d* of the Revised Statutes, 1909, and the other loans which may be authorized by special act. In connection with this, it shall receive only advice from the district commissions.

Fees.

31. The central board may, as regards all the members forming part of administrative bodies, make, amend or repeal regulations respecting fees to be paid, but such regulations shall not go beyond the limits fixed by the act 2 George V, chapter 27, section 2.

GENERAL PROVISIONS

Disputes to
be decided
by Superin-
tendent of
Public
Instruction.

32. If, in carrying out this act, any dispute should arise between the various bodies charged with the administration of the Montreal Catholic School Commission regarding any matter affecting the powers, duties or obligations given to or imposed upon the central board or any district commission by this act, or to or upon any school commission generally by the laws applicable thereto, such dispute shall be submitted to the Superintendent of Public Instruction, who shall decide the same.

Appeal to
Lt. Gov. in
Council.

On special request of one of the bodies interested in the case, an appeal from such decision may be taken before the Lieutenant-Governor in Council, whose decision shall be final and can be altered only by the same authority.

Delay.

Such appeal shall be brought within the thirty days

following that upon which the award of the Superintendent of Public Instruction was sent by registered letter to the bodies interested.

33. Every dispute between two or more district commissions shall be decided by the central board. Decision by 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 commissions interested. Appeal to Lt. Gov. in Council.

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

34. 1. The administrative bodies created by this act may amend or repeal such regulations as they may deem necessary or expedient for the exercise of the powers conferred upon them by the laws applicable thereto, provided however that such regulations are not inconsistent with such laws. Regulations to be made by each body.

2. The regulations made by a district commission shall come into force only after having been approved by the central board. Approval of 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. Approval of Lt. Gov. in Council.

35. With the approval of the four district commissions, the central board may make, amend or repeal any regulations respecting matters within the special competence of the district commissions, providing such regulations are applicable in all the territories subject to its jurisdiction. Other regulations.

Such regulations shall come into force subject to the provisions of paragraph 3 of section 34.

36. The corporation hereby created succeeds to all rights, powers and obligations, property, claims, debts and actions of the Catholic School Commission of Montreal, heretofore incorporated, and of all the other school corporations whose territory is now under its jurisdiction. Property, &c., to pass to corporation.

37. The Catholic school commissioners or trustees, as the case may be, in office when this act comes into force, for any of the territories governed by it, shall cease to perform the duties they performed under previous laws; and the corporations they constituted shall cease to exist. Former commissioners and trustees to go out of office, &c.

Provisions
applicable.

38. 1. 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;

b. The special or general laws applying to the Catholic School Commission of Montreal heretofore incorporated; shall continue to apply or be applicable to the corporation and its various administrative bodies, as the case may be, created by this act, as well as to the territories over which the commission has jurisdiction.

2. In particular, the provisions respecting the imposition of taxes or assessments now in force in the city of Montreal, shall continue to apply to the former territory, and be applicable to all the territories governed by this act with the exception of the former school municipality of the town of Maisonneuve.

City of Mai-
sonneuve to
make cer-
tain pay-
ment.

39. The city of Maisonneuve is bound to pay in two equal and half yearly instalments, on the first of January and the first of July of each year, the portion of the yearly school tax destined to the Montreal Catholic School Commission, and which it imposes under the authority of section 4 of the act 6 George V, chapter 65, or otherwise.

When
payable.

Such payments shall be made by the city of Maisonneuve at the dates above specified, even if the taxes imposed have been neither levied nor collected by the city of Maisonneuve; and the commission may recover from the said city the moneys to which it is so entitled by recourse to the courts, notwithstanding the provisions of section 4 of the act 6 George V, chapter 65.

Roll for
school taxes
to include
new territo-
ries.

40. The next roll for school taxes made by the city of Montreal, in accordance with the laws in force, shall include the new territories subject to the jurisdiction of the corporation created by this act, and situate within the limits of the said city, from the coming into force of of this act; and the taxes shall be imposed counting from the first of July, 1917, over and above the other taxes for the fiscal year.

By-laws, &c.
to remain in
force.

41. All by-laws, resolutions or ordinances, agreements, engagements or other public acts passed or consented to by the corporations which had jurisdiction over the territories now subjected to the jurisdiction of the corporation created by this act, and now in force, shall remain in force and retain their legal effect so long as they are not

set aside, amended or cancelled, and so long as their object is not accomplished.

42. Between the date of the sanction of this act and the 30th of June, 1917, the school commissioners of every school commission whose existence is affected by this act, shall perform only acts of current administration; any matter relating to the building of a school house or to a loan can be settled only on the advice of the Catholic School Commission of Montreal in existence before the 30th of June, 1917, and subject to the approval of the Superintendent of Public Instruction.

Limitation
of powers
of former
commissio-
ners.

43. Section 3 of the act 55-56 Victoria, chapter 61, in so far as it applies to Catholic schools, is repealed, and the various administrative bodies of the Montreal Catholic School Commission are governed in this respect by the provisions of article 2703 of the Revised Statutes, 1909.

55-56 Vict.,
c. 61, s. 3,
repealed in
part.

44. Sections 1, 2, 3, 4 and 5 of the act 57 Victoria, chapter 24, in so far as they apply to Catholic schools, are repealed.

Provisions
repealed in
part.

45. Section 4 of the act 63 Victoria, chapter 99, is repealed.

63 Vict., c.
99, s. 4,
repealed.

46. This act shall come into force on the first day of July, 1917, with the exception of articles 18, 21, and 42, which shall come into force on the day of its sanction.

Coming into
force.

CHAP. 29

An Act to authorize the Board of Protestant School Commissioners of the city of Sherbrooke to contract an additional loan

[Assented to 22nd December, 1916]

WHEREAS the Board of Protestant School Commissioners of the city of Sherbrooke have, by their petition, prayed that they be empowered and authorized to borrow an amount not exceeding seventy-five thousand dollars, by means of an issue of debentures, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, with the advice and consent of

Preamble.