

Real Meaning of Coldwell Amendments

J. H. Munson, K.C., Employed by Winnipeg School Board, Gives Important Opinion—Board Pays For It and Then Keeps It From the Public—Here Printed in Full—Orangemen Have No Cause for Anxiety.

(Winnipeg Saturday Post)

So much arrant nonsense has been spoken and printed concerning the so-called Coldwell Amendments to the School Act that it becomes necessary to place before the public the authoritative opinion pronounced by Mr. J. H. Munson, K.C., one of our most eminent barristers, concerning this much discussed subject. The following is Mr. Munson's opinion, supplied to the School Board of Winnipeg through its solicitor, Mr. McPherson, at the board's request. Though this opinion does the ratepayers of Winnipeg two hundred dollars—and beyond a shadow of a doubt it was worth it, when we consider the work entailed in preparing it and the legal responsibility of the gentleman who gave it—yet the fact is that the Winnipeg School Board kept it as a private document, which so far as I am aware, it has remained up to the present time. This opinion is so clear and comprehensive that it is unmistakable. It should remove even from the mind of the most contentious and suspicious Orangemen all doubt that he may have entertained as to whether or not these amendments could possibly be construed as conferring any special privileges upon the Roman Catholics, or of impairing in any degree whatever those provisions of the School Act that provide for non-denominational, national schools. "In my opinion," says Mr. Munson, "there is no contradiction or repeal" (that is, of the original School Act) "and Section 220, which is one of the basic clauses of the Act, stands unaffected by the amendments of 1912." Surely nothing could be clearer than that definite pronouncement. That one simple sentence should dispose for ever all this rubbish and nonsense that has been circulated for the mischievous purpose of inducing Protestants to believe that a plot was on foot for the purpose of betraying our national school system. The Post has always been a strong and consistent supporter of non-denominational national schools. The Post will be among the first to criticize and to denounce any measure taken by any political party, or by anyone else, for

the purpose of destroying or impairing the usefulness of our public school system as we know it today. But here is Mr. Munson's suppressed report to the School Board:

Winnipeg, March 10, 1913.

Dear Sir:—I am asked by the Winnipeg Public School Board through yourself for my opinion as to the interpretation and effect of Section 218 of the Public School Act as interpreted by the Manitoba Legislation of 1912, sub-sections (r) and (t) of Section 1 of Chapter 65 of that year.

Section 218 and the two Sub-sections (r) and (t) are as follows:

"218. In any school in towns and cities where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the Trustees shall, if required by a petition of parents or guardians of such number of Roman Catholic children, respectively, employ at least one duly certified Roman Catholic teacher in such school. In any school in towns and cities where the average attendance of non-Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the Trustees shall, if required by the petition of parents or guardians of such children, employ at least one duly certified non-Roman Catholic teacher. 60 V. c. 28, s. 4."

"(r) The word 'school' wherever it occurs in this Act shall mean and include any and every school building, school room or department in a school building owned by a public school district, presided over by a teacher or teachers."

"(t) Section 218, Chapter 143, Revised Statutes of Manitoba, 1902, was intended to mean, and does mean, a teacher for the children of the petitioners and of the same religious denomination as the petitioners."

The Section 218 therefore, as interpreted by these two sub-sections would, in effect, read as follows:

"In any and every school building, school room or department in a school building owned by a public school district, presided over by a teacher or teachers, in towns and cities where the average attendance of Roman Catholic children is forty or upwards, the trustees shall, if required by a petition of parents or guardians of such number of Roman Catholic children, employ at least one duly certified Roman Catholic teacher for the children of the petitioners, and of the same religious denomination as the petitioners, in such school, school building, school room or department in a school

building owned by a public school district presided over by a teacher or teachers."

The question at first arises as to whether the amendments of 1912, relating to Section 218, are in any way contradictory of or a repeal by implication, of Section 220, which is as follows:

"220. No separation of pupils by religious denominations shall take place during the secular school work. 60 V. c. 28, s. 7."

In my opinion, there is no contradiction or repeal, and Section 220, which is one of the basic clauses of the Act, stands unaffected by the amendments of 1912.

The meaning of the Sub-clause (r) is that every school room or department in a school, as well as the total school itself, is a school within the meaning of the Act, so that every school room that has forty Roman Catholic children would make Section 218 apply, so as to enable parents or guardians of the forty Roman Catholic children to have a Roman Catholic teacher for that room, which is a school for this purpose.

A question that arises also as to the interpretation of Section 218 and these two sub-clauses is as to whether the children of the petitioners are to be taught all the subjects by teachers of their faith, or whether teaching of one or a certain number of the subjects would be a compliance with this provision, and also as to whether Roman Catholic teachers can be employed for some subjects and non-Roman Catholic teachers for the others.

The clause does not say Roman Catholic teachers exclusively for Roman Catholic children, nor does it provide that the Roman Catholic teachers cannot teach non-Roman Catholic children, nor yet is any provision made in words against Roman Catholic teachers in addition to the Roman Catholic teachers even on the same subjects.

It is certain also that the clause as interpreted by these two sub-clauses does not oblige the School Board to employ more than one Roman Catholic

teacher for each school room, or department, or school which has an attendance of forty Roman Catholic children or over. These children would, no doubt, in the ordinary course be distributed amongst the various class-rooms in a school which has more than one room, and as the separation of children by Section 220 of the Act according to religious denominations is prohibited, the Board would not be under the obligation of having the Roman Catholic children collected in separate rooms, and therefore it would be necessary that the Roman Catholic teachers should teach the children where they were.

It is conceivable that Section 218 and the Sub-section (t) of the 1912 Act, so far as intention of the draftsman was concerned, were intended to mean a Roman Catholic teacher for the children of the petitioners exclusively, that is, that no non-Roman Catholic teacher should teach them, any subject, and that they should be taught all the subjects that were taught in the school, by such Roman Catholic teachers, but it is not so expressed, in my opinion, no such exclusive provisions being contained in the original clause or in Sub-section (t) of 1912, so that the result would be that the Board would be at liberty to have the Roman Catholic children taught a number of subjects by non-Roman Catholic teachers, and that the Roman Catholic teachers might teach a number of the subjects to the Roman Catholic and non-Roman Catholic children together in the same room, and that non-Roman Catholic teachers could be employed in addition to the Roman Catholic teachers to teach the Roman Catholic children.

It may be claimed that Section 218 as interpreted by the clause of 1912 can only be satisfied by the appointment of Roman Catholic teachers for Roman Catholic children upon all subjects taught in the school. If so, this would require the segregation of the Roman Catholic children, or in order to save the duplication of teachers, it would be necessary that the Roman Catholic teachers should teach not only the Roman Catholic children but also the non-Roman Catholic children on all subjects, unless the Board was prepared, in addition to the teaching by the Roman Catholic teachers, to have the same work done over again by non-Roman Catholic teachers, a result which would be prohibitive on the ground of expense, and would approach the unworkable.

A similar difficulty would appear if in any case non-Roman Catholics should avail themselves of this Clause 218, to ask for non-Roman Catholic

teachers for their children in the schools.

The Board itself controls by reason of its general power the right to regulate the number of the children in the schools, and in the rooms, and it is unlikely, I suppose, that except in schools which might be taken over under the petition now pending before the Board, there would be as many as forty Roman Catholic children in one room in any school in Winnipeg, so that the necessity of appointing teachers would, probably, only be to the extent of one Roman Catholic teacher for an entire school.

The Board, I understand, has not yet had a petition presented under Section 218 by either non-Roman Catholic or Roman Catholic parents or guardians, so that there would appear to be time to fully consider dealing with the practical operation under this clause, if parents or guardians avail themselves of its provisions; and it may be, that, as often happens in such cases, the working out of a provision of this kind is easier in practice than in theoretical contemplation of its effect.

Yours truly,
(Sgd.) J. H. MUNSON.

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Solicitor,

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It will be seen after a careful reading of the above that the so-called Coldwell Amendments not only leave the Public Schools Act absolutely unaffected insofar as their non-denominationalism is concerned, but the report also shows clearly why the amendments were made. They were made in the interests of the whole people—not merely in the interests of Roman Catholics or non-Roman Catholics. They were made to provide that in certain schools, where a majority of the children are Protestants, and a certain number of Catholics make up the minority, wherever that minority is sufficiently numerous to justify the employing of another teacher, they should have the right to say that that other teacher should be of the Roman Catholic faith. This would prevent the majority in that

particular school from engaging none but Protestant teachers. But the amendments work both ways, as it was intended that they should work. In a certain school district, where the majority of the people are Roman Catholics, it is but natural that they should employ a Roman Catholic teacher, as they always have done wherever they desired, and as they have always had a perfect legal right to do. Under the Coldwell Amendments, in such a school, where there are a sufficient number of children who are non-Roman Catholics to justify the employing of a second teacher, it is now possible for that Protestant minority to insist that a non-Roman Catholic teacher shall be engaged. The amendments thus simply mean that the working of the School Act shall be made smoother, and that minorities who are Protestant or Catholic in local school districts shall not be over-riden all the time by the denomination that chances to be in the majority. No fair-minded person, whatever his faith or his prejudices may be, can deny the absolute fairness of such provision. Without these amendments the strict interpretation of the law worked a decided injustice to Catholics in one school district and to Protestants in another. The Coldwell Amendments simply remove the injustice and the source of irritation, while leaving the public schools subject to the same conditions that provide for their being purely non-denominational in their teaching and national in their character that prevailed under the law as it stood before the amendments were adopted.

WINNIPEG YOUNG MAN FOUND DEAD UNDER AUTO

Winnipeg, Man., June 27.—Crushed to death beneath his father's car, the body of Sidney Bright, aged 25, son of Wm. J. Bright, of A. Bright & Sons, wholesale crockery dealer, was found on the road in Charleswood a mile west of the city park at 5:15 yesterday morning. From the appearance of the machine and the wheel tracks, the car had skidded and turned turtle.

Another Town Looted

London, June 27.—An exchange telegraph company's despatch from Shanghai says that Kalgan, 125 miles northwest of Peking, was sacked last night. The despatch adds that foreigners in the city were not harmed, but gives no details.

Kalgan is an important commercial city of more than sixty thousand inhabitants situated on the caravan route to Siberia.

CONSERVATIVES GROW MORE CONFIDENT DAILY

An enthusiastic and full meeting of the Conservative workers in Polls one and two was held in the east end committee rooms Friday night, and splendid addresses were given by the Hon. G. R. Coldwell and Ald. G. B. Coleman. There was not a pessimist in the whole crowd and the feeling, which is growing stronger every day, was that indications point to a bigger majority than ever for Mr. Coldwell on July 10th.

LIEUT. COL. YOUNG GIVEN WELCOME BY WAWANESA FOLK

Popular Conservative Candidate Had Highly Successful Meeting Last Night.

MANY WERE TURNED AWAY

J. A. M. Aikins Also Given a Great Ovation by People of That District.

Wawanesa, Man., June 26.—Voted to be the largest and best political meeting ever held here, the gathering in support of Lieut. Col. A. L. Young tonight was a splendid success from start to finish. The large public hall was crowded to overflowing and many were turned away. Lieut. Col. Young is a very popular man here and his reception was very flattering.

Vice President Rogers, of the local association, was in the chair. The candidate opened the meeting and expressed his pleasure at seeing so many ladies present. He spoke of the excellent policy and work of the present administration for the province. He pointed out that when the administration went into office the treasury was almost depleted; but that without putting burdens upon the people they had increased the annual revenue by several millions of dollars. This was done through a proper system of taxation of railways and corporations and a careful arrangement of succession duties. He referred to the railway policy and pointed out that with out increasing any direct liability to the province they had induced the construction of 1,800 miles of railway, that they had enlarged the boundaries of the province and were active in urging the federal government to construct without delay the Hudson's Bay Railway. He further pointed out that he had served in public office in Manitoba for many years, and that he had resided for many years. His speech created an excellent impression and he received much applause.

Sir J. A. M. Aikins, also a very popular man here, was given a great reception following his recent knight-hood. He briefly returned thanks and went on to say that he was supporting the candidature of Col. Young because he was a man of honor and probity, one who had been faithful in the performance of those offices to which the people had elected him. He supported him because he was supporting an administration whose policy had been progressive and efficient. Mr. Aikins went at length into other matters such as the Hudson's Bay Railway, school question, temperance reform, and the good roads policy. The meeting closed with cheers for the king, the candidate and Mr. Aikins.

COMPULSORY WIRELESS ON VESSELS CARRYING OVER FIFTY PASSENGERS

London, June 27.—Wireless telegraphy on British steamships carrying 50 or more persons is now to be made compulsory by law, and the famous "C.S.S." signal, signifying distress, is to be added the new "T.T.T." signal, signifying danger, as in the case of icebergs.

The fact is conveyed by the text of John Burns' Merchant Shipping (Convention) Bill, introduced in the house of commons for the purpose of putting into effect the International Convention for the safety of life at sea.

The signals in the Morse code are given in a schedule to the bill. The S.O.S. signal to be repeated at short intervals, is as follows: It may be explained that the dots represent the letter 'S' and the three dashes 'O'.

The T.T.T. danger signal, to be repeated at short intervals ten times at full power, is thus shown: These dashes, it will be seen, are the same as the letter 'O'; the distinction being that the spacing is wider.

There is power in the bill to exempt passenger steamers going on short voyages and sailing ships from the compulsory use of wireless telegraphy. Failure to use the wireless signals in case of distress or danger will subject a master of a ship to penalties.

Anyway, when a man accuses his wife of having married him for his money he pays tribute to her good sense.

The Premier's Visit to Brandon

The magnificent reception accorded Sir Rodmond Roblin, premier of Manitoba, by the people of Brandon Thursday night will go down as one of the most eloquent tributes ever tendered a political leader by the people of this city. It was a reception of which the leader of any party might justly feel proud. It was the outspoken evidence of the approval of the people of Brandon, of the capable administration this province has enjoyed during the past fourteen years under the premiership of Sir Rodmond Roblin.

To the splendid reception tendered him, Sir Rodmond responded in a manner, which, it must be admitted by all who heard him, let their political inclinations or affiliations be what they may, was most fitting to the occasion. His masterful speech rose above the line of party politics; it was a dignified statement of the case the government of Manitoba has to present to the people for their consideration, compared in calm and dispassionate terms with the position held by the government's opponents, and was given in the clearest and fairest way by one who has devoted the greater part of his life in the interest of the province of which he is first minister.

Backed by his long experience, in public affairs of the province, and enabled, by his participation in every progressive step taken during the years he has been a prominent figure in Manitoba politics—and they are many—to speak clearly and decisively upon every question of importance before the electors in the present campaign, his speech was one of the most noted utterances ever delivered by any public speaker in this province.

In the first place the speech delivered by Sir Rodmond Roblin, was a clear-cut, concise record of the history, the promises and performance of the two political parties in Manitoba, and in the next place it was an honest, outspoken analysis of the standing of the two parties upon the various important matters confronting the electors in the present campaign.

That the meeting was not by any means a Conservative demonstration, was demonstrated by the heckling which greeted the premier in the opening part of his speech. But Sir Rodmond's attitude to his hecklers was such that the heckling continued only for a short time. That these Grit workers were present for the express purpose of harassing the premier was very evident as soon as the meeting opened. Let it be said here, though—and deny it, the courteous manner in which the premier received the attempts to interrupt, not only silenced the would-be hecklers, but also won over to the Conservative cause many more supporters than might not have been the case had the speaker been allowed to go uninterrupted.

The premier spoke for well over an hour and the effectiveness of his answers to the few who attempted to interrupt can be better realized when it can be truthfully stated that only during the first few minutes of his address were the efforts continued. From then on round after round of applause greeted Sir Rodmond's remarks, as he dealt with each and every subject brought to the front during the present campaign.

Sir Rodmond was in splendid fighting trim, and the careful but nevertheless aggressive manner in which he dealt with the various vote-catching cries raised by the opposition plainly showed his firm grasp upon every subject before the electors, and by his utterances displayed a knowledge in public issues sadly lacking on the Liberal side.

But Sir Rodmond Roblin did not take up the time of his audience by discussing only the numerous hollow sounding pleas raised by the Liberal party. He took up the record of the administration of which he has been the head during the past fourteen years, and pointed to the numerous and progressive reforms introduced since taking office. His words were such as could be understood by all who heard them. He shirked no responsibility, did not hide behind technicalities in rendering an account of his stewardship, and even invited criticism from whoever cared to offer it, whether it be from Conservative or Liberal.

He dealt with the government's record from the time the Conservative party took charge of the affairs of this province, fourteen years ago, taking his audience step by step along the highway of progressive statesmanship travelled by the Roblin administration, and, to every statement made, submitted as proof thereof an array of facts which even the most ardent supporter of his opponents must concede left little

room for argument.

In addition to the fact that the gathering was made up of supporters of both parties, there were also many in the big hall who, although deeply interested in the great questions that have confronted this province during the past fourteen years, as well as in the important matters still to be handled, had never heard each and every matter subjected to a calm, dispassionate summing up as submitted by the premier last evening; there were many there who have but lately come to this province and are therefore unacquainted with the work the government of Manitoba has been and still is engaged in; then again there were many present who, while they have resided in the province for many years past, have for various reasons, allowed the progress of legislation as well as the attitude of the government and its opponents upon various subjects to pass without the close examination each subject has deserved.

The speech delivered by Sir Rodmond last evening, then, was of especial interest to all present, no matter on which side of the political "fence" his hearer, through circumstances or inclination, happened to be placed. Proof-laden in every sentence, it was one of the most scathing criticisms ever delivered by a public speaker against the case presented by his opponents. Supported by indisputable facts and figures, Sir Rodmond in calm and logical manner dealt with every cry raised by the opposition, and revealed in outspoken style, the absolute hollowness of the appeal being made to the electors by the men at the head of the Liberal party in this province.

In his able presentation of the record of his government, Sir Rodmond dealt with the numerous reforms accomplished during the past fourteen years, and his remarks could not help but carry conviction to any reasonable and unbiased person who heard him. By his masterful address the premier showed that the present administration has well and faithfully performed the duties and obligations entrusted to it by the people of this province, and that it is well worthy of a continuation of the confidence and esteem of the electors of Manitoba.

The great development which has taken place in this province during the past fourteen years, and the important part played by the present administration in bringing about that development, was brought home to the great gathering in every remark uttered by the premier. It was a speech of deeds accomplished, not promises made and allowed to go unredeemed. It pointed to progressive policies adopted by the present government, to things done in the interest of the people, to laws enacted, and to the most beneficial results obtained. It was a speech that appealed to reason and judgment, instead of to passion or partisan views.

Sir Rodmond's careful but searching analysis of the financial affairs of this province, from the time the Greenway government was forced out of power, up to the present time, was only one direction in which the premier gave his audience a complete and convincing summing up of matters that directly affect every elector in Manitoba. Coming into office when the whole of the internal machinery of the government had become useless, or at least incapable of performing its proper functions, the Roblin government rapidly placed the finances of the province upon a sound footing. Business was once more conducted according to the proper methods, and year after year the present government has been able to show increased surpluses instead of annual deficits, as had always been the case with the Greenway administration.

The Roblin government has pursued and continued the policy it introduced when it came into office in 1899, with the result that today Manitoba's credit stands well in the front rank among the provinces of the Dominion, and in fact, in many respects is well up to the standing of the Dominion itself. These facts are substantiated by the public records. They are facts of which the Roblin government is proud, as it may well be.

But the placing of the finances of this province upon a proper basis is not by any means the only achievement to the credit of the Roblin administration, as was demonstrated by the premier's speech last evening. The "giving away" railway policy of the Greenway government is well known to every resident of Manitoba who was here previous to the time the Roblin administration took charge.

This was another obstacle which had to be overcome by the Roblin

government upon entering office. In its 1899 platform the Conservative government incorporated the following plank:

"The adoption of the principle of government ownership of railways in so far as circumstances of the province will admit, and the adoption of the principle that no bonuses should be granted to any railway company which does not give the government of the province control of rates over lines bonused, together with the option of purchase."

It was not long after assuming office that the present government proceeded to carry out this pre-election promise. It was believed that the "giving away" policy of the Greenway government, without receiving any corresponding equivalent, was unnecessary and unwise. The present government realized that a competing railway system and an absolute control of rates was what was needed, and accordingly in the year 1901 entered into a contract with the Canadian Northern Railway Company, which secured this result, and which has saved to the people of the province millions of dollars in freight rates. And this has been accomplished without costing the province one dollar, and there is not the remotest possibility that the province will ever be called upon to pay one cent on the guaranteed bonds of the Canadian Northern Railway.

Since the agreement was reached between the Canadian Northern and the Roblin government, 1,800 miles of railway have been constructed without costing this province one cent. The government has obtained control of the rates, and, as an instance of the benefits of such an agreement, the railway commission in its recent decision on the western freight rates cases, issued an order that the rates existing in Saskatchewan and Alberta be reduced to the same standing as existed in Manitoba, the rates in existence in this province being considered fair and just.

The good roads policy of the present administration was another point referred to by Sir Rodmond during his speech. By this policy the government of this province has set aside the sum of \$2,500,000 to be used for the purpose of keeping Manitoba roads that will compare with any new possessed by any province in the Dominion.

In this connection the premier's outspoken statement regarding the vile slander brought by the opposition against the government with regard to the amount spent by the government building roads in the northern constituency of Gimli, are more than worthy of note. The accusation has been laid at the door of the present administration that a large amount was spent in Gimli for the purpose of winning the bye-election held there recently, for the government.

Sir Rodmond did not spare his traducers in dealing with the attempt to misrepresent the government's work in that constituency. He showed in convincing manner that, though the government had spent a large sum of money in Gimli, every cent had been spent in the interest of the people living there, whether they were Conservatives or Liberals. He showed that the government is sufficiently alive to the fact that after inviting people to this province that the least it could do was to provide the means of transportation for them in traveling between markets, schools and for other purposes. What is more to the point, Sir Rodmond stated emphatically to his audience that it is the intention of the government, by all the means that are at its disposal, to provide in the future, as in the past, for the settlers who are living in outlying portions of this province.

Every phase of the progressive and aggressive policy followed out by the present administration was presented by Sir Rodmond to his audience, and the cordial treatment afforded him by the vast gathering was sufficient evidence of the faith abounding in the premier's words. There was no one act performed by the government, during the time that it had been in power, that he did not touch upon and explain the aim and purpose for which that act had been performed.

From the opening to the close of this magnificent speech, the premier did not only touch upon the various matters of moment to the people of this province, as well as the city in particular, but, confident in the knowledge that he had performed, and performed faithfully, his duty to the people, his utterances were fearless and outspoken. Afraid of neither the prejudice-prompted criticism of his opponents, or the most searching judgment of his friends, his remarks upon the questions confronting the people of Manitoba in the present election, cannot help but carry conviction to all who came within hearing of his voice.