

(November 1, 1921.)

The Separate School Question

By H. C. HOCKEN.

Mr. President and Gentlemen,—I am going to endeavor this afternoon to adhere strictly to the points that were made by the Archbishop in his address last week. There are many sides to this difficult school question, which one is tempted to deal with, but if I should leave the line that he laid down I am afraid it would take altogether too long and might not be regarded as a sufficiently explicit reply to what His Grace has said.

I suppose that every person who heard His Grace last week must have appreciated the difficulties of his position, and, must have sympathized, more or less, with the enormous task that rests upon his shoulders. A man seventy years old, as he told us, so busily engaged, and that largely through the difficulties of carrying on a system of schools without sufficient resources, that he is unable to get more than a week's holiday in a year! I want to pay my tribute sincerely to Archbishop McNeil. I have met him on some occasions and I believe him to be a man who is conscientious and sincere in all that he says and does. But I am afraid, sir, that he sees this school question through the veil of his anxieties and his responsibilities and has not given the other side of it the consideration that I think it deserves.

He began, you will remember, by stating that the Separate School System was a public service that had suffered from public neglect. Now in that statement he was in error, because the Separate School System is not a public service. It is a special service. Webster defines the word "public," as, "open to common or general use, relating to or affecting a nation or state or community at large." You cannot say that that definition would place the Separate Schools in the category of a public service. It is a special service for one set of people in the community. That system of schools is designed and carried on exclusively for the people of one denomination. The people of no other denomination can send their children to these schools. I do not think the Archbishop will deny that. So I take the ground, Mr. President, that the Archbishop was

wrong in the foundation of his case. The Separate Schools are not a public but a special service.

And that system of schools has not suffered from public neglect, because in 1863 a final settlement of the whole question was made, agreed to most explicitly by the representatives of the heads of the Roman Catholic Church in Canada, and agreed to by the government and by the late Dr. Egerton Ryerson at that time as a final settlement. There was to be no reopening of the case.

Notwithstanding that, sir, there have been nearly two score amendments to the Separate School Act of 1863, every one of them to the advantage of the Separate School system. For instance the original Act compelled the Separate School trustees to collect their own taxes. That was amended and the municipalities now collect the taxes. That relieved the Separate School trustees of the expenditure of a very large sum of money annually. The cost of collecting their taxes can now be applied to maintaining their schools. But that is only one case. In fact, sir, within comparatively recent date an amendment to the Act was passed which remedies as far as legislation can the very thing about which the Archbishop complained last week. I shall refer to that later on.

He told us, arguing that the Separate Schools were public schools, that they were publicly controlled. That seemed to be the basis of his argument that they were a public service. These schools are under public control just so far as relates to the selection and approval of text-books, guarding of the qualifications of the teachers, and the auditing of accounts. In every other respect the control is vested entirely in the ecclesiastical authorities. As these schools are maintained by public money, gathered by the public taxpayers, the legislature could not very well do less than take precautions to see that they had qualified teachers, that their money was properly expended, and that the text-books used should meet with the approval of the Department. But that is a very limited control by the legislature of the province.

The Archbishop stated substantially that the only difference between the Public and the Separate Schools is the teaching of religion. His words are these; "The Department lays down and prescribes examinations that the teachers must undergo to become teachers at all; our teachers, whether they are Sisters or Christian Brothers, or Lay Brothers, all go through the ordinary normal schools. They all undergo the ordinary teachers' examinations. They have the same certificates as the

Public School teachers. The text-books used in the schools are the same, except in the teaching of religion."

So, Mr. President, the only difference, according to the Archbishop, between Public and Separate schools is the teaching of religion. I will come back to that.

He made reference to the fact that Ontario had profited more by Confederation than any other province. He did not elaborate that argument at all and I have not been able to discover in what particular the Province of Ontario profited more than any other province. I am rather of the opinion that Ontario profited less, in matters of this kind at least.

Now Ontario has been exceedingly generous to Separate Schools. Remember there are five provinces in Canada where Separate Schools do not exist by law—in fact are absolutely prohibited by law—the three Maritime provinces, Manitoba and British Columbia. In none of these provinces are Separate schools permitted. And in the two prairie provinces where Separate Schools are established they exist by usurpation of authority by the federal power. That is the position at least taken by the highest constitutional authorities we have, including Sir Robert Borden himself, and he is on record in Hansard on the debate on the Autonomy Bill to that effect. So that there are only two provinces in Canada that have Separate Schools that have accepted them voluntarily. And the Province of Ontario did not accept them voluntarily until Confederation. Separate Schools were forced on the Province of Ontario in 1863. The united parliaments of Upper and Lower Canada had, I think, 55 members from each province. There was an understanding in that parliament—The Government of the day was committed to it—that no act affecting either of the provinces should be passed without a majority from the particular province affected. The representatives from the province of Upper Canada adhered to that and no act affecting Quebec was ever passed by the votes of Ontario members. The representatives from the province of Quebec did not adhere to it, and when the Separate School Act was passed in 1863, 31 members from the province of Ontario—what is now the province of Ontario—voted against that bill and 21 voted for it. So there was a majority of ten votes from the representatives of the Province of Ontario against this bill. But 55 members of that house from the Province of Quebec voted for it, which gave a vote of 76. If the members of that house had adhered to the understanding which had been carried out by the representatives from Upper Canada that bill would not have been placed on the statute books in 1863. So I think I am

within reasonable limits when I say that when the bill was passed in 1863 it was forced on the province of Ontario by the votes of the representatives of the province of Quebec. But in 1867 when the fathers of Confederation desired to unite all the different provinces as we have them to-day they found that it was impossible to bring that about unless they consented to the establishment by law of separate schools in the province of Ontario. So they conceded that point. The late Honorable George Brown reluctantly conceded that point in order to bring about the Dominion as we have it now. But he accepted it, and the Parliament of Canada accepted it, and everybody was supposed to have accepted it, as an absolutely final settlement of the whole question.

I want to read you a little about that from a book written by J. G. Hodgins, assistant to the late Dr. Egerton Ryerson, through all this turmoil and controversy. I want to prove to you that this was a final settlement, so understood by both sides, and so agreed to by both sides. Referring to it Dr. Egerton Ryerson says this;

"Mr. Scott called upon me again, stating that, having consulted his friends, he acceded to my objections, and would propose to amend the Bill accordingly. I replied that I still objected to any other party than the Government conducting a measure of that kind through the Legislature; but as he removed from the Bill what I considered objectionable, I would waive my objections on his proceeding with the Bill, and would aid him to get it passed,—on two conditions:—

"First, that it should be assented to on the part of the Government, and therefore passed on their responsibility; and secondly, that it should be accepted by the Authorities of his Church as a final settlement of the question."

"Mr. Scott called upon me again, I think, the following day, and told me that he had seen the Archbishop of Quebec, the Head of the Roman Catholic Church in Canada, and that the Archbishop had agreed to accept the Bill as I proposed; and that, as the Archbishop was not able to go out himself, he proposed that his Secretary, the Very Rev. Vicar-General Cazeau, and the Very Rev. Vicar-General Macdonell,—who had been sent by the Bishops from Upper Canada to watch the legislation on educational matters,—should meet me on the subject."

"I agreed to the meeting proposed, to be held the following day, in the Parliamentary Library. At that meeting, Mr. Scott pointed out the erasures, and read over the clauses amended, to each of which in succession, the Ecclesiastical Representa-

tives of the Roman Catholic Hierarchy in Canada, nodded assent as explicitly as did any couple ever nod assent to the vows contained in the Marriage Service."

This is the statement of the late Dr. Egerton Ryerson, the man who created our Public School system, and he spent the later years of his life while in office, protecting it from disruption. And he ends this account with these words—I would not dare use them myself, but I am giving them to you as the words of a man who stood very high in this country in his day and whose memory is still revered, especially on educational matters;

"I affirm, therefore, that the passage of the Separate School Act of 1863, was an honourable compact between all parties concerned, for the final settlement of that question; and that the renewed agitation of it in less than two years, is not only a violation of that compact, but a warning to the people of Upper Canada, that if they are compelled again to legislate on the subject, their peace, and the safety of their institutions will require them to sweep the last vestiges of the Separate School law from their statute book, and place all religious persuasions in the same relation of equality to their schools as exists in the New England States, and in the neighboring state of New York."

Now, notwithstanding Mr. President that there have been so many changes made since, and that there have been continually proposals to amend the law to the advantage of the Separate Schools, there has not arisen in this Province since 1863 any serious agitation against the existence of Separate Schools. I mention that to show you that the supporters of Public Schools have been absolutely loyal to the understanding of 1863, incorporated in the constitution in 1867, and I think that stands to their credit. But I have another word about the finality of this I would like to give you. This is what the Hon. George Brown said in his speech on the resolutions relating to the Confederation of the provinces on the 8th of February, 1865, and in reference to the Roman Catholic Separate School settlement of 1863;

"Now, it is known to every honorable Member of this House that an Act was passed in 1863, as a final settlement of this sectarian controversy. I was not in Quebec at that time; but if I had been there I would have voted against that Bill, because it extended the facilities for establishing Separate Schools."

"It had, however, this good feature, that it was accepted by the Roman Catholic Authorities, and carried through Par-

liament as a final compromise of the question in Upper Canada. When, therefore, it was proposed that a provision should be inserted in the Confederation Scheme to bind that compact of 1863, and declare it a final settlement, so that we should not be compelled as we have been since 1849, to stand constantly to our arms, awaiting fresh attacks upon our Common School System, the proposition seemed to me one that was not rashly to be rejected."

And the next day in the House the Hon. D'Arcy McGee, on behalf of the promoters of the bill of 1863, representing the Roman Catholic party, referred to Hon. Mr. Brown's statement that the condition in the Confederation Scheme affecting Separate Schools of Upper Canada, would be "doubly acceptable" to the authors of that Bill, replied as follows;

"I will merely add, in relation to an observation of my friend (Hon. George Brown), last night on the subject of Catholic Separate Schools in Upper Canada, that I had accepted, for my own part, as a finality, the amended Act of 1863. I did so, for it granted all the petitioners asked, and I think they ought to be satisfied. I will be no party to the re-opening of the question."

I submit, sir, that what I have said about the finality of this Act is quite sufficiently proven, and that the Act of 1863 was a final settlement. It was accepted in 1867 as a final settlement. It was agreed to by statesmen, by ecclesiastics, by the head of the Public School system in this Province, and was so understood and has been absolutely adhered to by those who represent the Public Schools.

Mr. President, the principle for which the Archbishop contends now was debated for eight years before the parliament of Upper and Lower Canada. The Bishops prepared a bill in 1855 and they had it before the house in one way or another in 1855, 1858, 1860, 1861, 1862 and 1863. So you will observe that very strong and determined efforts were made to pass that bill, the reason that that bill of the Bishops was not accepted, that it was rejected eight times and finally the principle that they desired to get into it was abandoned, is contained in the clause of the bill, which is identical in principle with, though somewhat broader in scope than, the proposals now made to us by the Archbishop. Clause six of this bill reads;

"That the said trustees shall be entitled to receive from their said special Superintendent, on a report such as required by him, such sums out of the Government Grant, out of all the taxes for School and Library purposes, and out of any

Provincial or Municipal School Funds, as proportionate to the population they represent, according to the last official census."

In other words, sir, the principle for which the Bishops contended was the division of school taxes on the basis of population. That is exactly what the Archbishop proposed here last week. But he did not ask for the division of all taxes. He asked for the division of the taxes of incorporated companies. Well, I have been unable to get the figures, Mr. President, to tell you just what that means, but I am quite satisfied I am well within the mark when I say that that would take from the Public Schools at least a million dollars a year that they are now receiving for the public, non-sectarian system. And there can be no justice or equity in dividing the taxes gathered for such a purpose on the basis of population, because it will be found, I think, that as was the case in 1852, as far back as that, an effort was made to divide the taxes in this way. And the Trustee Board of Toronto made a thorough investigation, and the report says this;

"From a recent return your Committee find that the total annual value of the taxable property in the City amounts to £186,983, 5s, of this, the proportion held by Roman Catholics is £15,750, 10 s. The total net amount of School tax for last year at 2½d. in the pound, was £1,800; the net proportion contributed by the Roman Catholic inhabitants was only £156 10s."

So that what they asked at that time was £1,150 and they actually paid on their taxable property £156. I do not think the proportion is very different to-day. So that to grant what the Archbishop asks, the division of taxes on the basis of population, would be inequitable and unjust to the Public School system. His Grace stated the case fairly and accurately when he said that the Act of 1863 exempted Roman Catholics from Public School rates if they so desired and declared it to the municipal authorities. That is a fair accurate statement, Mr. President. The principle of the division on the basis of population was rejected in 1863 and in 1867, and the principle adopted was this: that every dollar of school taxes derived from taxable property that could be shown to be owned by Roman Catholics belonged to the Separate Schools if the individual Roman Catholic so desired. Now that Act gives to the Separate Schools every dollar of taxes paid by those who use those schools. Could anything be fairer, or could the limits be widened with justice to the other system? My contention is that it could not.

But His Grace complains that he is unable to show all the

taxable property of his people, and he cites the C.P.R. I think that is the only company he mentioned, as far as I can remember, and he points out that the stock of this company, as the stock of other companies, is shifting from hand to hand week by week and month by month and, consequently, it is impossible for the directorates to say how much stock is held by the people of one faith or the other. Well I quite agree that it is extremely difficult and it may be impossible for a company like the C.P.R. to divide the taxes according to the religion of those who hold stock.

But I take this ground, Mr. President, that if there is any complication of that kind, by which a certain company or group of companies find it impossible to make a division on the basis of the individual ownership, then the public, non-sectarian system should have the benefit of the doubt. The Archbishop asks not merely that the Separate system shall have the benefit of the doubt in such cases, but he says all incorporated companies where there is no doubt—take my company, take your companies—where there is no doubt at all as to who owns all the stock, his plan would give a proportion of that to the Separate Schools. I submit that that would be unfair and unjust, especially in view of what he said himself, that the only difference between public and other schools is the teaching of religion.

That means, if it means anything at all, that if the taxes of my company or yours were divided on the basis of population, that money would go to teach a form of religion in which we do not believe—in which I do not believe. I would not ask, I would not think of asking, that any Roman Catholic should be compelled to contribute to the teaching of the Protestant religion. I think that that would be an act of oppression. But, on the other hand, I do not think that I should be compelled to pay for the teaching of his religion, and that would be the effect of the change suggested by the Archbishop.

That is particularly the case, Mr. President, because the Public School system was devised by Dr. Egerton Ryerson half a century ago to teach every child in the province. It has been maintained for that purpose, and there is no child, Jew or Gentile, Protestant or Roman Catholic, but can go to the Public Schools of this province without any danger to its faith. And more than that the law as it stands to-day, makes every citizen of Ontario *prima facie* a Public School supporter. The law gives the preference to the Public Schools—I think rightly. It says every citizen who pays rates is a Public School Supporter until he declares to the assessment author-

ities that he does not want to be, and then he becomes a Separate School supporter. But the law regards every man who pays taxes as a supporter of the Public Schools. That is another evidence of the special service that the Separate Schools provide, and shows more clearly than anything I could say, I think, that the people of that faith are enjoying a special privilege above all other denominations, above all other beliefs.

The Archbishop is carrying an enormous burden. I am sure we all sympathize with his being compelled to carry it, because it is something he cannot avoid. It is a responsibility placed on him by those who are higher than he is in the organization. But it arises from two facts, in that his people as a rule have larger families, and then as a rule they are in poorer circumstances. That is not to their discredit. But the fact remains, that as a rule they have not a proportionate amount of wealth with the Public School supporters. So they have larger families, a larger number to take care of, and at the same time lesser revenues.

That makes the problem very serious for those who are trying to carry on these schools. But the proposal to divert nearly a million dollars from the public, non-sectarian schools to which every child can go in order to assist the special service, cannot, I think, be justified on any ground whatever. The Archbishop told us there were 80,000 children going to Separate Schools, and that is a large number of children and involves a great amount of responsibility on the State. Well, I find that there are 471,729 children going to the Public Schools, and there is a much heavier responsibility. I want to ask you—I wish I could ask all the people of the province—whether it is just and equitable and wise to embarrass the Public, non-sectarian system which is educating nearly 472,000 children to assist 80,000 children, every one of whom can get an education in the Public School, if their parents will consent. This province has provided an education for every child in the province. If the Separate Schools were closed to-morrow every child in the province would be taken care of in the schools. That has always been the aim and purpose of the Public School system. And they would be taken care of, Mr. Chairman, in such a way that there can be no question whatever of them being influenced in their faith one way or the other.

The Archbishop said, I think, that the question was whether Ontario would repudiate the settlement of 1863. I say Ontario has not repudiated that settlement, and there has never been

any suggestion that Ontario should repudiate that settlement. But it has been repudiated many times, and is now being repudiated by the Archbishop himself, because you will remember it was to be a final settlement—so understood in the House of Commons, or the Parliament of the day, and so understood and agreed to by the representatives of the hierarchy.

I will show you what Ontario has done to meet the difficulty of which the Archbishop complains. By the Act passed in 1904 section 6 of the Separate School Act was made to read as follows:

“A corporation, by notice to the clerk of any municipality where Separate Schools exist, may require the whole or any part of the land of which said corporation is either owner and occupant, or, not being owner, is the then occupant or actual possessor, and the whole or any proportion made under the assessment may be entered, rated and assessed for the purpose of such separate schools; unless all the stock or shares are held by Roman Catholics the share or portion of such land or assessment shall not bear a greater proportion to the whole of such assessment than the amount of stock or shares so held bears to the amount of the stock or shares.”

In other words, the Legislature of Ontario has enacted that in every case where it can be shown that the stock of incorporated companies is held by Roman Catholics, the school taxes of those shares shall go to that system.

I submit to you, the onus of proof is on those who enjoy this special service. The onus of proof as to how much stock is held by men of different faiths does not rest on the Public School supporters. It rests on those who are enjoying a special privilege, and if they are not able to show how much is held by the people of two different faiths then, I repeat, the benefit of the doubt should be given to the public system.

Just another word. I know a great many Roman Catholics agree with me on this. I had a friend in Nova Scotia, the late Senator Crosby, who had been very active with regard to this question. But I hope the day will come when all the children of Canada will be educated in the same schools. The friendships formed in our school days are those that endure all through life and are the choicest friendships that we make. I made friends with Roman Catholic neighbors when I was a boy and we are as warm friends to-day as when we wandered around the Don swimming together, and I believe the interests of this country would be served by one system of schools that would protect the faith of every child. I am not arguing for a system of schools that is going to injure the Roman Catholic

church or children. But I cannot see why any church—I would like my church to do it—cannot do what the Hebrews do in this city. They take their children out of the Public Schools for an hour, so many days a week, and teach them their religion. Why cannot that be done in the Roman Catholic Church, in the Methodist Church, in the Presbyterian Church, and in every other church?

The duty of educating the children of this province rests upon the State. The State has no right and should not attempt to teach religion, nor has it any right, Mr. President, to subsidize the teaching of religion, and I am one of those who would rejoice if some plan could be found by which all the children could be got together for secular education, and could then separate for such religious training as their parents and ecclesiastical leaders desired.