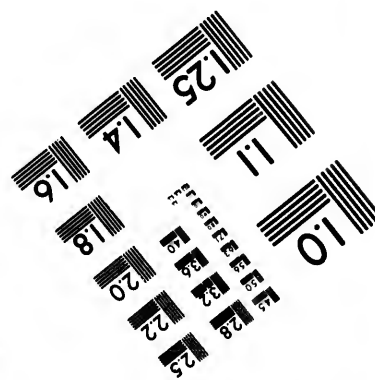
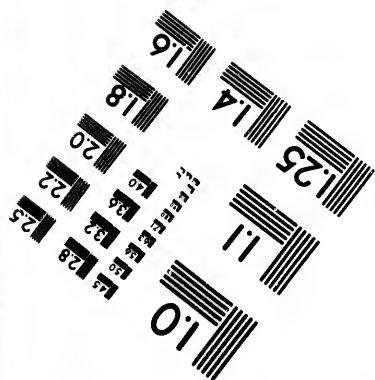
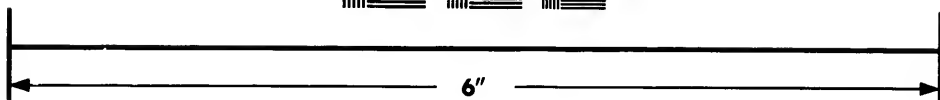
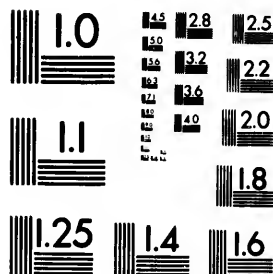


# IMAGE EVALUATION TEST TARGET (MT-3)



Photographic  
Sciences  
Corporation

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

15 28 25  
16 32  
17 36 22  
18 20  
118  
5

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

11  
10  
11  
12

**© 1983**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distortion le long de la marge intérieure
- Blank leaves added during restoration may  
appear within the text. Whenever possible, these  
have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.
- Additional comments:/  
Commentaires supplémentaires:

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata  
slips, tissues, etc., have been refilmed to  
ensure the best possible image/  
Les pages totalement ou partiellement  
obscurcies par un feuillet d'errata, une pelure,  
etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
					✓						

The copy filmed here has been reproduced thanks to the generosity of:

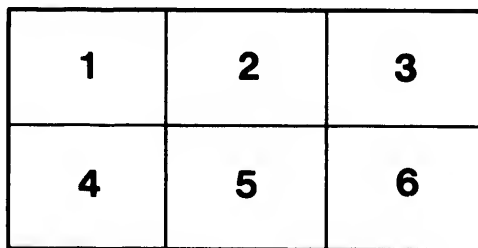
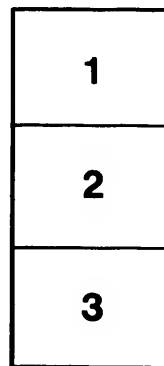
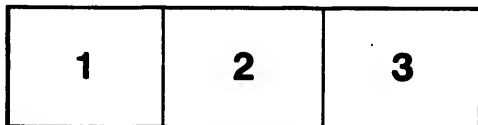
Library of the Public  
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives  
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

ire  
détails  
es du  
modifier  
er une  
filmage

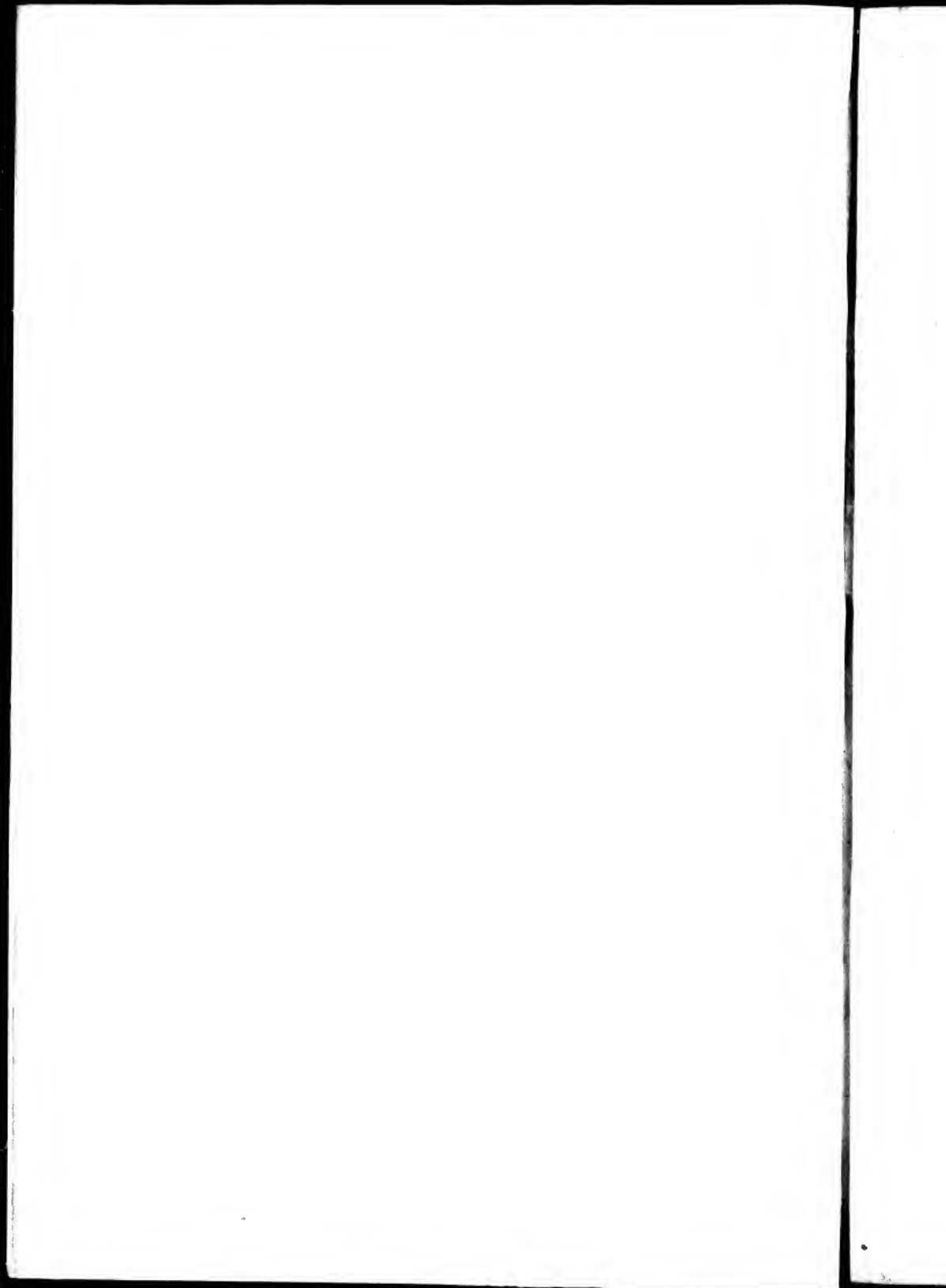
ses

e

errata  
d to

t  
e pelure,  
on à





# REMARKS

ON THE

## New Separate School Agitation:

BY THE

CHIEF SUPERINTENDENT OF EDUCATION

FOR UPPER CANADA;

IN THREE PARTS,

WITH AN APPENDIX ILLUSTRATING THE RELATIONS OF  
THE U. C. SCHOOL SYSTEM TO BOTH ROMAN  
CATHOLICS AND PROTESTANTS.



TORONTO:

PRINTED BY LOVELL & GIBSON, YONGE STREET

1865.

1865  
(66)

54014

c  
N  
f  
c  
t  
t  
q  
  
e  
o  
c  
o  
P  
  
D  
  
ex  
in  
Ca  
Pe  
th

## PREFATORY NOTICE.

---

Each successive Separate School Law agitation in Upper Canada, during fifteen years, has been commenced by attacks upon the Educational Department and Separate School Law for the time being. On another renewal of these attacks and agitations, I have felt it due to the supporters of our school system to furnish at once materials for refuting the statements put forth, for showing the unreasonableness of the demands made, and to suggest the only true course of further legislation on the subject, if further be required.\*

Such is the object of the following pages (of which only a small edition is printed) and to which I respectfully invite the attention of the Upper Canada members of the Legislature, as also of the conductors of the public press, who, I hope, will make such use of my remarks, for insertion or otherwise, as they may think proper for the information of their readers.

E. R.

DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA, }  
Toronto, February, 1865. }

---

\* This I deem to be more necessary just now as a formal agitation for the extension of the Roman Catholic Separate School System has been inaugurated in various parts of Upper Canada. Already influential meetings of Roman Catholics to promote this object have been held in Toronto, Kingston, Ottawa, Perth, and other important towns, and resolutions of a more sweeping character than usual passed unanimously.



## CONTENTS.

---

- PART I.**—Refutation of the statements concerning Provisions of the Separate School Act of 1863, made by the *Canadian* (Roman Catholic Freeman, and James O'Reilly, Esq., Recorder of the City of Kingston).....pages 5-10
- PART II.**—Denunciations of the Separate School Act, and proofs that it was passed by the Legislature, and accepted by the authorities of the Roman Catholic Church as a final settlement of the Separate School question in Upper Canada.....pages 10-14
- PART III.**—Pretensions and agitation of certain Protestants in Montreal ; Sketch of the Separate School agitation in Upper Canada ; Alternatives as to further Legislation on the Separate School question ; Character and effects of Separate Schools, and causes of their little success ; Reasons for abolishing the Separate School law, in case of future legislation on the subject .....pages 14-23

### APPENDIX.

- Correspondence illustrating the relations of the Upper Canada School system to both Roman Catholics and Protestants :—
- (1.) Letter from the Superintendent of Education in Lower Canada to the Superintendent of Education in Upper Canada. (2.) Reply.  
(3.) Letter from the Secretary of the Protestant Educational Association in Montreal to the Superintendent of Education in Upper Canada. (4.) Reply .....pages 23-26

REMARKS  
ON THE  
SEPARATE SCHOOL AGITATION.

PART I.

REFUTATION OF STATEMENTS CONCERNING THE PROVISIONS OF THE SEPARATE SCHOOL ACT OF 1863, MADE BY THE *CANADIAN* (R. C) *FREEMAN* AND JAMES O'REILLY, ESQ., RECORDER OF THE CITY OF KINGSTON.

I will first remark upon the specific attacks, or objections, which have been made against the Separate School Law itself. The *Freeman* refers to no clauses of the Act, but represents the case of the town of Oakville, which, he says, "tells how the separate School Act of 1863 works, and how bigotry and injustice can conspire to baffle and frustrate the paltry concessions to Catholics which it embraces." In a recent letter,\* I have shown that the *Freeman's* statement of that case was without the slightest foundation, and a scandalous misrepresentation from beginning to end, and that the case of Oakville itself afforded an admirable illustration of the liberality of the law and the facility with which that liberality could be secured in any doubtful case.

The only other party in Upper Canada, as far as I have seen, who has undertaken to specify the objectionable provisions of this Act, is James O'Reilly, Esq., a Roman Catholic Lawyer, and Recorder of the City of Kingston, at a public meeting of Roman Catholics held in that city the 2nd inst; and as Mr. O'Reilly is put forward as the highest legal authority on the subject, and as his speech, after having been published in the Kingston papers, has been copied with eulogies into the Roman Catholic newspapers of Toronto and Montreal, I will deal with his statements a little in detail.

Mr. O'Reilly says, "he had carefully perused and studied the Act." I am sure no one who understands the Act would have suspected Mr. O'Reilly of having "studied" it, had he not said so; and it is certain that if he has not "studied" other acts of Parliament with more discernment and thoroughness than he has this, his opinion on

\* See Toronto *Leader*, February 12th, 1865

any legal question cannot be of much value. He says, "This much vaunted Separate School Act was but a sham and a fraud. It professed to restore certain rights and privileges which it did not restore. Previous to the passing of this Act, Roman Catholics in Upper Canada had the privilege of establishing Separate Schools in Upper Canada, a privilege not at all extended, but on the contrary abridged by the passing of the Act of 1863. The Act says that Catholics can establish Separate Schools wherever Common Schools are established, but the 19th section of the Act, defining school sections, completely frustrates this intention. They possessed greater privileges before, and were deprived of their previous liberty by the 19th clause."—"The 19th clause of the Act of 1863 utterly destroyed the union of school municipalities." I have thus quoted Mr. O'Reilly's own reported words, that there may be no mistake; and any one who has *really* "studied" the Separate School Act of 1863, in connection with the Common School Act, and the previous Separate School Acts, must see that his statements exhibit a want of knowledge or of candour wholly inexcusable. Now, in the first place, the 19th section does not define school sections at all, but they are defined by the 2nd and 4th sections of the Act, and are defined to be precisely the same as the Common School sections in which the Separate Schools are established. This is precisely as was provided for by the Separate School Act of 1855. Before that time, the Township Councils defined the boundaries of Separate School sections as they did those of Common School sections. They had to include all Roman Catholics who petitioned for a Separate School, but could extend the boundaries of a Separate School section to include two or more Common School sections, or half a Township, if they thought proper; but Bishop de Charbonnel and others objected to a Township Council having anything to do with Separate Schools, and insisted that Separate School sections should be the same as Common School sections. Their wishes were gratified by the provisions of the Separate School Act of 1855; and those provisions are reproduced in the Separate School Act of 1863. Yet Mr. O'Reilly has the assurance to say that this Act takes away that privilege—a statement disproved by every Separate School that exists in any township of Upper Canada.

Again, the 5th section of the Act provides that, instead of a Separate School corporation in each ward of a city or town, as the Act of 1855 necessitated, all the Separate School Trustees in each city or town shall form one Board or Corporation, as simply and with as few members as the Board of Trustees of Common Schools; and the 5th section was suggested and written by myself, as was the latter part of the 13th section, and put from the Speaker's chair in my own hand writing, namely, "that persons qualified by law as teachers either in Upper or *Lower Canada*, shall be considered qualified teachers for the purposes of this Act." These two provisions

never existed in any previous Separate School Act; and yet Mr. O'Reilly tells his wondering Kingston audience that this Act *abridges* the privileges which Catholics had enjoyed under the previous Act!

Furthermore, the 6th section of the Act provides for the union of two or more Separate Schools sections into one (which was not before provided for) precisely as the Common School Act provides for the union of two or more Common School sections into one; but with this difference, that the trustees and electors of Common School sections have to apply to the Township Council to give effect to their wishes, while the trustees and electors of Separate School sections complete their union themselves, and are only required to give notice of it when formed. Yet this again, Mr. O'Reilly calls *abridging* the privileges of Roman Catholics!

But Mr. O'Reilly tells his confiding hearers that the 19th section of the Act destroys all these privileges. He does not seem to have read to them the 19th section, any more than the other sections of the act above referred, even if he had "studied" it. Now, as to this 19th section, I neither wrote it, nor suggested it, nor ever thought of it until I saw it in a printed copy of Mr. Scott's Bill. But no other than a man of Mr. O'Reilly's habits of legal study and interpretation would say that this section destroys union school sections, much less that it can interfere with a single School section. This 19th Section of the Act provides that "no person shall be deemed a supporter of any Separate School unless he resides within three miles (in a direct line) of the site of the School House." Any man of common sense, much more a jurist, will at once see from this clause of the Act, that any Separate School division may be *six* miles in diameter, or *eighteen* miles in circumference—dimensions beyond those of any Common School section, or union of sections, I know of in all Upper Canada. But this is not all, any Roman Catholic residing within three miles on a straight line of any Separate School, may, without any union of sections, claim to be a supporter of such school and be exempted from all Common School rates in whatever section he may reside—a privilege enjoyed by no supporter of Common Schools. And any Roman Catholic residing within three miles, in a straight line, of a Separate School house in Kingston, or Belleville, or Toronto, or Hamilton, or of any other city, town or village in Upper Canada, can send his children to the Separate School in such city, town or village, can claim to be a supporter of it, and be exempt from payment of all Common School rates in the section in which he resides; whereas no supporters of Common Schools, out of the corporation limits of any such city, town or village, can enjoy such an advantage, but hundreds of them have to pay rates to build school houses and support schools in the sections where they reside, and then pay high fees to get their children taught in the better schools of the neighbouring city, town or village. Yet, in the pre-

sence of these facts, Mr. O'Reilly declares that the privileges of Roman Catholics have been abridged by this 19th section, and that the Act itself is "a sham and a fraud;" whereas the only "sham and fraud" in the matter are his own speech and his own pretensions—a sorry illustration of his acumen, impartiality and fitness for the office of City Recorder.

These are the only provisions of the Act which Mr. O'Reilly specifies as abridging the privileges of Roman Catholics. But he says: "There were other good grounds of complaint and grievance against the existing School Bill, and which ought to be amended. For instance—Roman Catholics having property in school sections where they did not reside were taxed for Common School purposes, although paying separate taxes in another section. He considered this a very great hardship and one which nothing but further and better legislation could alter or amend. The law was more liberal to Protestants in Lower Canada than to Roman Catholics in Upper Canada. There (in Lower Canada) Protestants can establish Separate Schools in township municipalities, but Roman Catholics could not do so in Upper Canada."

The letter addressed by me to the Superintendent of Education for Lower Canada, (given in the Appendix) will shew that Mr. O'Reilly is as perfectly ignorant of the School Law there as I have above shown him to be in regard to the School Law of Upper Canada. See Appendix (2).

Now, his grievance about Roman Catholics paying school rates for the support of schools in which their property is situate, is one that I have never before heard uttered by any advocate of separate schools. It is a new grievance, and founded on ignorance of one of the first principles of political economy and just legislation, as his other objections above noticed are founded on ignorance, or misrepresentation of statute law. The very basis of a system of public instruction for the education of a whole people is, that the property of a country ought to be responsible for the education of its youth. This principle, applicable to a whole country—and the only one on which a system of public instruction can be justified or maintained—is equally applicable to each municipality or school section in the country. It is the joint labour of the youth and their parents in such municipality that gives to the property situated in it its current value, and to which the absentee landholder contributes nothing. Now these resident parents and their children are entitled in common justice to some return for the additional value which their labours and intelligence give or maintain to the property of the absentee land holder; and how can that return be so equitably and moderately and beneficially made to them for the benefit of such labours, as to make it liable to be rated for the education of those youth? It is not a question between a common school and a separate school, but a question of equity

between man and man, and a question involving one of the cardinal principles of political economy and of just government. The doctrine of Mr. O'Reilly that would extract the fruit of the unrequited sweat and toil of the inhabitants of a school section to support a school foreign to the section is worthy of the cause he advocates—is unrecognized in regard to all the other absentee property holders in respect to the common schools of the country—is the very spirit of that system of absenteeism which draws from Ireland the chiefest fruits of its labourers to minister to the tastes and pleasures of absentee proprietors abroad.

I think, therefore, and the reader will agree with me, that the patriotism of Mr. O'Reilly's advocacy is worthy of as little respect as that of his law, and not creditable to him as a jurist or Canadian.

Mr. O'Reilly having given the result of his studies on what the Separate School Act contains, proceeds to complain of what it does not contain. It did not provide for a Roman Catholic Superintendent of Education, or a Roman Catholic Council of Public Instruction, or a Roman Catholic Normal School, while there was a Protestant Normal School in Lower Canada,—a three-fold demand for the first time formally made in Upper Canada. On the first I shall say nothing. On the second, I shall only say here that the Roman Catholic Church is represented in the person of the R. C. Bishop of Toronto, in the Council of Public Instruction, and when any thing is required in the General Regulations, or is sanctioned in the proceedings of that Council revolting to his conscience or to his sense of right or duty, it is time enough for Mr. O'Reilly to talk of another Council of Public Instruction. I may also observe, that under the former Separate School Act, as demanded, every R. C. Board of School Trustees was a committee to examine and qualify teachers of Separate Schools—a provision which reduced almost to contempt the standing of teachers of those schools, and was changed in the present Act at the express wish of its authors. Then there are three Normal Schools in Lower Canada,—instead of one—though there are only two-thirds as many common schools there as in Upper Canada—two in French to satisfy the rivalry between Quebec and Montreal, and one in English to meet the wants of the English speaking population. As there are no materials in the French language for any other than a Roman Catholic Normal School; so there are not sufficient materials in the English language for any other than a Protestant Normal School, though under the oversight of a Roman Catholic Superintendent. In Upper Canada, there is but one language, and one Normal School—giving secular instruction, and setting apart a portion of one day in each week for religious instruction, where there is a room for the clergymen of each religious persuasion to meet and instruct the students of his Church, and where the Roman Catholic priest can weekly meet and instruct those of his own communion, as does each Protestant

Minister those of his communion. Roman Catholic Teachers thus compete with, and acquire a standing equal to Protestant Teachers; and there are no less than 333 Roman Catholic Teachers employed in the public common schools of Upper Canada, besides those teaching separate schools.

I have now disposed of Mr. O'Reilly's speech against the Separate School Act of 1863—the only attempt at argument on the subject, I have seen, except the refuted mistatements of the *Freeman*. If I have not been as complimentary to him as he could wish, he must thank for it his own flippancy in regard to an Act that engaged the best minds of his church for three years, and his oracularly pronouncing it “a sham and a fraud” in connexion with the labours of men who have spent more years in the service of their country than he has lived in the world.

## PART II.

### DENUNCIATIONS OF THE SEPARATE SCHOOL ACT OF 1863; THAT ACT PASSED BY THE LEGISLATURE, AND ACCEPTED BY THE AUTHORITIES OF THE ROMAN CATHOLIC CHURCH, AS A FINAL SETTLEMENT OF THE SEPARATE SCHOOL QUESTION IN UPPER CANADA.

I now proceed to notice the general denunciations of the Separate School law, and the denials as to its having been passed by the Legislature and accepted by the authorities of the Roman Catholic Church, as a final settlement of the Separate School question.

The *Toronto Freeman* says:—“After a year's operation, we are beginning to find out the *advantages* which our co-religionists derive from Scott's Separate School Bill of 1863. A more cruel hoax,—a more transparent deception, under the show of a measure of justice, of conferring benefits, never has been practised by a Government on a whole community.” James O'Reilly, Esq., a Roman Catholic lawyer, of Kingston, and city Recorder, in an agitation meeting of Roman Catholics in that city, says:—“This much vaunted Separate School Act is nothing but a sham and a fraud.”

Such is the language now used by certain Roman Catholic agitators in regard to the Separate School law of 1863—a law that was proposed and introduced into the Legislative Assembly by a Roman Catholic member, with the approbation, and at the solicitation of the authorities of his Church—a law that passed through Parliament under the auspices of an administration whose Prime Minister and a majority of whose members were Roman Catholics—a law which, as amended and before it finally passed, was formally approved by the authorities of the Roman Catholic Church, through their clerical as well as lay representatives, and accepted by them as a final settlement of the question. And now, when it answers a purpose, that same law, passed less than two years ago, thus prepared,

passed under such auspices, and thus accepted, is denounced as a "cruel hoax," "a transparent deception," "a sham and a fraud!" What an imputation upon the pains-taking Roman Catholic author of the Act! What an imputation upon the Roman Catholic Prime Minister and his Colleagues, under whose administration the Act was passed; and what an imputation upon the discernment, if not honesty, of the venerable ecclesiastical personages, who, as representatives of the authorities of the Roman Catholic Church, proposed an interview with me, and requested me to accompany them in an official waiting upon the Premier, to request him to accept the Bill in its amended form, as a satisfactory and final settlement of the Separate School question; and to request the Government of the day to give the Bill, as such, their earnest support!

I will now, as briefly as possible, state the particulars of the singular and important interviews connected with the final passage of this Act, and leave the reader to judge whether, in all truth and honour, it was not passed and adopted as a final settlement of the Separate School question.

Mr. Scott, a Roman Catholic lawyer, and, at the time, Member of the Legislative Assembly for the city of Ottawa, introduced a Separate School Bill during three successive sessions of 1860, 1861, and 1862, but failed to get it passed. After further consultation with the members and authorities of his Church, he introduced his Bill again (with sundry alterations and additions) in the session of 1863. I believe he claimed the tacit assent of the Government for his introduction of this Bill. In the discussion on its second reading and reference to a Special Committee, Mr. Scott made a personal attack upon me. I remembered, as I still do, Lord MACAULAY'S advice, given as early as January, 1827, in the *Edinburgh Review*, in respect to replying to attacks. He says—"No misrepresentations should be suffered to pass unrefuted. When a silly letter makes its appearance in the corner of a provincial newspaper, it will not do to say, 'What stuff!' We must remember that such statements constantly reiterated, and seldom answered, will assuredly be believed."

I therefore answered Mr. Scott's attacks, in a letter addressed to him through the public press. In that letter I also took occasion to point out the anomalies in his School Bill, and to shew that, under the pretext of affording relief to Roman Catholics, it contained provisions which invaded the private rights of citizens, the legal rights of Common School Corporations, and of County and Township Municipalities. I also objected, as I had done in private letters to members of the Government, against any unofficial member of the Legislature being allowed to introduce a Bill affecting our public school system, which had been established by the Government, and which should be protected by it, and only legislated upon by bills introduced by, and on the responsibility of the Government itself.

At this juncture, a change of administration took place: the Hon. J. Sandfield McDonald formed a new administration, and an adjournment of the Legislature, for several weeks, was agreed upon. On the re-assem-



oling of Parliament, Mr. Scott's special committee reported his Bill with certain amendments, which were printed; but very general and strong opposition in Upper Canada was entertained, and was manifesting itself more and more to the Bill. At this time I had proceeded officially to Quebec; and when asked my opinion, I objected scarcely less strongly to the amended Bill, than I had done to the Bill as first introduced. The opposition to it among Upper Canada members was very strong; and the Government did not appear to countenance it. At length Mr. Scott called upon me, to explain some personal matters, and to know my specific objections to his Bill. I replied, that I objected to the very principle of a private member of Parliament doing what the Government alone should do, namely, bringing in measures to amend (when deemed necessary) a system of public instruction for the country; but Mr. Scott wished to know what objections I had to the Bill itself. I then shewed, and at his request lent him a copy of the amended Bill, with my erasure of objectionable clauses, and notes on others requiring modifications to assimilate them to the Common School law. In a day or two 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. On this latter point, I addressed Mr. Scott as nearly as I can recollect to the following effect: "You are only a private member of Parliament; you are not a representative of the Roman Catholic Church; you may assure the House, as well as myself, that this Bill is accepted as a final settlement of the Separate School question; so did Sir Etienne Taché, when he introduced the Separate School Bill of 1855, and even on its final passage its advocates assured the Legislature that it would put at rest the agitation of the Separate School question. Now it is said they had no authority from the heads of your Church to make such statements; and so it may be said in regard to any assurance you may give as to this measure being accepted as a final settlement of the question by the authorities of your Church; and unless I am satisfied of that, I will do what I can to prevent the passage of your Bill, however modified, and will urge the standing upon the settlement of the question as agreed in 1855."

Mr. Scott called upon me again, I think, the following day, and told me that he had seen the Archbishop of Québec, the head of the Roman Catholic Church in Canada, and that the Archbishop 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 Macdonnell, 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 representatives 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. Then Mr. Scott had two copies of the Bill, as thus agreed upon, made out and compared,—the one for himself and the other for me, and proposed that we should all wait upon the Premier, and state to him the result. We proceeded to the Speaker's room, where (not I, but) Mr. Scott, informed him of the result of our conference, and the two venerable ecclesiastics earnestly requested the Attorney-General to give the support of the Government to Mr. Scott's Bill, as a satisfactory and final settlement of the Separate School question. I think I may, without offence, appeal to the Hon. J. Sandfield Macdonald, for the correctness of what I have stated, in the interview referred to with him.

It was with this understanding, and under these circumstances, that the Bill was supported by the Government, and passed through the legislature.\* But even then, though I had, at the request of the Premier, prepared and published notes on the Bill, showing its harmony with the school system of Upper Canada, and recommending its adoption, and though it was supported by the leaders of the then Conservative Opposition, as well as by the Government; yet such was the opposition in Upper Canada to any further legislation on the subject, that a majority of the Upper Canada members of the Legislative Assembly voted against it, and a majority of only two or three Upper Canada members of the Legislative Council voted for it.

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 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 Separate School law from their statute books, and place all religious persuasions in the same relation of equality to their schools as exists in the New England States, and in the neighbouring State of New York. But, more on this point hereafter.

The *Freeman*, indeed, affirms that, "from the first moment the Bill was introduced, we protested against it, as an insult to the Catholics of

---

\* In a most eloquent and instructive speech on Confederation, delivered in the Legislative Assembly on the 9th inst., the Hon. Mr. McGee remarked, as follows, on the Separate School Bill of 1863, being a final settlement of the question: "I merely wish to add, in relation to an observation of my hon. friend, Mr. 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 certainly did, for it granted all the petitions asked for, and therefore I think the Petitioners ought to be satisfied."

Upper Canada." But the *Freeman* does not add, that when the *Globe* newspaper quoted his sayings as those of the Roman Catholic Bishop of Toronto, his Lordship caused the following note to be written, which was published in the *Globe*, of the 23rd of March, 1863 :

"To the Editor of the *Globe* :

"SIR,—In your issue of this morning, you state that the *Canadian Freeman* is the 'regularly authorised organ of the Bishop of Toronto, 'Dr. Lynch.'

"His Lordship wishes it to be understood that he has no official organ. He wishes me also to state, that as far as he knows the sentiments of his Right Reverend brethren, the Catholic Bishops of Upper Canada, and of the Catholics generally, they are quite satisfied with Mr. Scott's Separate School Bill.

"Yours, respectfully,

"GEORGE NORTHGRAVES,

"Rector of *St. Michael's Cathedral*.

"ST. MICHAEL'S PALACE,  
Toronto, 20th March, 1863." }

I have become accustomed to respect the Right Rev. Dr. Lynch, like the late lamented Bishop Power, as a just and honourable man ; and I have hoped to be able in future years, as I have the last two years, to act cordially with him in all school matters. I have not yet heard that his Lordship, or any Roman Catholic prelate in Upper Canada, has authorized this new agitation ; and I shall be much surprised and disappointed to learn that such has been the case in any instance.

### PART III.

PRETENSIONS AND AGITATION OF CERTAIN PROTESTANTS IN MONTREAL ; SKETCH OF THE SEPARATE SCHOOL AGITATION IN UPPER CANADA ; ALTERNATIVES AS TO FURTHER LEGISLATION ON THE SEPARATE SCHOOL QUESTION ; CHARACTER AND EFFECTS OF SEPARATE SCHOOLS, AND CAUSES OF THEIR LITTLE SUCCESS ; REASONS FOR ABOLISHING THE SEPARATE SCHOOL LAW IN CASE OF FUTURE LEGISLATION ON THE SUBJECT.

I have first a few words to say on the alleged cause of this new Separate School agitation. It is said to have been originated by the agitation and demands of certain Protestants in Montreal, apparently prompted and represented by the unscrupulous *Witness*, whose statements can no more be relied upon in regard to anything relating to the school system or Superintendent of either section of the Province, than can those of the Toronto *Freeman* be relied upon in regard to the school system and

Superintendent of Upper Canada. But is such an association, however respectable in its *personnel*, the government or the legislature of Canada, any more than the *Freeman* and Mr. O'Reilly and their auditors? And are the supporters of Separate Schools in Upper Canada to follow in the wake of the Montreal *Witness*, who, like the *Freeman*, has heretofore denounced all state systems of public instruction? It is true that a certain number of Protestants in Montreal, under the apparent lead of the *Witness* (who is sailing under false colours in this crusade), make pretensions and claims to a separate everything, from the Chief Superintendent of Education down to the humble teacher—a thing not recognized in England, or Ireland, or Prussia, or Holland, or Belgium, or France, or the United States—involving the principle of subjection of the State to the Church, and leaving to Cæsar nothing but to provide money for and obey the commands of the Church—incompatible with the universal education of any people—embodying views subversive of the school system and of municipal rights in Upper Canada, and which have been again and again all but unanimously condemned by its representatives and electors. Such pretensions on the part of the *Witness* and others in Montreal could never have really prompted any more than it can justify, this new Separate School Law agitation in Upper Canada, though it may be the pretext for it. There are indeed certain anomalies in the School Law of Lower Canada which by no means afford to Protestants there facilities for Protestant schools equal to those possessed by Roman Catholics for Separate Schools in Upper Canada; but I believe no one has been more ready to correct those anomalies than the Superintendent of Education there, who has more than once officially recommended the amendment of the law for that purpose, and the *Witness*' attacks on whom are as unjust as its statements are unfounded. Mr. Hodgins, Deputy Superintendent of Education, when in Montreal in September last, having been applied to on the subject, endeavoured to impress some of the parties concerned with the error of their course, so at variance with the views of the people of Upper Canada, and so impracticable and unpatriotic. I have ever objected to Lower Canada interference in Upper Canada school matters; and I do not think Upper Canada will interfere with Lower Canada school matters. I believe the members of the government and the majority of the legislators there will do justice to the rights of the minority,\* as have the majority of the Upper Canada members of government and of the legislature dealt justly, and even liberally and indulgently, in regard to the rights and privileges of the minority here.

---

\* The Hon. Mr. Rose, Protestant representative of Montreal centre, in a speech on Confederation, delivered in the Legislative Assembly the 22nd Feb., bears the following corroborating and conclusive testimony on this point: "With respect to the question of Education, the present was the first time any agitation had begun on the subject in Lower Canada, *so just had been the course of the French Canadians towards the Protestant Minority*, both before and since the union, and he believed it would continue to be so."

I have now to remark upon the fact of this periodical Separate School agitation, and upon the causes of the little success of Separate Schools, and of the consequent dissatisfaction with the law respecting them.

The School Act on which our present school system is based was passed in 1850; but Separate Schools have been allowed since 1840. Dissatisfaction and agitation arose on account of the restrictive interpretation given by the Superior Judges as to the provisions of the Act of 1850 respecting the establishment of Separate Schools in cities and towns. In 1851 (on my return from England) I met the then Roman Catholic Bishop of Toronto and a Vicar General, and proposed the draft of a short Bill which they approved with many thanks, and which was passed by the legislature. But in a short time a new Separate School agitation was commenced, accompanied by much discussion, and the Separate School Act of 1855 was the result, declared by the *Freeman* and other parties to be the death knell of our Common School system, and a new and glorious era of Separate Schools. But the Common School system lived in unimpaired health, and advanced with accelerated power, while the Separate Schools remained nearly as few, as far between, and as feeble as they were before 1855. Dissatisfaction on the part of the advocates of Separate Schools again arose, and the Separate School Law of 1855 (prepared and introduced into the Legislature by the representatives of the Roman Catholic Church) was denounced, like its predecessor, as "a sham and a fraud." A new Separate School Bill was introduced in 1860 by Mr. Scott, of Ottawa, and pressed again with modifications in 1861, in 1862, and in 1863, when the present Separate School Law was passed, and accepted on the part of the authorities of the Roman Catholic Church as a final settlement of the question. But in less than two years the old agitation is recommenced, and the old terms of denunciation against the Separate School Law and the Chief Superintendent are again trotted out and put to work in the service of a fresh agitation.

Such is a glimpse of the Separate School agitation in Upper Canada during nearly half of a human life. Now, can it be that acute ecclesiastics, and learned lawyers, and able statesmen of the Roman Catholic Church have been deceived thus time after time as to the import and character of laws which they themselves framed and advocated? Or is there not a chronic and inerent weakness in the very condition of Separate Schools which renders them sickly and stunts their growth in comparison with that of public schools, and which no law compatible with free government and the rights of man can remedy? I can truly say, beyond the power of successful contradiction, that I have sought to the utmost to give the most liberal application and the fullest effect to these successive Separate School Acts; that while I have no sympathy with the dogmas of the hierarchy of Rome, I have a deep sympathy with the Roman Catholic people, and have endeavoured to do to them, priests as well as laymen, as I would be done by, and to aid them all in my power in their

educational efforts—deeply sensible as I am from year to year that, with the incubus of Separate Schools upon them, Roman Catholics labour under great disadvantages in comparison with their neighbours and fellow citizens of other religious persuasions. I have done more in this respect for Roman Catholics than I have done for the members of any other religious persuasion; and I know well that this has been made an objection to me by some Protestants; but irrespective of sect or party, I have endeavoured, and shall continue to help most those who, I think, need most help, though I have received, and shall probably continue to receive, from their newspaper organs nothing in return but misrepresentation and abuse. Yet with these my best exertions to give the fullest effect to the provisions of a law which (as I have above shown) affords greater facilities to Roman Catholic Trustees and their supporters than are provided by law for Trustees and supporters of Common Schools, and contains all the provisions (as I shall presently shew) that a legislature can make without violating the constitutional and individual rights of the people; even under these circumstances, the Separate Schools generally languish while the Common Schools flourish, and a new agitation is set on foot for further Separate School legislation.

Now, the alternatives before the public of Upper Canada are: either to live in this state of civil turmoil, or grant the further legislation demanded, or to abolish the Separate School law altogether.

As to the second of these alternatives, I am prepared to shew before any committee or tribunal, that the Separate School Act of 1863 contains all the provisions in behalf of trustees and supporters of Separate Schools, that the Common School Act does in behalf of the trustees and supporters of Common Schools, (and several additional ones, as shown above,) with two exceptions:—1. The supporters of Common Schools have to provide by assessment a sum equal to the legislative school grant, in order to be entitled to it. The law formerly required the same condition on the part of the supporters of Separate Schools, in order to their sharing in the legislative school grant; but they complained of it as a grievance, and the Separate School Acts of both 1855 and 1863 relieved them of that condition. 2. The trustees of Common Schools, as also trustees of Separate Schools, can levy and collect rates of their supporters for all school purposes; but, in addition, the former can call upon the municipal councils to levy rates on their supporters for them, while the latter cannot require the municipal council to levy and collect rates of their supporters, though they could at all times levy and collect such rates themselves. The reason of this difference is, first, the School Law of Lower Canada took away, in 1857, from municipal councils there, the power of levying and collecting rates in behalf of Dissident or Protestant Schools; and of course the Upper Canada School Act of 1863 contained a corresponding provision in respect to Separate Schools. This, however, is of trifling importance on either side, as trustees can quite as well, through their own collector, collect their school rates, as to collect them by the agency of the municipal council. But the primary

reason is, that on the principle of the declared separation of church and state, the municipalities, any more than the legislature, cannot impose and collect taxes for church schools, any more than they can impose and collect taxes for church building or church ministers of any kind.

It is, then, impossible to extend the provisions of the Separate School law, without including one or both of two things; and both of these things were included in the first drafts or copies of the Separate School Bills of 1855 and 1863. The first of these provisions prohibited either municipalities or trustees of Common Schools from levying and collecting any rate for either the building of a schoolhouse or paying a teacher, without levying and collecting rates for supporters of a separate school in proportion to their population as compared with that of the rest of the school section or municipality—thus actually proposing to make municipalities and Protestant trustees tax-gatherers for Roman Catholic schools—a practical illustration of the doctrine, that the state shall be subject to the church, as well as that Protestants should not only support the public schools, but collect rates to support the Roman Catholic schools, or have no schools themselves! The second provision is, that the Roman Catholics, *as a body*, shall be defined as supporters of Separate Schools, and thus by law be excluded from the Common Schools. This was in the first project of the Bills referred to—thus depriving every Roman Catholic of the right or liberty of choice, as to whether he would support a Common or Separate School; and every Roman Catholic parent of the right or liberty of choice as to whether he would send his children to the Common or Separate school. A recent Encyclical Letter from Rome condemns this individual right of judgment or choice as a damnable heresy; yet is it the very soul of our civil and religious liberties, and as dear to the hearts of Catholics as to the hearts of Protestants, though the former may not be able, equally with the latter, to maintain by speech, writing and action, this birthright of our common and immortal humanity.

Now, I assume that our parliament never will legislate away the rights of citizens and of men, by adopting either of these provisions; without doing which it cannot extend, as required, the provisions of the Separate School law. If, then, it is determined still to agitate for the extension of those provisions, the only other alternative is, in the interests of peace, to abolish the Separate School law altogether, and thus put an end to all further aggression and agitation on the subject, and place all classes of citizens, without exception, upon a common footing of equality before the law and the state, in regard to education, as well as in regard to every other political and civil right.

Separate Schools cannot be claimed upon any ground of right, as I have often shown in discussing the subject in former years. All that any citizen can claim as a right on this subject, is equal and impartial protection with every other citizen. All that can be claimed or granted beyond this must be upon the ground of compact, or of expediency or indulgence. I have ever regarded the existence of the Separate School provisions of the law in the light of a compact commencing with the Union of the

Canadas; and as such, I have endeavoured, in behalf of the public, to maintain it faithfully and liberally. But, if the supporters of Separate Schools continue to violate that compact, as they have done repeatedly, by denouncing it, and demanding its modification and extension, then they forfeit all right to the original terms and conditions of it, and reduce the whole question to one of expediency, in which light I will briefly consider it.

I think no one will maintain that Separate Schools are expedient for the interests of the State. Nay, those interests are more or less injured by every act of class legislation, and its strength is weakened by every sectional division which its citizens have created by law. If it was a source of individual pride and of the strength of the state, in ancient days, for a man to say, "*Romanus Sum*,"—"I am a Roman;" so would it be now, under a legislation of equal rights and privileges, without the shadow of distinction in regard to sect or party, for a man to say, "I am a Canadian." For every man to feel that he stands in all respects upon equal ground of right and privilege with every other man in relation to the state and law, must best contribute to the true interests and real strength of the State, and best respond to the spirit and principles of free government. Upon public grounds, therefore, the law for Separate Schools cannot be maintained.\*

I admit that the existence of such a law has contributed, and will contribute, to strengthen the political and social influence of Protestantism, and to weaken that of Romanism in Upper Canada. The influence of a small body allied to, and blended with other influences makes itself felt in any community whose selections to offices of public trust and honour, depend largely upon popular suffrage. In all such cases, the influence of

---

\* Mr. Hodgins, Deputy Superintendent of Education for Upper Canada, has, at much pains and labour, collected the statistics of public religious instruction given to children in the City of Toronto; and the Editor of the *Hamilton Spectator* has done the same in regard the religions of children in that city. These statistics are given in the current February number of the *Journal of Education* for Upper Canada, and prove conclusively that the religious instruction of youth in these two cities (the least favorable examples that could be selected for the purpose) is as extensive as their common school instruction; and that religious instruction being given by the respective pastors and parents of the children and by those specially selected by them for the purpose, is of course much more thorough, practical and efficient, than any perfunctory instruction given by a day school teacher, were it possible for him to give any specially religious instruction at all, in connexion with his other various teachings, during the six hours out of the twenty-four of the five days of the week that the children are under his oversight. The religious statistics of Toronto and Hamilton, as given in the *Journal of Education* for the present month, demonstrate the fallacy of the statements and arguments that the youth of the land are growing up in religious ignorance in connexion with our system of common school education. Besides, as will also be seen in the *Journal*, that the Board of Trustees in those cities, have given every facility during school hours for carrying into effect the official regulations in regard to religious instruction in the schools, while the 129th Section of the U. C. Consolidated Common School Act, affords ample protection to the religious feelings and scruples of each parent on the subject.



Roman Catholics cannot but be powerful. But let such a community, however large, (unless it constitutes the majority of the population) isolate itself from, and maintain an avowed and active hostility to the most cherished institutions of all other classes, its influence in municipal and public affairs becomes *nil*, and no man dare openly ally himself with it who aspires to any situation of public trust or honour, that depends upon the suffrages of the majority; and the government itself, the creation of such combined and consolidated majority, will not dare to disregard its wishes in appointments to public offices of any description. But he must be a narrow-minded and unpatriotic Protestant who would wish its influence and power extended by the unnatural, though self-exclusion of any class of the community.

But the chief injury of such isolation must fall upon the Roman Catholics themselves. The injury to the State at large from such an unnatural division of its citizens on public institutions, is small in comparison of the injury which the authors of such division inflict upon the isolated community itself. From the comparative paucity of its resources, the elementary schools of such community, except in a few cities and towns, must necessarily be inferior to the schools in which the youth of the great majority of the population are educated\* Then the youth of these inferior schools are not only excluded from the advantages of the better schools, (whose doors are open to all without the slightest interference with the religious faith or feelings of any), but they are deprived of all those springs of mental development, activity and energy which arise from competition and emulation with the other youth of the land. Thus inferiority of mental culture and development is necessarily stamped upon the mass of the community that is thus isolated from the public schools of the

---

\* Since the above was written, the following illustration of the accuracy of my remarks, even in regard to a city, is furnished by the following extract of a letter from a correspondent of the Roman Catholic *True Witness*, of Montreal. That correspondent, writing from the City of London, C.W., respecting the Separate Schools in that city, says:—

“Our schools are well attended, but I regret to say, are not in such a state of efficiency, as to compare altogether with the common schools. This is the only drawback to the present or ultimate success of our schools—a difficulty which *must* be met—because indifference and neglect on this matter might lead to an entire repudiation of the Separate School system in Canada West, as practically unable to afford those facilities and advantages in the matter of education which were held out as an inducement to its establishment. Seven years ago we were led to expect our Separate Schools would be at least equal in all respects to those from which we separated.”

Commenting upon the above, the London *Free Press* says that “while it is matter for regret that any educational effort should not meet with success, yet it is possible that the time will come when our Roman Catholic fellow-citizens will see that there is no necessity to promote Separate Schools. It is notorious that no attempts are made at the Common Schools to sway the minds of the children in matters of religion: and even if such was the case, the influence of the family circle, and that of public worship would fully counteract it. It will be a great day for Canada when the children of its citizens shall meet for secular instruction, irrespective of the creeds their parents may profess.”

country. And the youth who thus grows up to manhood in a school of separation commences the battle of life, not only with inferior mental and social preparation, but comes forth into the arena of competition and enterprise estranged from, and a stranger to the habits, views, and associations of those with whom his pursuits and fortunes are linked. Is it surprising that a youth whose early energies and means of improvement are thus dwarfed by isolation and inferior school instruction, should, in the career of life, be distanced in every race of enterprise in business, profession, and public ambition, by his early more favoured rivals and competitors? There may, now and then, be an exception. There may, here and there, be a youth of great natural ability and indomitable energy who will throw off the nightmare of early depressing circumstances, force himself up through all disadvantages of inferior school and social culture, and make himself a name of honour and distinction in the community; but such an example is a rare exception to the general rule which dooms the victims of isolation to inferiority, failure, and obscurity.

Then the next result is deep dissatisfaction among the members of the isolated community at their position of social inferiority in the country, and at their failures of success in various pursuits, and at their omissions in the elections and appointments to public offices and trusts, with exclamations against the law, and the bigotry and oppression of the majority of the community, for what is the legitimate offspring and inevitable fruit of their own doings, or of the doings forced upon them. They may complain "that no 'Irish' Catholic need apply for any post of public trust or honour;" but they have themselves, by their isolation, inferior educational culture, and war against the institutions of the great body of their fellow citizens, rendered the election or appointment of many, if any, of themselves an impossibility, where the suffrages of the majority are the predominant power in the State. Then envy, then hatred of the more successful and prosperous classes, then mutual consultations and excitements to revenge their imaginary wrongs, and relieve themselves of their deeply felt but self-inflicted evils; and then, among the more daring and least scrupulous portion of such isolated community, the combinations and conspiracies of *Fenianism*—the employment of brute force to obtain power and wealth, which can only be legitimately obtained by the exercise of virtue, intelligence, and industry. The Hierarchy may earnestly and strongly denounce these combinations and conspiracies, but the monster has grown too strong and unmanageable to obey the voice of even a Bishop,—the disease is stronger than the remedy. In this aspect, the question of school separation deserves the serious consideration of the statesman and patriot.

So deeply impressed are many Roman Catholics with the irreparable injuries inflicted upon their children by taking them from the Public Schools, and isolating and sending them to inferior Separate Schools, that I have known instances of their obeying authority so far as to return their names and give their subscriptions as supporters of a separate school, and then send their children to the public school, and pay a large fee for the

privilege of doing so—a privilege which they had forfeited by returning their names as supporters of a separate school ; and, of the 504 Roman Catholic teachers employed in the schools in Upper Canada, only 171 of them are employed in separate schools, while 333 of them are employed in public schools—the schools denounced by the *Freeman*, Mr. O'Reilly, and other Separate School agitators ; and of the more than fifty-five thousand Roman Catholic children taught in our schools in 1863, upwards of forty thousand of them attended the common or public schools, while but fifteen thousand attended the separate schools. I think I am safe in saying that every Roman Catholic in Upper Canada, who has distinguished himself either in law or politics, has been chiefly, if not wholly, educated in public schools with Protestant youth, and not in separate schools. I believe Mr. O'Reilly himself never would have got up to the position of Recorder of the city of Kingston, if he had been educated in the separate schools which he now advocates—if he had not had his mind cultivated and developed in public schools, and his energies and ambition quickened and roused by emulation with Protestant youth, and formed early acquaintances and associations with them, which have laid the foundation of his professional success. He is a living contradiction of his own advocacy. Nor do I believe that he, or any others of his party, will venture to maintain that the nine-tenths of the Roman Catholics of Upper Canada, who have themselves been taught, or have educated their children at the public schools, are any less orthodox Catholics than the one-tenth who have been induced or compelled to send their children to separate schools.

The fact is, that the tendency of the public mind and of the institutions of Upper Canada is to confederation, and not to isolation—to united effort, and not to divisions and hostile effort—in what all have a common interest.\* The efforts to establish and extend Separate Schools, though often energetic and made at great sacrifice, are a struggle against the instincts of Canadian society, against the necessities of a sparsely populated country, against the social and political present and future interests of the parents and youth separated from their fellow citizens. It is not the Separate School law that renders such efforts so fitful, feeble and little successful ; their paralysis is caused by a higher than human law—the law of circumstances, the law of nature, the law of interest, if not the law of duty from parent to child.

If, therefore, the present Separate School law is not to be maintained as a final settlement of the question, and if the legislature finds it necessary

---

\* The late Right Honourable THOMAS WYSE, long a distinguished Roman Catholic Member of Parliament and educationist, and afterwards Her Majesty's Minister to the Court of Greece, at Athens, wrote largely on the universal education of the Irish people, and in favour of mixed schools, as essential to its attainment. In his great work on *Educational Reform*, he thus speaks of a system of separate or denominational schools, and of the kind of instruction given in them. He says: "We grow Protestants, and we grow Catholics," "and degrade seminaries for the universal mind of the country into rival garrisons of faction."

to legislate on the Separate School question again, I pray that it will abolish the Separate School law altogether; and to this recommendation I am forced, after having long used my best efforts to maintain and give the fullest and most liberal application to successive Separate School Acts, and after twenty years' experience and superintendence of our Common School system.

E. RYERSON.

DEPARTMENT OF PUBLIC INSTRUCTION, }  
Toronto, February 15th, 1865. }

## APPENDIX.

### CORRESPONDENCE ILLUSTRATING THE RELATIONS OF THE U. C. SCHOOL SYSTEM TO BOTH ROMAN CATHOLICS AND PROTESTANTS.

(1.) (Copy.)

To the REV. DR. RYERSON,  
Chief Superintendent of Education, Toronto.

DEAR SIR,—I suppose you have seen the articles in that unscrupulous paper, the *Montreal Witness*, on the subject of dissentient schools. I wish to know how the matter stands in Upper Canada: 1st. Can a non-resident Catholic pay his land school tax to the Separate School? 2nd. Can he be exempted altogether from taxation if there are no dissentient schools in the municipality where he is a land holder? I see nothing to that effect in the original school laws nor in the last amendments; but as they have been so frequently amended, I want to make it sure by referring to you.

Your's sincerely,  
(Signed), P. J. O. CHAUVEAU.

P.S.—We in Lower Canada are prepared to grant dissentients *anything*, since we have the same interest. There is *one-third* of Catholic and two-thirds of Protestant dissentient schools, but the Catholics are poorer. But you may expect the same things for Upper Canada.

(2.) (Copy.)

EDUCATION OFFICE,  
Toronto, 3rd May, 1864.

DEAR SIR,—I had not for months read the *Montreal Witness* before receiving your letter, mailed on the 22nd ultimo. Since then I have read the articles to which you refer.

In Upper Canada two Roman Catholic Separate School Sections, or districts, can unite and form one United Section, or district, whether they are situated in the same municipality or not.

Also, a Roman Catholic who gives the legal notice that he is a Roman Catholic and a supporter of a Separate School, is exempted from the payment of all public school taxes or rates, provided he resides within three miles (in a direct line) of the school of which he professes to be a supporter, whether he resides within the section or district of such school or not; but the property which he owns in other school sections or districts is liable to rates and taxes for the public schools, whether there are Separate Schools in such sections or districts or not. The following explanatory remarks will exhibit the nature of the school system of Upper Canada in respect to different religious persuasions :—

1. The public school in each section, or district or division, is strictly non-denominational—having no symbols, or ceremonies, or instructions peculiar to any one religious persuasion, and to which any religious persuasion can object. The only exception to this is wherever the daily exercises, as in many of the schools, are opened and closed by reading a portion of the Scriptures, and prayer; but this is at the option of the trustees and teachers, as also the version of the Scriptures and the prayers to be used; and no pupils are required to be present at these exercises whose parents or guardians object to them. If the teacher hears any pupil recite a catechism it must be by private arrangement between the teacher and the parent or guardian of such pupil, and must not interfere with the regular exercises of the school. The school house is allowed to be used one hour each week between the hours of four and five in the afternoon, by the clergyman of each religious persuasion, to give catechetical or religious instruction to the pupils of his own persuasion, and the trustees determine the day on which the house shall be used by each clergyman. In no instance yet have the clergymen of as many religious persuasions applied for the use of the same school house as there are teaching days in the week. In cities and towns there are several rooms in each school house, as there are several rooms provided at the Normal School for weekly religious instruction being given to students by clergymen of the different religious persuasions.

2. The number of Roman Catholic teachers employed in the public schools is far above that of the Baptists and Congregationalists, and only second to that of the Church of England, Methodists and Presbyterians. So acceptable are the public schools to the laity of the Roman Catholic Church, that more than three-fourths of their school-going children attend the public schools, and less than one-fourth of them attend the Separate Schools, notwithstanding the exertions of many of their clergy to induce them to establish and support Separate Schools.

3 Now it is for this minority of one-fourth of the Roman Catholics of Upper Canada that the Separate Schools actually exist; and all who desire under such circumstances to withdraw their children from the public schools, and have them taught in Separate Schools, are exempt from the payment of all public school rates in the sections or districts of such Separate Schools.

4. The principle of the school law in respect to school rates in Upper Canada is, that as the property in each school section or district derives its value chiefly, if not entirely, from the labours and enterprise of its inhabitants, such property should be liable for the education of the youth

whose labours in connection with those of their parents, give it its value. If a portion of the inhabitants desire a Separate School for their children in any school section or district, or by uniting two or more school sections or districts into one, they can do so—have their property in such sections or districts exempt from public school rates, and collect rates on it themselves for the support of their own school.

5. But the property of *absentees* in any school sections or divisions is liable to be rated for the support of the *public schools*; and that upon two grounds: *First*, the public schools are accessible upon equal terms to all classes of the population. *Secondly*, the great majority of the Roman Catholic children, as well as the children generally of other religious persuasions, attend the public schools.

6. If the schools of the majority in Lower Canada are as impartial, liberal, and unobjectionable to the minority as are the schools of the majority in Upper Canada, then, it appears to me, that the only inequality under which the minority there labour, is their not being able to unite in different school districts to establish and support one school for themselves. But if the schools of your majority are substantially Roman Catholic Church schools, having the symbols and the services, and publicly teaching the catechism and other religious books of the Roman Catholic Church, then, it appears to me that the schools of your minority (as they are not peculiar to any one religious persuasion) are more analogous to the schools of the majority in Upper Canada than are the schools of your majority. On this point I have not the information, and do not profess to judge.

I remain, &c.,

(Signed)

E. RYERSON.

To the HON. P. J. O. CHAUVEAU,  
Superintendent of Education, Montreal.

(8.)

(Copy).

8, CLYDE PLACE,  
Montreal, 13th Oct., 1864.

To the REV. DR. RYERSON,  
Chief Superintendent of Education, C.W.

DEAR SIR,—I write you as corresponding secretary of the Association for the Promotion and Protection of Protestant Education in Lower Canada to ask if you will be kind enough to send me a complete copy of the school laws of Upper Canada, and to inform us of the position and powers of the gentleman in the Education Office at Toronto who represents the Roman Catholics of that Province. We propose to seek for Protestants in this section educational rights similar to those enjoyed by Roman Catholics in Canada West, and are therefore desirous to learn the manner in which the interests of the latter are represented in the establishment under your direction. Relying on your kind offices in this matter,

I am, &c.,  
(Signed),

D. H. MACVICAR.

(4.)

(Copy).

EDUCATION OFFICE,  
Toronto, 17th Oct., 1864.

SIR,—I have the honour to state, in reply to your letter of the 13th instant, that a copy each of the Common and Separate School Laws of Upper Canada will be transmitted to you herewith.

You request me to inform you of the "position and powers of the gentleman in the Education Office at Toronto who represents the Roman Catholics of that Province." In reply I have to state, that I myself represent the Roman Catholics, as much as the Church of England, Presbyterians, or Methodists, in this Department, and administer the law according to the fair and liberal construction of its provisions, just as much for the benefit, and as far as possible according to the wishes, of Roman Catholics, as for the benefit and according to the wishes of any other religious persuasion in Upper Canada. One clerk in the office is a Roman Catholic; but he was not appointed as such, nor did I know of his religious persuasion any more than that of some other clerks at the time of their appointment; he was appointed on trial of six months, and advanced according to vacancies and his merits, the same as any other clerk in the Department.

I know no religious persuasion in the administration of the law; nor have I ever made or recommended an appointment in the Department on the ground of the religious persuasion of the candidate, but simply and solely on the ground of personal qualification and character.

I have, &c.,

(Signed),

E. RYERSON.

To the REV. D. H. MACVICAR,  
Montreal.

4.  
13th  
ws of

gen-  
man  
pre-  
sby-  
law  
st as  
a, of  
any  
is a  
w of  
t the  
and  
other

nor  
t on  
and

N.



