



CATHOLIC CHRONICLE.

VOL. V. MONTREAL, FRIDAY, SEPTEMBER 22, 1854. NO. 6.

BISHOP OF TORONTO—DR. RYERSON, AND SEPARATE SCHOOLS.

To the Editor of the Catholic Citizen.

Sir—As you have published in your columns the statements and attacks referred to in the following communication, as well as many others of the same kind, I have to request, as a matter of usage and an act of justice, that you will insert my general reply to them.—I have the honor to be, Sir, your obedient servant,

E. RYERSON.

Education Office,
Toronto, 26th Aug., 1854.

Education Office,
Toronto, 26th Aug., 1854.

My Lord—During some months past, your Lordship has been pleased several times to attack me personally by name—attacks which have been often repeated and variously enlarged upon by the newspaper organs of your Lordship. On two occasions especially, once in Lower Canada, and once in Upper Canada, you have charged me with "falsehood."—The former of these attacks was made by you on the occasion of a Catholic Institute at Quebec presenting an Address to your Lordship, and in which Mr. Cauchon, M.P.P., took a part, under the smiling approbation of your Lordship. This proceeding was first reported in Mr. Cauchon's paper *Le Journal de Quebec*, and afterwards translated for, and published in, the *Catholic Citizen*, of Toronto, the 22nd of June. The latter of your Lordship's attacks was made in an address to a "Catholic Institute" in Toronto, and reported in the *Catholic Citizen* of the 20th July.

I am quite aware that these attacks upon me, in connection with the provisions of the law in regard to Separate Schools, were designed to influence the recent elections; and for that very reason I thought it proper not to notice them until after the elections—that your Lordship might have every possible benefit of them, and that I might not give the slightest pretence for a charge that I interfered in the decisions. Indeed, at no period during the last twenty-five years, have I electioneered for or against any candidate whatever. I have at different times, especially during the many years that I was an Editor of a weekly paper, earnestly discussed great principles of government and civil rights, but in the application of those principles for or against any particular candidate at an election, I have taken no active part, not even so much as to give an advice in any instance; nor can any man truly charge me with doing so.

But as that reason for my silence no longer exists; and as my silence seems to have been mistaken for an inability to answer your Lordship's statements and imputations, in consequence of which one or two respectable journals in Lower Canada have been led into the error of supposing that there was some ground for your Lordship's charges, I will briefly reply to them.

In my last Annual Report, I stated that supporters of Separate Schools in Upper Canada occupy the same position in respect to the Public Schools as do the supporters of Separate Schools in Lower Canada. Your Lordship charges me with the "direct assertion of falsehood," with asserting the "reverse of truth" on this subject.

Before noticing your Lordship's charges in detail, I may remark that when public men have said that they will advocate granting the same privileges to the Catholics in Upper Canada as enjoyed by Protestants in Lower Canada, they are quite right, and say no more than I have said from the beginning—no more than I have sincerely intended—no more than each succeeding administration has intended—no more than the late Attorney General (now Judge) Richards believed was fully secured to them by the Supplementary School Act for 1853: for after he and I had gone over the several clauses of the fourth section (relative to Separate Schools) of the Supplementary School Bill, he asked me if the supporters of Separate Schools were now placed on the same footing in Upper Canada as in Lower Canada; I replied I believed they were in every respect—that in some particulars there was a difference in the mode of proceeding in the two sections of Canada, arising from the existence of Municipal Councils and assessments in Upper Canada; and the payment of all school moneys by County and Town Treasurers, which did not exist in Lower Canada—that in regard to these peculiarities, nothing was required of the Trustees of Separate Schools which was not required of trustees of Public Schools, with the single exception that in the semi-annual returns of the former the names of children and their parents or guardians were included, with the amounts of their school subscriptions, in order that it might be known whom to exempt from the payment of public school taxes.

But I desired the Attorney General to examine for himself the provisions of the two laws in regard to Separate Schools. At his request, I took the school law of Upper Canada as existing and as proposed, and he took the school law of Lower Canada, and went over the provisions clause by clause relative to Dissident Schools, while I referred him to the corresponding clauses of the school law of Upper Canada; and after he had finished, he said the equality in the two cases was perfect, and he was prepared to defend it. After this examination, and with this conviction, the Attorney General, with the concurrence of his colleagues, brought the Bill before the Legislative Assembly, and it was passed—after which, and for several months, your Lordship's newspaper organs boasted of it as subverting the foundation of our public school system, which your Lordship had so fiercely denounced, and would soon secure its overthrow. This turns out to have been a great mistake—our school system is neither shaken in its foundations, nor impeded in its progress; and your Lordship manufactures new charges against the school law, and new imputations against myself. I will now quote and answer them one by one.

1. *Bishop Charbonnel*—"In Lower Canada, any number whatever enjoy the right of establishing Separate Schools, while in Upper Canada it is necessary for twelve heads of families to apply in writing to the Municipal Council or to the Boards of School Trustees in any city or incorporated village."

Answer—This is not correct. There can be no dissentient school district in Lower Canada, which shall contain less than twenty children between the ages of 5 and 16 years; nor can any dissentient school be continued which is not attended by "at least fifteen children." See Sections 4, 19, 26, 27, Act 9 Vic., chapter 27. These conditions are not so easy as those required of the same parties in Upper Canada.

2. *Bishop Charbonnel*—"In Lower Canada, Protestants exercise, without restriction, the right of establishing Separate Schools, while in Upper Canada, persons desirous of doing so must be either freeholders or householders."

Answer—This is a mistake. The Upper Canada School Act specifies "resident heads of families" without any reference to their being freeholders or householders, and the "parties petitioning for and sending children to a Separate School" elect the trustees.

3. *Bishop Charbonnel*—"In Lower Canada, Protestants have only to signify their intention of having started a Separate School, while in Upper Canada, before any proceedings are taken, Catholics must apply to a Protestant Board, before their school can have an existence." "That the right has been bestowed of establishing Separate Schools, even where a Protestant teaches a Common School."

Answer—This is a mistake. The Superintendent of Education in Lower Canada, says, in his official Circular, "The present act authorises the establishment of Dissident Schools only upon the grounds of religious difference, and to the inhabitants only forming the minority." "The law relating to Common Schools does not recognise Independent [Protestant denominational] Schools."

(2.) The Lower Canada School Act (9th Victoria, Chapter 27, Section 23) authorises the Commissioners of each School Municipality (the same as a Board of School Trustees in Upper Canada) "to regulate the course of study to be pursued in each school, and to establish general rules for the management of the schools under their care." And in order to establish a Dissident School, the 26th section of the same act provides, "That whenever in any municipality, the regulations and arrangements made by the School Commissioners for the conduct of any school, shall not be agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such municipality, the inhabitants so dissentient may collectively signify such dissent in writing to the Chairman of said Commissioners and give in the names of three trustees, chosen by them for the purposes of this Act; and such trustees shall have the same powers and be subject to the same duties as School Commissioners, but for the management of those schools only which are under their control; and such dissentient inhabitants may, by the intervention of such trustees, establish in the manner provided for other schools, one or more schools which shall be subject to the same provisions, duties, and supervision." &c. The 27th section of the Act provides, that no such school shall receive anything from the School Fund unless it "has been in actual operation during at least 8 calendar months;" and "has been attended by at least fifteen children."

By these provisions, it is clear that the dissentients must signify in writing to the Chairman of the local

School Board their intention to establish a Separate School or schools the same as in Upper Canada; but they are not entitled to a Separate School without avowing their dissent from the regulations made by the very Commissioners to whom they are required to make the application; nor can they receive any aid from the School Fund without having had a school in operation at least eight months, and attended by at least fifteen children. Another section of another Act requires semi-annual returns made by them on oath of at least two of the trustees of the dissentient School as to the actual number that has attended their school—three conditions these, and very serious ones too, which are not required of the trustees of Separate Schools in Upper Canada.

4. *Bishop Charbonnel*—"In Lower Canada, the clergymen of all religious denominations in each municipality are eligible without any property qualifications, to the School Commissioners."

Answer—So may they be elected trustees of separate or other schools, or appointed school superintendents, in Upper Canada, without any property qualification whatever—without even being residents in the school sections where they are elected—and even without being British subjects, or taking the oath of allegiance.

5. *Bishop Charbonnel*—"Protestant Trustees in Lower Canada have the same powers accorded to them as is given to Catholic Commissioners."

Answer—The powers of trustees of Separate Schools in Lower Canada are confined to the dissentients and the schools under their control. It is the same in Upper Canada.

6. *Bishop Charbonnel*—"Protestant Trustees in the Lower Province are constituted a Corporation for assessment and collection, and are entitled to receive from the Chief Superintendent, if they please the sum proportionate to the dissenting population."

Answer—The trustees of dissentient schools are designated by an inferior title to that given to the managers of the Catholic Schools in Lower Canada. They are called "Trustees of the dissentient schools in the municipality," while the others are designated "The School Commissioners of the municipality," and are declared to be a Corporation under that name. The Protestant Schools are not honored with the name of "Separate Schools," but are designated "dissentient Schools," and the managers of them are not called "Commissioners," but "Trustees," in contradistinction to commissioners; and are required to apply to the "President of the School Commissioners" for any lists of assessments and names of school rate payers, &c., in which they are interested, and to express, "at least one month before the first day of January and first day of July, that they are not satisfied with the arrangements antecedently made by the School Commissioners in said municipality," in order to obtain a release from the payment of school rates to the Catholic School of such municipality, and to collect them for the "dissentient School or Schools."

Nor is it correct to say, that the School Fund in Lower Canada is given to the trustees of a "dissentient" school in a municipality, "proportionate to the dissenting population." This was the case under the School Act of Lower Canada of 1846; but this provision was repealed by another School Act (12 Vic., Chap. 50) passed in 1849, the 18th section of which provides, that the "dissentient schools" shall be entitled to receive from the Superintendent shares of the General School Fund (that is the legislative grant) bearing the same proportion to the whole sums allotted from time to time to such municipality as the number of children attending such dissentient school bears to the whole number of children attending school in such municipality at the same time." Accordingly, in the School Act of Upper Canada, passed the year after the passing of the School Act of Lower Canada, just quoted, it was provided that "each Separate School shall be entitled to share in the School Fund according to the average attendance of pupils attending each such Separate School, as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, or Township." Thus the basis of distributing the money allotted by the Chief Superintendent, to Municipalities between the Separate and Municipal Schools, is precisely the same in both parts of Canada.

7. *Bishop Charbonnel*—"Every facility is afforded to Protestants for the collection of the sums to which they are entitled. They have the same right of employing the municipal officers or not at their discretion."

Answer—The trustees of Separate Schools have precisely the same rights and the same facilities of procuring the information they may require from the Assessor's Roll of school tax-payers, as have the trustees of the Common Schools, and as have the trustees of dissentient schools in Lower Canada; and

can employ any person as their collector of the rates imposed by them who is willing to accept the office, the same as the trustees of Common Schools.

8. *Bishop Charbonnel*—"They have the right of receiving a due proportion of the building fund."

Answer—The school law of Lower Canada authorises the expenditure of a portion of the Legislative School Grant in the erection and repairs of school houses. This is not allowed in Upper Canada, in regard to school houses of any description. The whole of the Legislative school grant in Upper Canada must be expended in paying the salaries of teachers, in which Separate Schools share equally with other schools upon the same principle of distribution as that which is provided by law in Lower Canada. There is, therefore, no school "building fund" in Upper Canada; and therefore none for Common, any more than Separate Schools.

9. *Bishop Charbonnel*—"Of having in Montreal and Quebec only one Board of six members wholly independent of the other Board."

Answer—The Trustees of each Separate School in Upper Canada are constituted a Board of Examiners, "independent of all other Boards" to give certificates of qualifications to their own teachers—a power given not to any other Board of Trustees in any city, town, or municipality in Upper Canada.

10. *Bishop Charbonnel*—"Of receiving in these cities a sum proportionate to their population."

Answer—There is no school rate as such levied in Montreal and Quebec. The arrangement of paying certain sums out of city funds, which is confined to those two cities, and does not extend to any other part of Lower Canada, tells powerfully against the Protestants in those two cities, as they are not allowed to share in the fund according to their property or the taxes they pay, but according to their numbers—which are very small in proportion to their wealth, and therefore small in proportion to what they themselves pay to the fund itself.

11. *Bishop Charbonnel*—"And the still further right of exemption from taxation for the purpose of establishing Common School Libraries and Buildings."

Answer—The School Commissioners themselves in Lower Canada are not authorised to levy rates for libraries. The supporters of Separate Schools in Upper Canada are exempt from all school rates for libraries, as well as for the salaries of teachers, and from all rates for the erection of school houses except such as were undertaken before the establishment of a Separate School. Nor are the supporters of "dissentient schools" in Lower Canada exempted from the payment of any school rates, whether for school houses or for other purposes, which were levied before they established Separate Schools. The Trustees of Separate Schools in Upper Canada have the same power, and receive the same assistance, for the establishment of libraries, as do the Trustees of Common Schools.

12. *Bishop Charbonnel*—"The right is also granted of corresponding with the Superintendent alone, and that right of such large, beneficial and liberal construction as will ensure the attainment of the objects of this Act, and the enforcement of its several enactments, according to their true intent, meaning and spirit."

Answer—The same right exists in Upper Canada in regard to the Trustees of Separate as well as of Public Schools, and has never been denied in any one instance. But it is a regulation of my Department, that parties complaining should furnish a copy of their communication to the parties against whom they complain, and against whom my decision is invoked—and I have adverted to a disregard of this equitable and necessary regulation on the part of Separate School Trustees in the city of Toronto, although I did not even delay on that account to receive and answer their communications. The publication of my correspondence with these parties—and which has been withheld from the public in the Bishop's newspaper organs that have perpetually assailed me—would furnish a complete refutation of this unjust and groundless insinuation. It has also been shown above that the "dissentient minority" in Lower Canada, must previously "correspond," not "with the Superintendent alone," and not at all with him, but with the Catholic School Commissioners of the Municipality as to the establishment of a "dissentient" school, and must make a protest against, or avow their dissent from the school regulations made by such commissioners, in order to establish a Separate School, and afterwards make another written protest in order to be exempted from the payment of school rates levied by such commissioners.—Regulations which said commissioners are not required to communicate to dissentients at all. Should the Roman Catholic School Commissioners make no "Regulations" to which the Protestants could object, "on the ground of religious difference," they could