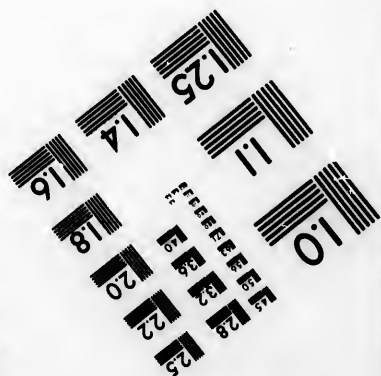
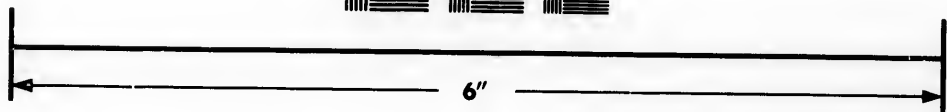
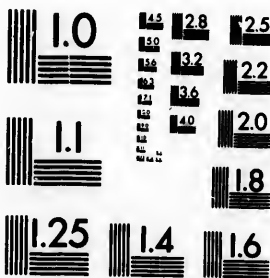


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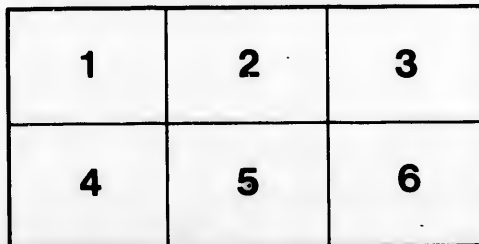
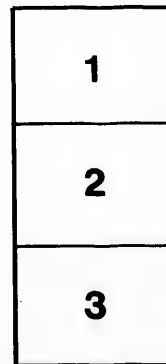
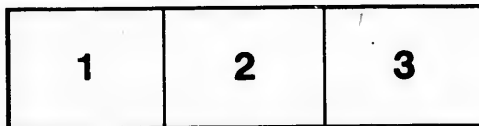
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COPIES OF CORRESPONDENCE  
BETWEEN THE  
ROMAN CATHOLIC BISHOP OF TORONTO  
AND THE  
CHIEF SUPERINTENDENT OF SCHOOLS,  
ON THE SUBJECT OF  
SEPARATE COMMON SCHOOLS,  
IN  
UPPER CANADA;  
WITH  
AN APPENDIX,  
CONTAINING  
DOCUMENTS REFERRED TO IN THE CORRESPONDENCE.

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# R E T U R N

TO AN ADDRESS of the Legislative Assembly, to His Excellency the Governor General, dated the 8th instant, praying that His Excellency would be pleased to cause to be laid before the House "Copies of all Correspondence which may have passed between the Roman Catholic Bishop of Toronto, and the Superintendent of Education for Upper Canada, on the subject of Separate Common Schools."

By command,

A. N. MORIN,  
Secretary.

Provincial Secretary's Office,  
Quebec, 17th Sept. 1852.

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DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA,  
EDUCATION OFFICE.

TORONTO, 13th *September*, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 9th instant, requesting me, by direction of the Governor General, to furnish you at my earliest convenience for the information of the Legislature, with a copy of all the Correspondence which has passed between His Lordship the Roman Catholic Bishop of Toronto, and myself, on the subject of Separate Common Schools.

On seeing the telegraphic report of the proceedings of the Legislative Assembly, applying for Copies of that Correspondence, I took the requisite steps to get them prepared. I have the honor herewith to transmit them, with an appendix, containing copies of documents and proceedings referred to in that Correspondence, without which some parts of the Correspondence itself cannot be fully understood, and as I suppose the object of the Legislative Assembly is to ascertain the nature and position of the Separate Common School Question in Upper Canada.

I have the honor to be,  
Sir,  
Your most obedient servant,

E. RYERSON.

E. A. Meredith, Esquire,  
Assistant Secretary,  
Quebec.



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## SCHEDULE

*Of Correspondence between the Roman Catholic Bishop of Toronto and the Chief Superintendent of Schools for Upper Canada, on the subject of Separate Common Schools in Upper Canada.*

I. Letter from the Roman Catholic Bishop of Toronto, to the Chief Superintendent of Schools for Upper Canada, dated Irishtown, (near Chatham, C.W.), 20th February, 1852, soliciting attention to the case of the Roman Catholic Separate School in Chatham.

II. Letter from the Roman Catholic Bishop of Toronto, to the Chief Superintendent of Schools, dated London, C. W., 7th March, 1852, containing additional remarks on the case of the R. C. Separate School at Chatham.

III. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, dated 13th March, 1852, in reply to the foregoing.

IV. Letter from the R. C. Bishop of Toronto, to the Chief Superintendent of Schools, dated Oakville, 24th March, 1852, expressing his views upon the operations of the system of Public Elementary Instruction in Upper Canada.

V. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, dated the 24th April, 1852, in reply to the foregoing.

VI. Letter from the R. C. Bishop of Toronto, to the Chief Superintendent of Schools, dated Toronto, 1st May, 1852, stating more fully, in French, the views expressed in his former letters, in English.

VII. Translation of the foregoing Letter.

VIII. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, dated the 12th May, 1852, in reply to the foregoing.

IX. Note from the R. C. Bishop of Toronto, to the Chief Superintendent of Schools, dated 22nd May, 1852, acknowledging the receipt of the foregoing letter as the conclusion of the Correspondence with the head of the Educational Department.

X. Letter from the R. C. Bishop of Toronto, to the Chairman of the Council of Public Instruction for Upper Canada, dated 26th May, 1852, on the subject of the Correspondence with the Chief Superintendent of Schools.

XI. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, dated the 31st May, 1852, in reply to the foregoing.

## APPENDIX,

Containing Documents referred to in the following Correspondence.

No. 1. Letter from the very Reverend R. J. Tellier, S. J., Toronto, to the Chairman of the Council of Public Instruction for Upper Canada, dated 21st of February, 1852, enclosing a letter from a Trustee of R. C. Separate School at Chatham.

No. 2. Enclosed in the foregoing, a Letter from Mr. J. B. Williams, Chatham, C. W., to the Chairman of the Council of Public Instruction for Upper Canada, dated the 15th of January, 1852, complaining of the conduct of the Board of School Trustees of the Town towards the R. C. School, and seeking relief.

No. 3. Letter from the Chief Superintendent of Schools, to Mr. J. B. Williams, dated the 23rd February, 1852, in reply to the foregoing.

No. 4. Letter from the Secretary of the Province, to the Chief Superintendent of Schools, dated the 6th April, 1852, transmitting the extract of a letter from Mr. J. B. Williams, Chatham, on the subject of the R. C. Separate School in that place, and requesting information for His Excellency's guidance.

No. 5. Letter from the Chief Superintendent of Schools, to the Secretary of the Province, dated the 17th April, 1852, in reply to the foregoing.

No. 6. Letter from John O'Hare, Esquire, Belleville, to the Chief Superintendent of Schools, dated the 30th December, 1851, soliciting information on certain points submitted.

No. 7. Letter from the Chief Superintendent of Schools, to Mr. O'Hare, dated, the 5th of January, 1852, in reply to the foregoing.

No. 8. Letter from the Secretary of the Board of School Trustees, Belleville, to the Chief Superintendent of Schools, dated the 6th February, 1852, submitting a letter from J. O'Hare, Esquire, and requesting an opinion thereon.

No. 9. Enclosed in the foregoing. Letter from John O'Hare, Esquire, Belleville, to the Board of School Trustees, Belleville, dated the 21st January, 1852, submitting the case of the R. C. Separate School, and enquiring what aid would be afforded it out of the School Fund.

No. 10. Letter from the Chief Superintendent of Schools, to the Secretary of the Board of School Trustees, Belleville, dated the 7th February, 1852, in reply to his letter (No. 8.)

No. 11. Letter from John O'Hare, Esquire, Belleville, to the Chief Superintendent of Schools, dated the 12th February, 1852, submitting further information in regard to the preceding case.

No. 12. Letter from the Chief Superintendent of Schools, to Mr. O'Hare, dated the 18th of February, 1852, in reply to the foregoing.

No. 13. Letter from the Secretary of the Board of School Trustees, Belleville, to the Chief Superintendent of Schools, dated the 12th February, 1852, submitting a new question for consideration.

No. 14. Letter from the Chief Superintendent of Schools, to the Secretary of the Board of School Trustees, Belleville, dated 18th February, 1852, in reply to the foregoing.

No. 15. Letter from the R. C. Bishop of Toronto, to Mr. Maurice Carroll, of Georgetown, Esquesing, dated the 3rd April, 1852, on the subject of a dispute with the Trustees of School Section No. 10, Esquesing.

No. 16. Letter from certain Roman Catholic inhabitants of Georgetown, Esquesing to the Chief Superintendent of Schools, dated 5th April, 1852, objecting to the practice of performing Protestant religious service in the School by the Teacher.

No. 17. Letter from the Chief Superintendent of Schools, to the Roman Catholic inhabitants of Georgetown, dated the 8th April, 1852, in reply to the foregoing.

No. 18. Letter from the Trustees of School Section No. 10, Esquesing, (Georgetown,) dated 10th April, 1852, explanatory of their conduct to the parties in the preceding complaint.

No. 19. Letter from the Chief Superintendent of Schools, to the Trustees of School Section No. 10, Esquesing, (Georgetown,) dated the 22nd April, 1852, in reply to the foregoing.

No. 20. Letter from certain Roman Catholic inhabitants of Georgetown, Esquesing, to the Chief Superintendent of Schools, dated the 12th April, 1852. Additional to their former letter, (No. 15.)

No. 21. Letter from the Chief Superintendent of Schools, to Mr. Maurice Carroll, School Section No. 10, Esquesing, dated the 24th April, 1852, in reply to the foregoing.

No. 22. Letter from the Reverend Rupert Ebner, Wilmot, to the Chief Superintendent of Schools, dated the 26th February, 1852, complaining that the R. C. Separate Schools in Wellesley had not received such aid as he thinks they were entitled to.

No. 23. Letter from the Chief Superintendent of Schools, to the Reverend Rupert Ebner, dated 3rd March, 1852, in reply to the foregoing.

No. 24. Letter from the Local Superintendent of Wilmot and the German Schools in Wellesley, to the Chief Superintendent of Schools, dated the 9th March, 1852, submitting the case of the R. C. Separate Schools in Wellesley, and soliciting advice.

No. 25. Letter from the Chief Superintendent of Schools, to the Local Superintendent of Wellesley, dated the 20th March, 1852, in reply to the foregoing.

No. 26. Letter from the Reverend Rupert Ebner, Wilmot, to the Chief Superintendent of Schools, dated the 27th April, 1852, in reference to the matter contained in his former letter.

No. 27. Letter from the Chief Superintendent of Schools, to the Reverend Rupert Ebner, dated the 31st May, 1852, in reply to the foregoing.

No. 28. Letter from the Chairman of the Board of School Trustees, City of Toronto, to the Chief Superintendent of Schools, dated the 2nd June, 1852, requesting him to obtain the opinion of the Law Officer of the Crown as to the construction of the term "School Fund" in the Act 13th and 14th Victoria, Chapter 48, Section 40, in connection with Section 19.

No. 29. Enclosed in the foregoing, Letter from T. J. O'Neil, Esquire, to the Board of School Trustees, dated the 20th April, 1852, submitting the claims of the Roman Catholic Separate Schools, Toronto.

No. 30. Also enclosed.—Report of the Free School Committee of the Board of School Trustees, Toronto, upon the foregoing application, dated the 19th May, 1852.

No. 31. Letter from the Chief Superintendent of Schools, to the Chairman of the Board of School Trustees, Toronto, dated 7th July, 1852, in reply to his letter, (No. 27.)

No. 32. Table, shewing the number of Protestant and R. Catholic Separate Schools in operation in Upper Canada, during the years 1850 and 1851; also, during 1847, 1848 and 1849.

No. 33. Provisions of the law (13 and 14 Victoria, Chapter 48,) relating to Separate Schools in Upper Canada—Sections 14 and 19.

No. 34. Declaratory Act, (14 and 15 Victoria, Chapter 111,) relating to Separate Schools in Upper Canada.

No. 35. Constitution and Government of Schools in regard to religious and moral instruction—(From the Resolutions, &c., adopted by the Council of Public Instruction, on the 5th day of August, 1850.)

No. 36. Fortieth Section of the School Act (13th and 14th Victoria, Chapter 48) defining the Common School Fund of each County, Township, City, Town, and Village in Upper Canada; frequently referred to in the following Correspondence and Appendix.

I. Letter from the Roman Catholic Bishop of Toronto, to the Chief Superintendent of Schools for Upper Canada, soliciting attention to the case of the Roman Catholic Separate School in Chatham.

† IRISHTOWN, 20th February, 1852,  
(near Chatham).

REVEREND AND DEAR DR.,—I beg to recommend to your equity, and to the good spirit of our Council of Public Instruction, the petition of the R. Catholics of Chatham.\*

My visitation through my Diocese convinces me more and more that this spirit, so solemnly professed at the laying of the corner stone of the Normal School by different interested parties, and particularly by our most excellent Governor General, is far from being prevalent in certain localities.

For God's sake, and for the prosperity of the country, let us combine all our exertions, that religious liberty of conscience may be more real than nominal; there is no other element of peace in this part of the world, composed of so many different persuasions.

As for me, I will do any thing and make any sacrifice for the success of a principle, the privation of which is nothing short of a more or less disguised persecution.

I remain, with the best feelings of respect,  
Revd. and dear Sir,  
Your most devoted servant,

(Signed,) † ARMDUS FR. MY,  
Bp. of Toronto.

Rev. Dr. E. Ryerson,  
Chief Superintendent of Schools,  
Toronto.

II. Letter from R. C. Bishop of Toronto, to the Chief Superintendent of Schools, containing additional remarks on the case of the R. C. Separate School at Chatham.

† LONDON, 7th March, 1852.

REVD. AND DEAR DOCTOR,—I hear from Chatham, subsequently to my appeal to your equity and to your answer, that there the negroes are incomparably better treated than the Catholics; that the latter have received for their Separate School, attended on an average by 46 pupils, only £4 10s., Government money, and are offered so little out of about £800 taxes raised for the payment of Teachers, to which the Catholics have much contributed as well as to the high sum levied for the building of a new School-house; that in another Mixed School the anti-Catholic history of England, by Goldsmith, is perused as a text book.

Again, Rev. dear Doctor, where is the equity of such a management? Where that liberal spirit professed in pamphlets, public speeches, reports, &c.? And am I not right to call our most deplorable system of education a regular disguised persecution? And still I have at hand facts of a worse character.

I remain, Rev. and Dear Doctor,  
Respectfully and friendly yours,  
(Signed,) † ARMDUS FR. MY,  
Bp. of Toronto.

Rev. Dr. E. Ryerson,  
Chief Superintendent of Schools,  
Toronto.

\* See Appendix to this Correspondence, Numbers 1—5.

III. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, in reply to the foregoing.

DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA,  
EDUCATION OFFICE,  
TORONTO, 13th March, 1852.

MY LORD,—I have the honor to acknowledge the receipt of your letters of the 20th ultimo, and of the 7th instant, respecting a difference between the Trustees of a Separate School, and the Board of Trustees of the Public Schools in the Town of Chatham\*. On the 21st ultimo, I received, through the Honorable S. B. Harrison, a communication from the Trustees in the Town of Chatham, on the same subject.†

In respect to the complaint that, Goldsmith's England is read as a text book in one of the Mixed Schools of Chatham, "there can be no reasonable ground for it, since the 14th Section of the School Act expressly provides that, "no pupil in any Common School shall be required to read or to study in or from any religious book, or join in any exercise of devotion or religion which shall be objected to by his or by her parents or guardians."‡ Therefore, every Catholic and Protestant child is effectually protected against the use of any book, or joining in any exercise to which his or her parents or guardians religiously object; and I presume the parties who made the complaint which you state, will not complain as a grievance that they cannot dictate as to what text books shall be used in a Mixed School by the children of other parents, as long as their own children are under their own protection in this respect.

Though I had not heard before of the objections which you mention to Goldsmith's very defective compendium of the History of England, the book is not sanctioned by the Council of Public Instruction, nor has any elementary history been recommended to be taught in the Common Schools, beyond what is furnished in the admirable series of text books prepared and published by the National Board of Education for Ireland, and which are as acceptable to Roman Catholics as they are to Protestants.

I have observed, with regret, that demands for exemptions and advantages have recently been made on the part of some advocates of Separate Schools, which had not been previously heard of during the whole ten years of the existence and operations of the provisions of the law for Separate as well as Mixed Schools. I cannot but regard such occurrences as ominous of evil. It is possible that the Legislature may accede to the demands of individuals praying, on grounds of conscience, for unrestricted liberty of teaching; exempting them from all School taxes, with a corresponding exclusion of their children from all Public Schools, leaving them perfectly free to establish their own Schools at their own expense; but I am persuaded the people of Upper Canada will never suffer themselves to be taxed, or the machinery of their Government to be employed for the building and support of denominational School houses, any more than for denominational places of worship and clergy.

Public School houses are equally the property of all classes of the School Municipality in which they are erected; and there is the best assurance that Schools will be perpetuated in them according to law. But there is no guarantee that a Separate School will be continued six months, as it ceases to exist, legally, (at least so far as it relates to any claim upon the Public School Fund,) the moment the Public School Trustees employ in the same School Division a Teacher of the same religious faith with that of the supporters of the Separate School. Should the advocates of a Separate School be able to claim exemption from the payment of a property-rate for the erection of a Public School house, they or

\* See Appendix to this Correspondence, Numbers 1-5.

† See Appendix to his Correspondence, Number 2.

‡ See Appendix to his Correspondence, No. 32.

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any one of them, at his pleasure, might, on the completion of such house, legally claim admission to it for his or their children, upon the very same condition as the children of those who had been taxed to build the house. A man *may* send his children to a Separate School to-day; but he has the *legal right* to send them to the Public School to-morrow, if he pleases, and, as a general rule, (judging from the nature of the case, and from the experience of several years,) he will do so, as soon as he finds that his children can be as safely and more cheaply educated in the Public School than in the Separate one. I make these remarks in reference to an objection which has been made by some of the supporters of a Separate School in Chatham, and in one or two other places against being taxed for the erection of Public School houses.

I herewith enclose you a copy of my reply to the Trustees of the Separate School in Chatham,\* and which I had also made to a similar communication from Belleville.

I have the honor to be,

My Lord,

Your obedient humble servant,

(Signed.)

E. RYERSON.

*the* Rt. Rev. Doctor de Carbonnel,  
Bishop of Toronto,

IV. Letter from the Roman Catholic Bishop of Toronto, to the Chief Superintendent of Schools, expressing his extreme dissatisfaction with the operations of the system of Public Elementary Instruction in Upper Canada.

†OAKVILLE, 24th March, 1852.

REV. DOCTOR,—In your answer to my letters you do not say a single word about my two first complaints, viz:—the colored people better treated in Chatham than Catholics, and the ridiculous offer of £4 10s, out of about £300 taxes raised for the Catholic Separate School of 46 children in this same town.‡

With regard to my third complaint, you grant on one hand that Goldsmith's History is very *defective*, therefore it does not do honor to the teachers who make use of it, and of other books of the same *defectiveness* to my knowledge, nor to the visitors who tolerate such books in Public Schools, nor to the School system under which such *very defective* books may be used, not only again, your sanction, but even *legally*.

For you say on another hand, that there can be no *reasonable complaint* for reading that *very defective* book in Mixed Schools, since the 14th Section of the School Act provides,‡ That no pupil shall be required (Catholics are forced to do so in certain Schools) to read in any religious book objected to by his parents, and thereby protects all religious persuasions (therefore a Quaker book abusing Baptism, a Baptist book, abusing infant Baptism, a Methodist book abusing the High Church, a Presbyterian book abusing Episcopacy, a Unitarian book abusing the Trinity of persons, in God, a Socinian book abusing all Mysteries, &c.; all those books may be read in the same class room of your Mixed Schools as well as the anti-Catholic Goldsmith's History, and that *legally* and of course without any *reasonable complaint*, because no pupil is forced to read the book objected to by his parent, and thereby children of all religious persuasions are equally *protected*.

O beautiful protection! beautiful harmony! O admirable means of teaching God and his ordinances! admirable way of making children improve in religion, faith, piety, unity, charity, and in reading into the bargain!

\* See Appendix to this Correspondence, Nos 3 and 5.

‡ Letter II.

† Appendix No. 33 a.

And you are astonished, Rev. Doctor, at our demand, of having nothing to do with such a chimera, such a mixture, such a regular school of pyrrhonism, of indifferentism, of infidelity, and consequently of all vices and crimes!

Please tell me, would you send your children to a School where your paternal authority and family prescriptions would be interpreted in ten different ways, because none of your children would be forced to read those mongrel interpretations, and thereby they would be *protected* in their filial respect and feelings towards you? Would the Government of Canada countenance Schools in which pupils could read books supporting annexationism or any other rebellionism, because no child would be forced to read the *ism* objected to by his parents, and thereby all children would be *protected* in their loyalty to the country and Her Majesty?

No, most certainly no, and religion alone, the basis of true, individual, domestic, and social happiness, will be a mockery in our Public Schools; or, at least, a quite indifferent object! and you call our demand a scruple, an omen of evil! say as well that good is evil, and evil good!

Let your Mixed Schools be without immediate danger on the treble part of teachers, books and fellow pupils, for the respective faith of all the children—which is seldom the case in this sectarian country, and I will tolerate, even recommend them, as I do sometimes, through want of a better system, but always on the condition that children are religiously instructed at home or at Church, because secular instruction without religious education is rather a scourge than a boon for a country: Witnesses, the United States, Scotland, Sweden, Prussia, &c., where, according to statistics, infidelity and immorality are increasing in proportion to godless education.

But as long as most of our Mixed Schools shall be what they are, as distinct from the Common Schools of Ireland, justly praised in your answer, as night is from the day; as long as most of your Mixed Schools shall be a danger for the faith and morals of our children, they, and we their temporal and spiritual parents, will act according to the doctrine of the God unknown to your Schools, as he was in Athens: "if thy hand, foot, eye, is an occasion of sin to thee, cut it off, pluck it out, and cast it from thee—what does it avail a man to gain the world if he lose his soul? Seek first the Kingdom of God and his Justice."

Now as to the boasted system of School buildings giving more security than our Separate Schools, as if stones, or bricks would be better than teachers and books, let the Scotch Protestant Laing, in his recent "Notes of a Traveller," tell the *people of Upper Canada*, alluded to in your answer, that "in Catholic countries, even in Italy, the education of the common people is *at least* as generally diffused and as faithfully promoted by the clerical body as in Scotland. Education is in reality not only not repressed, but is encouraged by the Popish (!) Church and is a mighty instrument in its hand, ably used." Hence the celebrated Protestant Statesman, Guizot, published lately that the far best School of respect towards authority is the Catholic School. "In every street in Rome," continues, Laing, "there are at *short distances*, public primary Schools for the education of the children of the lower and middle classes in the neighbourhood. Rome, with a population of 158,678 souls, has 372 primary Schools (and some more, according to the official statement) with 482 teachers, and 14,000 children attending them. Has Edinburgh so many Schools for the instruction of those classes?"

And you know, Rev. Doctor, that Scotland is one of the boasted lands of Common Schools.

Therefore, since your School system is the ruin of religion, and a persecution for our Church; since we know, *at least*, as well as any body else, how to encourage, diffuse, promote education, (Laing,) and better than you, (Guizot,) how to teach respect toward authority, God and his Church, parent and government,—since we are under the blessed principles of religious liberty and equal civil right, we must have, and we will have the full management of our Schools, as well as Protestants in Lower Canada; or the world of the 19th century will know that here, as elsewhere, Catholics, against the



constitution of the Country, against its best and most sacred interests, are persecuted by the most cruel and hypocritical persecution.

I have the honor to be, Revd. Doctor,  
Your humble and obedient servant,

Rev. Dr. E. Ryerson.

(Signed,) † AMDS. FR. MY,  
Bp. of Toronto.

Chief Superintendent of Schools, Toronto.

V. Letter from the Chief Superintendent of Schools to the R. C. Bishop of Toronto, in reply to the foregoing.

DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.  
EDUCATION OFFICE,  
TORONTO, 24th April, 1852.

MY LORD,—The receipt of your letter of the 24th ultimo, was promptly acknowledged by Mr Hodgins in my absence; and continued official engagements, since my return, having prevented an earlier reply, I have now to observe, that, finding your allusion to the colored people of the Town of Chatham not sustained by a communication from themselves, I did not deem it necessary to correct your mistake, or advert to the circumstance in my reply. Having received a complaint from the colored people of Chatham, respecting their affairs, I replied to them, and wrote to the Board of School Trustees in Chatham on the same subject. I did not, therefore, think it necessary to allude further to the subject in my reply to your Lordship.

As to my alleged omission in regard to the complaint respecting the Roman Catholic School in the Town of Chatham, I received a letter from the Trustees of that School, and enclosed to your Lordship a copy of my reply to their communication\*

In regard to Goldsmith's Elementary History of England, your Lordship did not intimate that the Roman Catholic children were compelled to use it, contrary to the wishes of their parents or guardians, but simply represented that it was used in the Mixed School; and it was to this point that my remarks on the subject in reply were directed. I confined myself to general remarks on the point for another reason, namely: from the fact that, there being a Separate Roman Catholic School in Chatham, the conductors of it could have no personal interest or concern as to what text books were used in the mixed School, from all connexion with which they had formally withdrawn.

As to the claims of the Trustees of the Separate School to share in the School moneys of the Town of Chatham for 1851, they could not be sanctioned by law, since the School was not applied for until March of that year, and the 19th Section of the School Act does not permit the alteration of any School Section, or the establishment of any Separate School before the 25th of December in any one year.

Having thus replied to the complaint preferred by your Lordship, I would not advert to other topics which your Lordship has introduced, were not my silence liable to misconstruction, and did I not feel it my duty to defend, as well as to explain and impartially administer the Common School system which the Legislature has established in Upper Canada; a system which has been in operation for ten years, which was cordially approved of and supported by the late lamented Roman Catholic Bishop Power, which was never objected to, as far as I know, by a single Roman Catholic in Upper Canada, during the life of that excellent Prelate and Patriot, nor until a recent period. If your Lordship has thought proper, during the last twelve months to adopt a different course, and to introduce from the continent of Europe a new class of ideas and feelings among the Roman Catholics of Upper Canada, in regard to Schools and

\* See Appendix Nos. 2 and 3.



and our whole School system, I must still adhere to my frequent unqualified expressions of admiration at the opposite course pursued by your honoured and devoted predecessor, Bishop Power; while I may note the fact that, from only three neighborhoods in Upper Canada have demands been made by Roman Catholics in accordance with this new movement, not sanctioned by law; that the only Roman Catholic Member of the Legislative Assembly elected in Upper Canada has repeatedly declared himself opposed to the very principle of Separate Schools; and that the only County Municipal Council in Upper Canada, in which a majority of the members are Roman Catholics, has adopted resolutions against the Section of the School Act which permits the establishment of Separate Schools under any circumstances. The facts, that out of 3000 Common Schools, not so many as 50 Separate Roman Catholic Schools have ever existed or been applied for in any one year in all Upper Canada, and that the number of such Separate Schools had gradually diminished to less than thirty\* until within the last twelve months, and that during ten years but one single complaint (and that during the present month) has been made to this Department of any interference with the religious faith of Roman Catholic Children,† and that not a Roman Catholic child in Upper Canada is known to have been proselyted to Protestantism by means of our Public Schools; these facts clearly show the general disinclination of Roman Catholics in Upper Canada to is late themselves from their fellow citizens in school matters, any more than in other common interests of the Country, and the mutually just, christian and generous spirit in which the school as well as other common affairs of the Country have been promoted by Government, by Municipal Councils, and by the people at large in their various School Sections. The exceptions to this prevailing spirit of the people of Upper Canada have been "few and far between"; and in such cases the provision of the School law permitting the establishment of Separate Schools in certain circumstances has been made use of, and just about as often by a Protestant, as by a Roman Catholic minority in a School Municipality. But the provision of the law for Separate Schools was never asked or advocated until since 1850 as a *theory*, but merely as a *protection* in circumstances arising from the peculiar social state of neighbourhood or Municipalities. I always thought the introduction of any provision for Separate Schools, in a popular system of common education like that of Upper Canada, was to be regretted and inexpedient; but finding such a provision in existence, and that parties concerned attached great importance to it, I have advocated its continuance, leaving Separate Schools to die out, not by force of Legislative enactment, but under the influence of increasingly enlightened and enlarged views of Christian relations, rights and duties between different classes of the community. I have, at all times, endeavoured to secure to parties desiring Separate Schools, all the facilities which the law provides—though I believe the legal provision for Separate Schools has been, and is seriously injurious rather than beneficial to the Roman Catholic portion of the community, as I know very many intelligent members of that Church believe as well as myself. I have as heartily sought to respect the feelings and promote the interests of my Roman Catholic fellow-citizens, as those of any other portion of the community; and I shall continue to do so, notwithstanding the personally discourteous tone and character of your Lordship's communication.

There are, comparatively, few School Divisions in Upper Canada beyond the Cities and Towns (where the Trustees have generally employed a fair portion of Roman Catholic Teachers) in which it is possible for the Roman Catholics to maintain an efficient Separate School; and if your Lordship persists in representing the Common Schools maintained by the several religious classes of the community, as fraught with scepticism, infidelity and vice, the situation of Roman Catholics, sparsely scattered throughout more than 2500 of the 3000 School Sections in Upper Canada, will be rendered unpleasant to themselves; and they will be encouraged to neglect the education of their children altogether. By the official Return for 1849, there were 335 Roman

\* See Appendix No. 32.

† See Appendix Nos. 15 21

Catholic School Teachers employed in Upper Canada; in 1850, their number was increased to 390; and I have as cordially endeavoured to get situations for good Roman Catholic Teachers as for good Protestant Teachers. It is clear that the greater part of the 390 Roman Catholic teachers have been employed by Protestant Trustees and parents; but if the war of total separation in all School matters between the Protestants and Roman Catholics of Upper Canada is commenced, as proclaimed by your Lordship, many of these worthy teachers will be placed in painful circumstances, and a separation will soon begin to take place between the two portions of the community, in other relations and employments.

Your Lordship says, "We must have, and we will have the full management of our Schools, as well as the Protestants in Lower Canada, or the world of the 19th century will know that here as elsewhere, Catholics, against the constitution of the Country, against its best and most sacred interests, are persecuted by the most cruel and hypocritical persecution."\* On this passage I remark, that I am not aware of Lower Canada presenting a better standard than Upper Canada of either religious or civil rights in the management of Schools by any portions of the community. A popular municipal system not yet being fully established in Lower Canada, the School system there is necessarily more despotic than here, and the Executive Government does many things there which appertain to elective Municipalities to do here; and to accomplish what is indicated by your Lordship, would involve the subversion of the Municipal system and liberties of the people of Upper Canada. From the beginning, Upper and Lower Canada has each had its own School system. Of the annual Legislative School Grant of £50,000, Lower Canada received £29,000 per annum, until 1851 (when the Grant was equally divided,) and Upper Canada £21,000; which constituted the whole of the Legislative School Fund of Upper Canada for the establishment and support of the Normal as well as Common Schools. Upper Canada has not attempted to interfere with Lower Canada in regard to its School system, nor has Lower Canada attempted to interfere with Upper Canada in regard to its School system; nor do I think the collision in School matters invoked by your Lordship will be responded to by either section of United Canada, at least, for the sake of the peace and unity of Canada, I hope it may not.

Then as to the fact which your Lordship says will be known to "the world of the 19th century," I may observe, that the managers of the 21 Roman Catholic, and 25 Protestant Separate Schools in Upper Canada,† are placed upon exactly the same footing; that the managers of each class of these Schools have precisely the same control of them that the Trustees of Common Schools have over their Schools; that each class of Separate Schools and the Common Schools is under the same regulations; that these relations and regulations have existed for ten years with the approbation of your lamented predecessor, (who was a British Colonist by birth and education, as well as feeling,) and with the concurrence of both Roman Catholics and Protestants; nor had I ever heard before receiving your Lordship's letter, that the Government and Legislature had for so many years established and maintained, and that I in connexion with the elective Municipalities of Upper Canada, had been administering and extending a system of the most cruel and hypocritical persecution against any portion of the community.

Nay, so perfect is the equality among teachers, as well as managers of each class of Schools, that they are all examined and classed as to their intellectual attainments, by the same Board of Examination, while the certificates of their respective Clergy are the guarantee for their religious knowledge and character. This is perfect equality for the Teachers of Separate Roman Catholic, or Protestant, or Common Schools; and the great principle is maintained, that no part of the School Fund raised by or belonging to a Municipality shall be paid to any teacher whose qualifications are not attested by Examiners appointed by such Municipality.

\* See last paragraph of letter IV.

† Appendix No. 32.

It is true, that no Roman Catholic or Protestant can be compelled to support a Separate School, unless he applies for it or chooses to send his children to it, and it is also true, that every Protestant and Roman Catholic has a right to send his children to the Public School, and also the right of equal protection to his own views in regard to the religious instruction of his children. It is furthermore true, that no part of the money for Separate Schools is paid into the hands, and placed at the discretion of either the Roman Catholic or Protestant Clergy, but is subject to the orders, in such case, of the elected Trustees of Separate Schools in aid of the support of teachers employed by them; but in each of these cases, I think the law secures individual protection and rights, rather than breathes the "most cruel and hypocritical persecution."

There is thus no difference whatever between Protestant or Roman Catholic Separate Schools and Mixed Schools, as to the examination of teachers, on the certificates of their respective Clergy, no difference as to the times at which such Schools shall commence, and the legal conditions and regulations to which they are subject; no difference as to the basis of apportioning the School Fund, to aid in the payment of the salaries of the teachers of each class of Schools. There is therefore not the slightest ground for alleging "most cruel and hypocritical persecution" in regard to the one, any more than in respect to the other class of Schools; and these are the blessed principles of religious liberty, and equal civil right, in regard to them all.

The demand which your Lordship advocates in behalf of the Trustees of the Roman Catholic Separate Schools in the town of Chatham, is two-fold. 1. That whatever sum or sums of money any Municipality may raise for School purposes shall be regarded as the legal School Fund of such Municipality, and be equally divided according to attendance between the Public and Separate School. 2. That the same principle shall be applied in the expenditure of whatever moneys may be raised for the building, repairs and furnishing of School houses; that is, that the Municipalities shall be under the same obligation to provide Separate School houses as Public School houses; that they shall not be able to provide for the latter without providing for the former.

Now, in regard to this demand, I have three remarks to make: 1st. It is novel it has never been made in any communication to this Department, until since the commencement of the current year. 2. It proposes a novel interpretation of the term "School Fund" the 40th Section of the School Act defining it to consist in each Municipality of the sum of money apportioned annually by the Chief Superintendent of Schools, and at least an equal sum raised by local assessment.\* The 27th Section of the Act provides, that a County Council (and the provision is applied in another part of the Act to Cities, Towns and incorporated Villages) can increase at its discretion the sum required to be raised by local assessment, and may apply it to increase the local School Fund, or in giving special aid to Schools recommended to its favorable consideration, as it may judge expedient. I never heard it doubted before, much less complained of as a grievance that each—Municipality after having fulfilled the conditions of the Act could apply at its own discretion, any additional sum or sums of money it might think proper to raise for School purposes, I have in all past years thus explained this provision of the Act in my correspondence with Municipal Councils; and in my letter addressed to the Provincial Secretary on the School Law generally, dated 12th May, 1849, are the following words: "The School Act authorizes any Council to raise as large an amount as it pleases for Common School purposes. I have never insisted as the Common School Fund upon a larger sum in each District or Township, than that apportioned out of the Legislative Grant. Any sum over and above that amount which a Council may think proper to raise, may (as has been done by some Councils,) be applied in such a manner to the relief of any otherwise unprovided for poor School Sections within its jurisdiction, at the pleasure of each Council." (*Correspondence on the School Law of Upper Canada, printed by order of the Legislative Assembly, 1850, p. 39.*) What I have regarded and averred in past years to be the plain meaning of the law, and an important right of Municipalities, and that without any view to Separate Schools, I see no reason to unsay or attempt to undo now.

\* See Appendix No. 36,

Besides what the law declares to constitute the School Fund, and to whatever amount a Municipality may increase it, no part of it as in Lower Canada, can be applied to the erection, rents, or repairs of School houses; but both the 40th and 45th Sections of our School Act expressly require that such money "shall be expended for *no other purpose* than that of paying *the salaries of qualified teachers of Common Schools*;" 3. I remark, thirdly, that as no apportionment from the Legislative School Grant, or School Fund, is made, and as no part of such Fund can be applied for the erection, rents, repairs, or furnishing of School houses of any description, all sums expended for these purposes in any Municipality must be raised by local voluntary assessment or subscription in such Municipality. The principle of the School law is, that each Municipality has a right to do what it pleases with its own; with what it does not receive from the Legislature; what it is not required to raise as a condition of receiving Legislative aid, but what it voluntarily provides within its own jurisdiction. But if, according to Your Lordship's advocacy, a Municipality must be compelled to tax themselves to provide Separate School houses for religious persuasions, in addition to Public School houses, there may be a high degree of "civil liberty" secured to certain religious persuasions, but a melancholy slavery imposed upon the Municipalities. The liberty of teaching any more than the liberty of preaching, by any religious persuasion, has never been understood in Upper Canada to mean the right of compelling Municipalities to provide places of teaching, any more than places for preaching, for such religious persuasion, such liberty, or rather such despotic authority possessed by any religious persuasion, is the grave of the public Municipal liberties of Upper Canada.

Your Lordship has furthermore been pleased to designate Upper Canada—the country of my birth and warmest affections—"this sectarian Country," a term which not merely implies the existence of sectarianism (for that exists in Austria and Italy, as well as in Upper Canada,) but that such is the distinguished character of the country, as we are accustomed to say an enlightened, a civilized or a barbarous country, according to the prevailing character of its institutions and inhabitants. I think your Lordship's designation of Upper Canada is an unmerited imputation; I am persuaded that a large majority of the people are as firm believers in the "Father, the Son, and the Holy Ghost," and in all that our Lord and his Apostles taught as necessary to everlasting salvation, as either your Lordship or myself. A standard English lexicographer has defined "sect" as "a party in religion which holds tenets different from those of the prevailing denomination in a Kingdom or State;" and *Becherelle*, in his noble "*Dictionnaire National*," says, after *Sinquet*, that, "De toutes les sectes, il n'en est pas de plus furieuses, de plus intolérantes, de plus injustes, que celles qui choisissent pour cri de guerre la religion et la liberté." But I see no application of either of these characteristics of sectarians to the majority of the people whom your Lordship reproaches—a people, in religious morals, in honesty, in industry, in enterprise, in the first and essential elements of a nation's civilization, in advance of the mass of the people of those very States of Italy, to the Schools of whose capital you have drawn my attention.

Your Lordship has represented "God as unknown to our Schools as he was in Athens," and by the passage of the Scripture which you have quoted as well as by your remarks upon our School regulations, you intimate that I place earth before heaven, and the gain of the world before the gain of the soul. I remark, that I believe a majority of the members of the Council of Public Instruction, by whom the regulations were made for our Schools in regard to religious and moral instruction, are as deeply impressed with the worth of the soul and the value of heaven as your Lordship; and so far from God being unknown to our Schools, the authorized version of His inspired Word (the text book of the religious faith of a large majority of the people of Upper Canada) is read in 2067 out of 3000 of them; and if the regulations are criminally defective in this respect, your Lordship, as a member of the Council of Public Instruction, has had, and still has, ample opportunity to propose their correction and amendment, though I have perhaps learned, by personal observation and enquiry, more of both Irish and Canadian Schools than your Lordship, and am not sensible of

the vast inferiority of Canadian Schools of which you speak ; yet if such be the fact, in a religious point of view, the fault must lie with the Clergy throughout the country, and not in the regulations, since our regulations are borrowed from those which have operated so beneficially in Ireland.\* Who is to provide for, and look after the religious instruction of the youth of the land, but the Clergy and the Churches? Government was, certainly, not established to be the censor and shepherd of religious persuasions and their clergy, or to perform their duties. I lament that the clergy and religious persuasions of Upper Canada have not been more attentive to the religious instruction of their youth—the youth of the land ;—but as to our youth and fellow-countrymen in Upper Canada not being taught to respect law and authority as in the Schools of Rome, I may observe, that authority and law are maintained among us by the people themselves, without our capital being occupied by foreign armies to keep the citizens from expelling their Sovereign from the Throne.

Your Lordship draws a vivid picture of each of the children in a School being taught from a book abusing the religion of the parents of the other children. I have only to remark on this point that the picture exists in Your Lordship's imagination alone, as there is no foundation for it in fact or probability. Even should the teacher hear the children separately, recite once a week the catechism of their religious persuasion, as he would hear them recite a fact in history or a rule in arithmetic (without any regard to the merits of it) what Your Lordship fancies could not occur even in this strongest case that can be put, as the catechism of no religious persuasion, as far as I know, consists in abusing other religious persuasions, but in a summary of Christian faith and duty professed by its adherents. I know not of the occurrence of a case such as your Lordship has imagined in all Upper Canada during the last ten years ; and down to a recent period an increased friendly feeling and co-operation existed between Roman Catholics and Protestants—a feeling which I had hoped, and had reason to believe, until within the last twelve months, would have been promoted by your Lordship as it was by your honored predecessor. Your Lordship says, indeed, that " Catholics are forced in certain Schools to read from religious books to which their parents object ; " but why are not the names of the places and parties mentioned ? for I can promise your Lordship a prompt and effective remedy in every case which shall be made known to this Department. But it appears to me that if such cases exist, they would be made known, from the great importance and publicity which has been given to the case of Mr. Maurice Carroll, and the School Trustees at Georgetown, in the Township of Esquesing †—the only case of the kind that was ever brought under the notice of this Department ; and on the very day I received Mr. Carroll's letter of complaint, I answered it in strong terms of condemnation as to the proceedings of the Trustees, and in maintenance of his supremacy and inviolable rights in regard to the attendance or non-attendance of his children upon religious exercises in the School. A day or two afterwards I repeated the same decision and views to the teacher and trustees concerned, and there the matter has ended; ‡ and it would have been the occasion of no bad feelings beyond the School Section itself, had not the complaining parties, according to the advice of your Lordship, previously spread it in the newspapers instead of first appealing to the tribunal authorised by law to decide on such matters—recourse being open to the Judges of the land and the Governor General in Council, should I fail in impartiality and energy to remedy the wrong complained of; and I must appeal to your Lordship, and especially after your Lordship has spoken so decidedly of respect towards authority, law and government being taught in our Schools," whether it was promoting either of these objects for your Lordship to encourage Mr. Maurice Carroll of Georgetown to go to the newspapers instead of the legal authorities to remedy a legal wrong—to appeal to popular passion and religious animosities instead of first appealing to government, and exhausting the resources provided by law for

\* See Appendix No. 15.

† See Appendix Numbers 16-17.

‡ See Appendix Numbers 18-19.

legal protection against illegal oppression? Should the examples and counsels which your Lordship has given to Mr. Maurice Carroll be adopted by all parties throughout the land in regard to any alleged wrong that may be committed by one party against another, what respect for law would there be? What administration of law could there be? What must be the social state of the country other than that of unbridled passion, lawlessness, and anarchy? On a matter of so much importance to the social happiness and best interests of all classes of people in Upper Canada, I confidently appeal from your Lordship under excitement to your Lordship when calm and thoughtful.

Your Lordship has called my attention to the authority of *Guizot* as much better than mine in School matters. I readily acknowledge the authority of that great Statesman and Educationist.

I read his projects for School laws in France, and his various circulars to local School authorities at the time he was French Minister of Public Instruction, before I prepared my own projects and circulars, and when I found under his system, a Roman Catholic Priest, a Protestant Minister, and a Jewish Rabbi, in connection with several laymen, composing and acting harmoniously in each of the Educational Committees, or our County Boards, I did not imagine that a system based on the same principle, could be regarded as "most cruel and hypocritical persecution," by either Protestant or Roman Catholic in Upper Canada.

Then Your Lordship cites me to the testimony of the "Scotch Presbyterian, Laing," in regard to the number of Schools in Rome, and their tendency to promote respect to established authority. I have no wish to question the correctness of the conclusion which Your Lordship would wish to establish by these references, much less to disparage the Schools alluded to, many of which I have personally visited, and found them admirably conducted, and well adapted to the purposes for which they were established. But I must say, that I do not consider respect for existing authority to be the sole object of education, or of the establishment and multiplication of Schools, for the mass of the people. Of course, the more energetically such an object is promoted in both Austria and Italy, and in all despotic countries, the more effectually will Schools and Education be employed as an instrument of despotism. I think education and Schools fail to fulfil a vital part of their mission if they do not develop all the intellectual powers of man, teach him self-reliance as well as dependence on God, excite him to industry and enterprise, and instruct him in the rights as well as duties of man. That the numerous Schools of Rome and Roman Italy fail in several of these particulars, notwithstanding their efficiency in other respects, is manifest from the proverbial indolence, dishonesty, poverty and misery of the mass of the people, notwithstanding its genial climate, the fertility of its soil, and the glory of its ancient historical recollections; while hyperborean Scotland, with its mountain heaths and glens, stands, by the united testimony of travellers and historians, as far above modern Italy in all the elements of the intellectual and moral grandeur of man, as it is below it in beauty of climate and richness of soil. And this difference may be largely traced to the different systems of education in the Schools and Colleges of the two countries. Your Lordship will recollect that Laing wrote before 1848, and with a view to prompt his fellow-countrymen to still greater efforts in the cause of popular education.

Since Laing wrote, there has been a revolution at Rome; and the very City, the streets of which were studded with Schools, expelled its Sovereign, and at this day, is only kept in subjection to the existing authority by the bayonets of France and Austria; while Edinburgh maintains an inviolable and spontaneous allegiance to its Sovereign, as deep in its religious convictions as it is fervent in its patriotic impulses. I think it right to say this much in reply to Your Lordship's references to Scotland, although I have no connection with that country by natural birth or confession of faith.

In regard to the use of Goldsmith's abridgment of English History,\* or of any other book in our Schools, I have no authority to eject from, or introduce into our

\* Letter II.



with  
 Schools, Goldsmith's or any other book published in the British dominions, without the previous sanction of the Council of Public Instruction, of which your Lordship is a member. Though Goldsmith's History is, in my opinion, very defective in comparison to other later and better compiled books on the same subject; yet that history has been used as a text book in a large proportion of the best Schools in both England and America during the last half century; nor was I aware until I received your Lordship's letters, that Goldsmith's was less a favorite with Roman Catholics than with Protestants. Thus far the Council of Public Instruction has never, in any instance, exercised the power of *prohibiting* the use of any book in the Schools—contenting itself with recommending and providing facilities for cheaply procuring the best books for the Schools, as the most likely as well as most quiet way of superseding the use of objectionable and defective books. But it is competent for your Lordship, as a member of the Council of Public Instruction, to bring under the notice of that body any book, the use of which you may think injurious or contrary to the objects of the Schools, and propose its exclusion, or to introduce any general regulation or regulations which you may deem necessary for improving the character and efficiency of our Schools.

I have thus not rendered myself liable to blame for having passed over in silence any one of the many topics which your Lordship has thought proper to introduce; but I have carefully noticed each of them, in a belief, that your Lordship entertains defective and erroneous views of the School system and Municipal institutions of Upper Canada; with a desire of placing before you the whole question in its present and probable future bearings, before your Lordship shall enter upon the course indicated in your letter; and from a sense of duty to successive Administrations and Parliaments that have established our Common School system, and to the Municipalities and people at large, who have so nobly sustained it, as well as from a deep consciousness of personal responsibility in this matter for the future well being and destinies of my native land.

I have the honor to be,

My Lord,

Your obedient humble servant,

The Right Reverend

Dr. DeCharbonnel,

R. C. Bishop of Toronto.

(Signed,)

E. RYERSON.

[The following letter, and reply, should have preceded the last letter (No. V.) but were accidentally omitted.]

Letter from the Roman Catholic Bishop of Toronto to the Chief Superintendent of Schools, on the subject of Roman Catholic Separate Schools in the City of Toronto.

HAMILTON CITY, 6th April, 1852.

REVEREND DOCTOR,—When on your return from Europe last year you heard of the proceedings of the Board of School Trustees of Toronto, towards our Catholic Schools, you told me with an energetic expression which I will not transcribe, that had you been in Toronto such things would not have taken place.

Now, Reverend Doctor, that you are in Toronto, be kind enough to provide, if not for the past, at least for the present and the future, that our six or seven hundred pupils, as well instructed as, and better educated than, all the others, may receive from the common funds for education, a share which will be a little equitable.

And this beginning of redress will make me, Reverend Doctor,

Your grateful servant,

(Signed,)

† ARM'DUS FR. MY.

Bishop of Toronto.

To Rev. Dr. Ryerson,

Chief Superintendent of Schools,

Toronto.

Letter from the Chief Superintendent of Schools in reply to the foregoing:

EDUCATION OFFICE,  
TORONTO, 10th April, 1852.

MY LORD,—I have the honor to acknowledge the receipt of your letter of the 6th instant, and to state in reply, that the conversation to which you refer, related to the establishment of Separate Schools in the City of Toronto, and not to any definite sum to be given for their support,—as the proportion of the School Fund given in aid of each Separate School was not the subject of dispute, and as that is fixed by law, the ground of complaint referred to was removed by a special Act of the Legislature at the last session.\*

The first instalment of the School Fund for the current year will be payable the first of next July, and should there be any hesitation on the part of the Toronto Board of School Trustees (of which I have no apprehension) to give effect to the provisions of the law in regard to the Separate Schools established, I shall readily employ the means provided by law for the execution of its provisions.

I have the honor to be,

My Lord,

Your obedient humble servant,

(Signed,) E. RYERSON.

The Right Rev. Dr. DeCharbonnel,  
Roman Catholic Bishop of Toronto.

VI. Letter from the R. C. Bishop of Toronto, to the Chief Superintendent of Schools; containing a re-iteration in French of the sentiments expressed in his former letters in English.

*Invitation*

TORONTO, 1st May, 1852.

MR. SUPERINTENDENT,—My last letter, doubtless, on account of my English, was neither clear nor understood, † since it has caused you to address to me personalities and insinuations which I repel as unworthy of you and of me. All my previous intercourse with you and the Council of Public Instruction, has been polite and Christian, and sometimes tolerant to an extent that I have been required to justify. My last letter was energetic only after eighteen months of observation and patient representations against a School system, which my conscience, as a Catholic Bishop, rejects with all my might for the souls confided to me—a system which notwithstanding your explanations, I repeat fearlessly, and irrespective of any person, is, for us Catholics, a disguised persecution, unanimously and strenuously condemned by other Bishops as well as myself. For I read, first, in the Acts of the Provincial Councils of Baltimore, (pages 84 and 171), sanctioned by the Supreme Head of our Church, one and universal:

Council Balt. Prov. 1., Can. XXXIV.—“Whereas very many youth of Catholic parents, especially among the poor, have been, and still are, in many parts of this Province, exposed to great danger of losing their faith, and having their morals corrupted, from the want of proper teachers to whom so important a trust can be safely confided; we judge it indispensably necessary to establish Schools, in which youth may be nurtured in the principles of faith and morals, while they are instructed in literature.”

\* See App. to this Correspondence, No. 33.

† Letter IV.



Can. XXXV.—“Since not infrequently many things are found in the books which are generally used in the Schools, in which the principles of our faith are impugned, our dogmas falsely expounded, and history itself perverted, on account of which the minds of the young are filled with errors, to the terrible loss of their souls; zeal for religion, as well as the proper education of youth, and the honor itself of the American Union, demands that some remedy be provided for so great an evil. Therefore, we determine, that, there shall be published for the use of Schools, as soon as possible, books entirely expurgated from errors, and approved by the authority of the Bishops, and in which nothing may be contained which might produce enmity or hatred to the Catholic faith.”

Council Balt. Prov. IV., Can. VI.—“As it appears that the system of public instruction, in most of the Provinces, is so devised and administered as to encourage heresies and gradually and imperceptibly to fill the minds of Catholic youth with errors, we admonish Pastors that, with the utmost zeal, they watch over the Christian and Catholic Education of Catholic youth, and to take special pains lest such youth use the Protestant version of the Scriptures, or recite the hymns or prayers of the Sectaries. It must thus be carefully provided, that no books or exercises of this kind be introduced in the Public Schools, to the danger of faith and piety.”

Now these Canons are the perfect expression of our sentiments.

I read, secondly, in the correspondence of that great Archbishop whom the whole Church laments, the mediator between Ireland and England, the Dove of Dublin :

“In Ireland it was required that, in all the Schools for the education of the poor, the Bible, without notes, should be read in the presence of all the pupils of the Schools, and that the Catechism and all books of that kind should be excluded.”

Is not this the case in our Mixed Schools ?

“These regulations (continues the incomparable Dr. Murray) our Bishop resisted, and endeavored most earnestly to withdraw the Catholic pupils from Schools of that kind \* \* \* That a remedy might be provided for this most wretched state of things, our Government, strongly urged by me, and others, at length decided to establish another system of educating the poor, which would be more acceptable to the Catholics.”

Suffer me then, Mr. Superintendent, to obey God rather than man, and to resist, as did the loyal and conciliating Archbishop, your unhappy School system, strive to rescue from it my dear children, and to remedy this great scourge by urging our Government to give us a system which will be acceptable to us—a system which shall not render the condition of the Irish here worse than it is in Ireland—a system worthy of American or Canadian liberalism, so much wanted in the world; unless Upper Canada prefers to continue, what I cannot, in strict logic, call anything but a cruel and disguised persecution.

I have said, that if the Catechism were sufficiently taught in the family or by the Pastor, so rare in this large Diocese—and if the Mixed Schools were exclusively for secular instruction, and without danger to our Catholics, in regard to masters, books and companions, the Catholic Hierarchy might tolerate it, as I have done in certain localities, after having made due inquiry.

Otherwise, in default of these conditions, it is forbidden to our faithful to send their children to these Schools, on pain of the refusal of the sacraments; because the soul and heaven above everything; because the foot, the hand, the eye, occasions of sin, ought to be sacrificed to salvation; because, finally, Jesus Christ has confided the mission of instruction which has civilized the world, to no others than the Apostles and their successors to the end of time.

It is their right, so sacred and inalienable, that every wise and paternal Christian Government has made laws respecting instruction only in perfect harmony with the teaching Church—the Bishops united to their supreme and universal Head; and this

right is so inviolable that of late as well as in former times in France, in Belgium, in Prussia, in Austria, as in Ireland, the Bishops, with the Pope, have done everything to overthrow or modify every School or University system opposed to the mission given by Jesus Christ to his sacred college.

“Go, therefore, teach all nations, and preach to every creature, (St. Mark,) teaching them to observe all things whatsoever I have commanded you, and lo, I am with you even to the end of the world. (St. Matthew.) He that believeth shall be saved, and he that believeth not, shall be condemned.” (St. Mark.)

I have the honor to be,

Mr. Superintendent,

Your humble and obedient servant,

(Signed,)

† ARMD. FR. MY.,

Bishop of Toronto.

Revd. Egerton Ryerson, D. D.,

Chief Superintendent of Education, Toronto.

VIII. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, in reply to the foregoing.

DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

EDUCATION OFFICE,

TORONTO, 12th May, 1852.

MY LORD,—I have the honor to acknowledge the receipt of your letter of the 1st instant; and as your Lordship has not thought proper to notice the perfect equality which I shewed in my letter of the 24th ultimo, \* to exist between Protestant and Roman Catholic Separate Schools in Upper Canada, nor indeed any of the facts and reasons I have adduced to shew the equal rights and protection of Roman Catholics with all other classes of the community under one Common School system; and its harmony with the free institutions of our Country, in reply to the statements and attacks contained in your letter of the 24th of March, it is not necessary that I should discuss these topics again, further than I may have occasion to allude to them in answer to some portions of your Lordship's letter now before me.

Your Lordship refers to the friendly and cordial character of the intercourse which has taken place from time to time between your Lordship and the other members of the Council of Public Instruction, including myself. I can assure your Lordship that the feelings of respect and pleasure attending that intercourse, could not have been greater on your part than on mine; and I therefore felt greatly surprised, pained and disappointed, when I read your Lordship's letter of the 24th March, denouncing that whole system of Public Instruction which I had understood your Lordship to be a colleague in promoting; attacking the principles upon which I have acted during the whole period of my official connection with that system; impugning the motives of its founders; reflecting upon the character of the people of Upper Canada, and advocating that which would be subversive of their hitherto acknowledged rights of local self-government.

In my reply to that letter, I disclaim having cherished a feeling or intended a remark in the slightest degree personally disrespectful to your Lordship; but I felt it

\* Letter V.

my duty to answer explicitly and fully your Lordship's statements, reasonings and references; and if I said anything, (of which I am unconscious,) which can be characterized as unworthy "personalities and insinuations" it was said in reply to much stronger and more pointed remarks of the same character contained in your Lordship's letter of the 24th March. I had hoped that a full exposition of the civil and municipal institutions of this Country, and their equal fairness and application to all religious persuasions and classes of people in regard to our Common School system, would satisfy your Lordship that whether perfect or imperfect, our School system is based upon the principles of equal justice and rights to both Protestant and Roman Catholic, and that you had been quite mistaken in pronouncing it a system of "most cruel and hypocritical persecution" against the Roman Catholics.

I regret that I am unable to produce any change in your Lordship's views as to our system of public instruction, or in your avowals of hostility to it; but I shall not fail, nevertheless, to conduct myself towards your Lordship personally, with the same respect and courtesy which I have endeavoured to observe in all my previous intercourse with you.

I think that no erroneous impression was conveyed, or disadvantage experienced by your Lordship's having written your letter of the 24th March, in English, \* since your letter of the 1st instant expressed the same sentiments, in still stronger terms, on those very points, respecting which I might have been supposed to misapprehend your meaning. Your Lordship again designates our School system, "disguised persecution against Roman Catholics"—"*pour nous Catholiques une persécution déguisée*," and in another place you call it "a cruel and disguised persecution"—"*une persécution cruelle et déguisée*."

*improbable* These representations and assertions your Lordship repeats against the ~~incredible~~ proofs which I have adduced to the contrary, against the notorious fact that, under our School system, Roman Catholics not only enjoy equal protection and advantages with every other portion of the community, but a privilege in regard to Separate Schools, which is not granted to any one religious persuasion of Protestants in either Upper or Lower Canada. In view of such facts, your Lordship's reiterated assertions, in connection with the object for which they are made, must be regarded, I will not say as you have said, "a cruel and disguised persecution," but an act of great injustice to the Legislators and people of Upper Canada, a contradiction to the conduct of your lamented predecessor, the late Bishop Power, and an invasion of the rights of property and municipalities which has been regarded as inviolable. I think, therefore, that your Lordship has assumed the position of the persecutor, rather than the Legislature and Municipalities of Upper Canada.

Your Lordship says, that our School system is unanimously and strenuously condemned by other Roman Catholic Bishops than yourself, and in proof, you quote certain Acts of the Provincial Councils of Baltimore, which you state, have been sanctioned by the Pope; but I can find nothing in the Acts quoted, which can be fairly applied to our Schools. As to the first of the Acts of the Provincial Councils of Baltimore, quoted by your Lordship, no proof can be adduced, that the operations of our Schools in all past years, have exposed to great peril the faith and morals of the children of Catholic parents. In regard to the second of the Acts referred to, whatever may be said of the books introduced by public authority in some of the Schools of the United States, to which this Act refers, no School book has been sanctioned by the Council of Public Instruction for Upper Canada, in which there is a paragraph that impugns the principles of the Roman Catholic faith, or erroneously interprets its dogmas, much less falsifies the facts of history; since, the only series of books sanctioned for use in our Schools, are those which have been introduced into the National Schools in Ireland, with the concurrence of the lamented Dr. Murray, to whom your Lordship refers

\* Letter IV.

in just terms of praise and admiration. And in respect to the last Act quoted by your Lordship, (setting forth among other things, that the system of public education is so devised and conducted as to foster heresies, and gradually and imperceptibly fill the minds of Roman Catholic youths with the false principles of the Sectarics, and that the Priest must watch diligently lest such youth should read the Protestant version of the Scriptures, or recite the hymns or prayers of the Sectarics,) I remark that our system of Public Instruction knows nothing of the different religious opinions which exist in the country; does not pretend to judge what are heresies, or what parties are heretics; nor does it favour one class of religious opinions more than another; nor does it require Roman Catholic children to read the Protestant version of the Holy Scriptures, or hear, much less "recite the prayers or hymns of the Sectarics;" although I know of Roman Catholic Schools, the authorities of which, require Protestant youth attending them to be present at the recital of Roman Catholic prayers and hymns, and alleging, at the same time, that there is not, nor shall there be, any interference with the religious principles of such youth.

Your Lordship quotes the words of the late Dr. Murray, late Roman Catholic Archbishop of Dublin, who, referring to the former School system in Ireland, under the direction of a body called the Kildare Place Society, says, "it was required that in all the Schools for the education of the poor, the sacred Scriptures, without note or comment, should be read in the presence of all the pupils of the Schools;" and you then ask me if this is not the case in our Mixed Schools? I answer, it is not the case. We have no regulation that requires any book whatever to be read before all the children of any one of our Mixed Schools, nor does our School law permit any School authority whatever to require the attendance of Roman Catholic or Protestant pupils at the reading of any book, or the recital of any hymn or prayer to which the parents or guardians of such pupils shall object. Our Government does not assume, or pretend to the right of assuming, the power of commanding or prohibiting any portion of the population of Upper Canada in matters of religion; what it recommends in respect to moral example and instruction in the Schools, is common to all, both Roman Catholic and Protestant, Jew and Christian,—each and all of whom recognize the ten Commandments; but as to religious instruction, it is left to the discretion of the parties and parents concerned in each School Division, for as Jehovah does not authorize any one human being to lord it over the faith of another human being, but makes every man personally accountable, and therefore gives him an equal right with every other man to judge and act for himself in the matters of his eternal salvation, so our law does not permit any parent or his child to be lorded over by others in matters of religious faith, instruction or devotion.

Your Lordship further quotes Dr. Murray, in saying that he and the other Roman Catholic Bishops in Ireland, most earnestly resisted the former (Kildare Place) system of poor Schools, in Ireland, and at length prevailed upon the Government to establish another (the present national) system which would be more acceptable to the Roman Catholics. Now, the very system which was thus established in Ireland in regard to books and religious instruction, and which Dr. Murray supported to the end of his life, is that which is established in Upper Canada, as I stated in my last letter to your Lordship, as may be seen by comparing our general School regulations with those which Dr. Murray, and other members of the National Board of Education, have established in Ireland, and which I quoted at length in my correspondence on the School law of Upper Canada, printed in 1850, by order of the Legislative Assembly, (a copy of which was sent you) pages 52 and 53. Therefore, if your Lordship followed the example of the incomparable Dr. Murray, as well as that of the late Bishop Power, you would give your cordial support to a system of Schools which you are now denouncing as a "cruel and disguised persecution."

In regard to the acts or resolutions of the Roman Catholic Provincial Council of Baltimore, quoted by your Lordship, I have two additional remarks to offer; the one

is, that no Legislature of any Free State of the American confederacy has established or given a farthing's aid for the establishment of a class of denominational elementary Schools, either Protestant or Roman Catholic, such as are referred to, and such as your Lordship is demanding in Upper Canada. I know of but two instances of any formal effort of demand being made upon an American State Legislature for that purpose; the one was made a few years since by Archbishop Hughes of New York, but failed of success; and the other is now being made in the State of Maryland.

Wherever such denominational elementary Schools exist in the neighboring States, they are wholly supported by the religious persuasion establishing them; nor are the members of such persuasion exempted, nor have I ever heard of their asking exemption, on that account, from paying, with others, all taxes required for the erection of public Schools Houses, and the support of the Public Schools. Nay, I have reason to believe that notwithstanding the Acts of the Councils quoted by your Lordship, that the opposition of the Roman Catholic Bishops and Clergy to Public Schools in the neighboring States is very partial, if it exists at all, in many places. When in Boston, a few months since, I learned on good authority, that the Roman Catholic Bishop of that Diocese, when applied to by certain Priests, lately from Europe, to interpose in arresting what they considered the great injury being done to the religious faith of Roman Catholic children, by attending the Public Free Schools, replied, that he would do nothing of the kind, that he received his early education in those Schools; that he would never have attained his present position but for the Boston system of Free Schools. I cannot but be deeply impressed with the conviction that, it would be a great blessing to the Roman Catholic youth of Upper Canada, if the Roman Catholic Bishop of Toronto would imitate the example of the Roman Catholic Bishop of Boston. But that is a matter which rests with your Lordship, and not with me, to decide.

My second remark is, that the acts of the Provincial Councils referred to, are those of Ecclesiastics alone, and of Foreign Ecclesiastics; and although your Lordship may refer to them as the commands of God, they cannot be viewed by others as possessing any more authority, or entitled to any higher consideration, than acts or resolutions on the same subjects adopted by a Protestant Episcopal Convention, or Presbyterian Synod, or Methodist Conference, and approved by the Bishop, or Moderator, or President of these religious persuasions respectively. I likewise observe that your Lordship makes no reference to the opinions of the laity on this subject; but we should not forget, whatever may be one's own wishes, that our Legislators and Municipalities in Upper Canada, and our responsible ministers of the Crown, are not the agents of any body of Ecclesiastics, foreign or domestic, but the elected and responsible Representatives of the whole people, including both clergy and laity; and the references in my last letter show that your Lordship is far from representing the unanimous sentiments of even that portion of the Upper Canada lay electors who belong to your own Church, any more than those of your lamented predecessor in office.

In regard to the alleged injustice done to Roman Catholics in the distribution of School moneys, so frequently asserted by your Lordship, there is one circumstance which I may mention in addition to the facts and reasons which I have given in reply to your Lordship's statements and claims. The Board of School Trustees in the City of Toronto have caused a very careful inquiry to be made into the census returns and tax rolls of the City, in order to ascertain the comparative amount of taxes paid by Roman Catholics and Protestants. The result of that inquiry is, that while one-fourth of the entire population of the City is returned as Roman Catholics, a fraction less than one twelfth of the taxes is paid by them\*; and I presume the wealth of the Roman Catholics, in proportion to their numbers, compares as favorably with that of Protestants in the City of Toronto, as in any other municipality in Upper Canada. It is therefore clear that no class of the population is so much benefitted by the General School taxes,

\* See Appendix No. 30.

in proportion to what they pay, as Roman Catholics; and hence assuming (that the people and Legislature of Upper Canada have repeatedly repudiated) that the authority and officers of law ought to be employed to impose and collect taxes for any religious denomination, the sums of School money which would be payable, when apportioned upon the basis of property, to Roman Catholic Separate Schools, would be much less than what the School Act now allows such Schools upon the basis of the attendance of pupils. u

Of all classes in the community, the Roman Catholics have the strongest reason to desire the system of Mixed Schools; and every effort to urge them to apply for Separate Schools, so far as it succeeds, imposes upon them additional pecuniary burdens, at the same time that it must inflict upon them losses and disadvantages to which they are not now subject. no break

Your Lordship says that, "if the catechism of your Church were properly taught in the family and by the Priest, so rare in this vast Diocese, and if the Mixed School were confined exclusively to secular instruction, and without danger to Roman Catholic youth, in regard to the masters, books and companions, the Roman Catholic hierarchy might tolerate it; but that, in the absence of these conditions, Roman Catholic parents are forbidden to send their children to the Separate Schools under pain of the refusal of the sacraments."

May I, my Lord, become the advocate of thousands of children of your own Church before you carry into effect the purpose here avowed? A child cannot remain in ignorance of his catechism without criminal neglect of duty on the part of both his parents and Priest; but if these are guilty of inflicting upon the child one injury, is your Lordship to inflict upon that unfortunate child the additional injury of prohibition of all secular instruction, adding the curse of intellectual to that of spiritual ignorance? I hope, upon the grounds of humanity itself, this may not be the case.

As to the School being exclusively confined to secular instruction, I am somewhat surprised that your Lordship should insist upon this, after having alleged, in a former letter, as a reproach against our Schools, that God was as unknown in them as he was in ancient Athens; but I have already shown that a child cannot receive any other than secular instruction, unless in accordance with the wishes of his parent or guardian; and that there is the same regard to parental religious rights and wishes in respect to books. And in respect to masters and companions, I may add, that I am not aware of Roman Catholic masters or youth possessing any superiority over Protestant masters and youth, in respect to either morals or manners. 2

It appears then that no censure is to be inflicted upon the parent or Priest for neglecting his duty in teaching the child the catechism, nor is the parent threatened with any censure if he altogether neglects to send his child to the School, but he is to be refused the sacraments if he sends his child without the catechism having been taught such child, or if there be any thing in the master, or the books, or the pupils of the School, which may not receive the sanction of the Ecclesiastical surveillance established. I cannot but see, that the carrying out of such a system on the part of your Lordship, must place the Roman Catholic youth of Upper Canada in a deplorable condition, and doom them and their descendants to a hopeless inferiority in comparison with other classes of their fellow-citizens. I feel that I am not exceeding my duty in speaking plainly and strongly on this point, since the educational interests of all classes have been intrusted to my care, and I am bound by official as well as Christian and patriotic considerations, to do all in my power to prevent any single child in Upper Canada from growing up in ignorance, and therefore in a state of vassalage and degradation in our free country. 3

I notice, finally, the avowal with which your Lordship's letter concludes, containing an expression of sentiment and statement of facts which I have often seen ascribed to the authorities of your Church, but which I have never before seen so broadly and explicitly avowed by any of its dignitaries, an avowal which I could not have credited, -/



did it not appear over your Lordship's own signature. Your Lordship says, that "Jesus Christ has confided the mission of instruction which has civilized the world only to the apostles and their successors, to the end of time. It is their right, so sacred and so inalienable, that every wise and paternal Christian government has made laws in regard to instruction only in harmony with the teaching Church. The Bishops united to their universal and supreme Head; and this right is so inviolable, that recently as heretofore in France, in Belgium, in Prussia, in Austria, as in Ireland, the Bishops with the Pope, have done all in their power to overthrow or modify every School or university system which is in opposition to the mission given by Jesus Christ to his sacred College."

It is here clearly claimed, "that the Pope and Bishop of the Roman Catholic Church are the only persons authorized by God himself to direct the education of youth, and therefore, that all others undertaking that work, are invading the prerogative of God, that all legislation on the subject must have the sanction of the Bishops with the Pope," and that they have done, and will do all in their power to overthrow or modify every system of public instruction, from the School to the University, which is not under their control. Such being your Lordship's sentiments and intentions, I am glad that you have frankly avowed them."

The people of Upper Canada and their representatives will at once understand their position and duty. But, in view of such avowals and reference, I am surprised that your Lordship should have invoked "the blessed principles of religious liberty and equal rights." Since in connection with the sentiments above avowed, there can be no religious liberty or rights except for the Bishops and the Pope; and since they denounce the doctrine of "religious liberty and equal rights" as an awful heresy in the Roman States, and will not allow to Protestants even liberty of worship or teaching, much less aid from the State for that purpose, as your Lordship demands in behalf of Roman Catholic Schools in Upper Canada.

In conclusion, I may observe, that whatever may be the result of this correspondence, I shall have the satisfaction of knowing that I have not left your Lordship uninformed as to any feature of our Civil and Municipal Institutions involved in the question, and of their perfect fairness and the equality of their application to both Roman Catholics and Protestants, of the protection and security of the members of all religious persuasions, in regard to the peculiarities of their faith, and therefore, the utter groundlessness of Your Lordship's imputations, and the unreasonableness of your claims upon the ground of "religious liberty and equal rights."

Indeed, the passage above quoted from your Lordship's last letter shows that the claims set up by your Lordship are not merely for "religious liberty and equal rights," but for absolute supremacy and control on the part of your Bishops with the Pope, in our system of public instruction. As Belgium, France, and some other countries in Europe have been disturbed for many years by the efforts of some of your Bishops for the direction of systems of public education, and the various grades of Schools and Colleges, so may Upper Canada be disturbed in like manner to some extent, by the efforts of your Lordship; but I doubt whether such efforts will meet with much sympathy from a large portion of the members of the Roman Catholic Church; as I am persuaded they will not, from the people of Upper Canada at large. I can appeal to the history of the past in proof of my acting towards the Roman Catholic Church in the same spirit as towards any other Church; but I must be unfaithful to all my past precedents, as well as to the trust imposed in me, and the almost unanimous feeling of the Country, if I should not do all in my power to resist—come from what quarter it may—every invasion of "the blessed principles of religious liberty and equal rights," among all classes of the people of Upper Canada.

I have the honor, &c.,

(Signed,)

E. RYERSON.

The Right Rev. Dr. DeCharbonnel,  
Roman Catholic Bishop of Toronto.

IX. Note from the R. C. Bishop of Toronto to the Chief Superintendent of Schools, acknowledging the receipt of the foregoing letter, as the conclusion of the Correspondence with the Head of the Educational Department:—

*Saturday, 22nd May, 1852.*

REV. DOCTOR,—The conclusion of our Correspondence must be that our opinions on Separate Schools are quite different.

But I hope that by making use of all constitutional means, in order to obtain our right, I will not upset the Government of Canada nor its institutions.

I have the honor to be,

Rev. Doctor,

Your obedient, humble servant,

(Signed,)

† ARM'DUS FR. MY.

Bishop of Toronto.

Rev. Dr. E. Ryerson,  
Chief Superintendent of Schools.  
Toronto.

X. Letter from the Roman Catholic Bishop of Toronto to the Chairman of the Council of Public Instruction for Upper Canada, on the subject of the preceding Correspondence.

*26th May, 1852.*

MR. PRESIDENT,—I beg to state, that if a correspondence, exchanged between Rev. Dr. Ryerson and me, has come to the cognizance of your Council, it had no reference at all to my intercourses with your deliberations and resolutions. My conscientious attendance at them, when sojourning in Toronto, my conduct at the laying of the corner stone of the Normal School, and some of my letters to the Rev. Doctor, are evidences of my feelings towards a body from which I receive nothing but courtesy and kindness. Hence I wrote to his Reverence on the 20th February last,\* "my visitation through the Diocese convinces me more and more that the good spirit of our Council of Public Instruction is far from being prevalent in certain localities"; and on the 30th last, after having received from his Reverence 23 pages, in folio, of personalities and insinuations unworthy of him and of me, I replied: all my precedents with you, Reverend Doctor, and the Council of Public Instruction, have been polite and Christian, and sometimes of a tolerance for which my Church made me responsible.

Were I not leaving Town again, Mr. President, I would ask of your kindness a special meeting, in which I would lay before your Council "all my complaints on the operation of the proviso for Separate Schools, and the course I followed to stop the annihilation of that boon by a system which I cannot but call a disguised persecution, come from what quarter it may."

I have the honor to be,

Mr. President,

Your obedient, humble servant,

(Signed,)

† ARM'DUS FR. MY.

Bishop of Toronto.

Judge Harrison,  
President of the Council of  
Public Instruction, Toronto.

XI. Letter from the Chief Superintendent of Schools, to the R. C. Bishop of Toronto, in reply to the foregoing.

\* Letter I.



## DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

EDUCATION OFFICE,

TORONTO, 31st May, 1852.

MY LORD,—The Honorable S. B. Harrison has transferred to me your letter of the 26th instant, addressed to him as Chairman of the Council of Public Instruction for Upper Canada; the subject of your letter not coming within the duties prescribed by law to that body, but relating to the duties and conduct of the Chief Superintendent of Schools.

I should very imperfectly understand my duties, were I to trouble the Council of Public Instruction with the voluminous correspondence of this Department, except the communications which I make at the request of the Council, or such as I receive to be laid before it. As a member of the Council of Public Instruction, as well as of the Senate of the Toronto University, I am only one of a body consisting of several members; but as Chief Superintendent of Schools for Upper Canada, I have distinct duties to discharge, and in respect to which I am responsible to my Sovereign through Her Representative. The several clauses of the 36th Section of the School Act, prescribe the duties of the Council of Public Instruction; and the several clauses of the 35th Section prescribe my duties. It is my general duty to see that every part of the School law is duly executed; and especially "to see that all moneys apportioned by me are applied to the objects for which they were granted, and for that purpose to decide upon all matters and complaints submitted to me, which involve the expenditure of any part of the School Fund." The 34th Section of the Act provides, that I "shall be responsible to and subject to the direction of the Governor General."

If your Lordship, therefore, has complaints to make of my official conduct, the way is open; and I am prepared at any moment to answer to the authority by which I have been appointed, and to the Country on whose behalf I have labored, for my official acts.

Notice of every meeting of the Council of Public Instruction is invariably sent to the residence of your Lordship; and at any such meeting, (as I have stated in my two last letters,) your Lordship has, of course, the right of bringing before the members of the Council any subject that you may think proper, and should your Lordship desire it, I shall be happy to call a Special Meeting of the Council to suit your Lordship's convenience.

It now becomes my duty, my Lord, to advert to the personal imputations which your Lordship has been pleased to make against me in your letter to the Honorable Mr. Harrison.

Not to notice the unofficial character of such personal imputations in such a letter, I may observe, that the statement of your Lordship is calculated to convey a very erroneous impression of the facts relative to what your Lordship is pleased to term my "personalities and insinuations;" while your drawing attention from the questions which your Lordship has voluntarily raised, and from your Lordship's own attacks upon our Schools and School law, to a matter of alleged personal discourtesy in my letter to your Lordship, is what I did not expect, and what I can hardly conceive to be "worthy of your Lordship or of me."

Your Lordship's letter to Mr. Harrison conveys the impression that I addressed to you "23 pages, in folio, of unworthy personalities and insinuations," in reply to your letter of the 2nd February last. Your Lordship must be aware that this is not the case, and I regret that the language of your letter is calculated to do me an act of gross injustice. Permit me, therefore, my Lord, to state the facts of the case.

On the 20th of February, your Lordship addressed me a short letter (dated "Irish-town,"\*) recommending to my favorable attention the petition of the Roman Catholic School Trustees of Chatham. On the 7th of March, your Lordship addressed me another

\* Letter I.

20<sup>th</sup>

short letter (dated "London,") on the same subject. On the 23rd of February, I replied to the Roman Catholic Trustees of Chatham,<sup>†</sup> and my official duty required me to do no more, as it is not usual in Public Departments to correspond on questions of complaint with others than the complaining parties themselves. But I did more; out of respect to your Lordship, in an official letter, dated the 13th March,<sup>‡</sup> I enclosed you a copy of my reply to the Roman Catholic Trustees of Chatham; and in reply to your letters of the 20th of February and the 7th of March, I briefly explained the law in reference to the use of books in the Schools—the rights of parents in regard to them—the wholly unobjectionable character on religious grounds of the books which the Council of Public Instruction had recommended—and the claims which the Roman Catholic Trustees of Chatham had made for a portion of the local Municipal Assessment toward their Separate School House, and for exemption from Municipal Assessments for the erection of Public School Houses. *revising*

Your Lordship cannot but admit that this letter, which its enclosure, could not have been dictated by any other than a feeling of respect for your Lordship personally and officially, and with a strict regard to the principles and operations of the School system as established by law. But what was the result? The result was as your Lordship cannot, I am sure, forget, a letter dated,—“Oakville, 24th March, 1852,<sup>§</sup>” in which your Lordship treated with sarcasm, ridicule and scorn, my letter of the 13th March, relative to the School laws, employed “personalities and insinuations,” such as I had never before received from any Clergyman; charged our Schools with being the nurseries of “all vices and crimes,” contrasted the character and tendencies of Primary Schools in Canada, United States, Ireland, Scotland and Rome; denounced our whole, “School system as the ruin of religion and a persecution for the Roman Catholic Church,” and those who had established that system as carrying on against the Roman Catholics a “most cruel and hypocritical persecution.” I must have been destitute of the feelings of a Canadian or patriot, not to have felt on the perusal of such a letter from your Lordship under such circumstances; but I delayed answering it until I could do so after calm and mature consideration, and then I replied distinctly to each of the numerous counts (personal and public) of your Lordship’s indictment. ¶ And my answer to the many charges and insinuations of such a letter, your Lordship is pleased to represent as a reply to your short letter of the 20th of February, and as “23 pages of personalities and insinuations unworthy of you and of me!” 4

Your Lordship states, furthermore, that in reply to my “23 pages of personalities and insinuations,” you referred to the previous friendly relations existing between yourself and the other Members of the Council of Public Instruction. I never intimated or imagined that those relations were otherwise than friendly and Christian; but your Lordship’s letter referred to, (dated 1st May,\*\*) contains other avowals and assumptions for which I know of no precedent in the history of Canadian Correspondence, and to which I replied in my letter of the 12th. †† I am aware that the “good spirit of our Council of Public Instruction is far from being prevalent in certain localities” of the Country; but I am happy to know that such “localities” are comparatively few, since, notwithstanding the Councils to make vigorous efforts to establish and multiply Separate Schools, the number of such Schools is one third less according to the returns of this year, than they were according to the returns of last year; ††† and for such “localities,” yearly diminishing in number, the operation of the Separate School Clause of the law may still be invoked. *e/se*

I have only to add, that notwithstanding the course pursued and the language employed by your Lordship in regard to me, I shall still endeavor, as heretofore, to treat

\*Letter II.  
†See App. No. 8.  
‡Letter III.  
§Ibid.  
¶Letter IV.

‡Letter V.  
\*\*Letter VI-VII.  
††Letter VIII.  
†††See App. No. 31.

my Roman Catholic fellow subjects as kindly and cordially as those of any other religious persuasion in the Country; and the more so as I am satisfied the example and spirit of the lamented Bishop Power are still widely cherished by the Roman Catholics in Upper Canada, as well as the testimony borne by myself and the Council of Public Instruction, and numerous others, not members of the Roman Catholic Church, to the virtues and patriotism of that excellent man.

I have the honor to be,  
My Lord,  
Your Lordship's  
Most obedient, humble servant,  
(Signed,) E. RYERSON.

Right Rev. Dr. DeCharbonnel,  
Roman Catholic Bishop of Toronto.

P. S. Nor should I omit to remind your Lordship, that the provision of the law in regard to Separate Schools, as amended by the short Bill of 1851, (the draft of which was prepared by myself in the presence of your Lordship, and that of the very Reverend Vicar General McDonald) was approved of by your Lordship.\* My printed Correspondence on the law in 1849, my official Circulars printed in 1850, in connection with my recent letters to your Lordship, show that no change has taken place in my interpretation, views, or administration of the law; but that the course now pursued by your Lordship has arisen from the adoption on your part of a new policy, and the avowal of new sentiments and objects.

(Signed,) E. R.

APPENDIX containing Documents referred to in the foregoing Correspondence.

No. 1. Letter from the very Reverend R. J. Tellier, S. J. Toronto, to the Chairman of the Council of Public Instruction for Upper Canada, enclosing a letter from a Trustee of the Roman Catholic Separate School at Chatham.†

ST. MICHAEL'S PALACE.  
21st February, 1852.

SIR,—The enclosed has been forwarded from Chatham to his Lordship, Bishop de Charbonnel, with the most earnest prayers that he would support before the Board the just claims of the Catholic Schools of that Town. His Lordship being absent for the visitation of his Diocese, the gentlemen charged with the letter had not previously the opportunity of meeting the Board; and new solicitations come from Chatham to the same effect.

I have the honor to be,  
Sir,  
Your most humble servant,  
(Signed,) R. J. TELLIER, S. J.  
V. Genl. Pro. tem.

Honorable, S. B. Harrison, Chairman,  
Council Public Instruction.

No. 2. Enclosed in the foregoing.—Letter from Mr. J. B. Williams, Chatham, Canada West, to the Chairman of the Council of Public Instruction for Upper Canada,

\* See Appendix No 34.

† Referred to in the Correspondence, Letters I-III.

complaining of the conduct of the Board of School Trustees of the Town towards the Roman Catholic School, and seeking relief.\*

CHATHAM,  
15th January, 1852.

DEAR SIR,—Permit me the honor to address you on a subject, from which I would gladly refrain, were it in my power to do so.

In the month of March last, the Roman Catholics of this place applied to the Board of Trustees for the establishment of a Separate Roman Catholic School, which was granted, and the School was organized and has been in successful operation since the 12th May.

The inhabitants of the Town, or rather the Trustees having decided upon having Free Schools during the last year, and also upon the erection of a Public School House, at an expense of £1200, a heavy tax has consequently been levied from us, of course, amongst the other citizens; to this we submitted cheerfully, under the impression, however, that we would be allowed a proportion thereof, for the payment of our teacher, and have the use of a reasonable part of the School House or an equivalent, but so far, the Board of Trustees refuse us both, and we have received no support whatever, excepting the small sum of £4 10s. out of the Provincial Grant.

And as they and I (representing the Trustees of the R. C. School) have concluded to take the advice of your Honorable body on the subject, I will deem it a particular favor if you will have the goodness to lay our case before the Council at your earliest convenience, and inform me of the result. We are perfectly willing to support the description of School we prefer for ourselves, entirely independent of our neighbors, and we cannot understand why they cannot content themselves with the same privilege, and not endeavor to withhold from us that to which they have no equitable right; and the law directs that we shall share in the Common School Fund according to average attendance, and of course that fund must include all moneys acquired for Common School purposes, either by means of the Provincial grant, taxation, or School ground rent, and the Board of Trustees having made ample provisions for the support of a separate colored School in the Town, we will consider ourselves very much imposed upon indeed, if we are not treated even as well as them. Hoping for an early reply.

I have the honor to remain,  
Dear Sir,  
Your most obedient servant,

(Signed,) J. B. WILLIAMS.

Hon. S. B. Harrison,  
Chairman, Council of Public  
Instruction, Upper Canada.

No. 3. Letter from the Chief Superintendent of Schools for Upper Canada, to Mr. J. B. Williams, in reply to the foregoing.†

EDUCATION OFFICE,  
TORONTO, 23rd February, 1852.

SIR,—Your letter of the 15th ultimo, addressed to the Honorable S. B. Harrison, has been transferred to me, as it involves questions which do not belong to the Council of Public Instruction, but to the Chief Superintendent of Schools.

\* Referred to in the Correspondence, Letters I-III-V.

† Referred to in the Correspondence, Letters I, III, and V, and XI.

In reply, I enclose you a copy of a letter which I have recently addressed to the Board of Trustees of Public Schools, and the Trustees of a Separate School in the Town of Belleville on the same subject.\*

I have the honor to be,  
Sir,

Your most obedient servant,

(Signed,)

E. RYERSON.

J. B. Williams, Esq.  
Trustee R. C. Separate School,  
Chatham.

No. 4. Letter from the Secretary of the Province to the Chief Superintendent of Schools for Upper Canada, transmitting the extract of a letter from Mr. J. B. Williams, Chatham, on the subject of the R. C. Separate School in that place, and requesting information for His Excellency's guidance.

SECRETARY'S OFFICE,  
QUEBEC, 6th April, 1852.

REV. SIR,—I am directed by the Governor General to acquaint you that His Excellency has received a communication from Mr. J. B. Williams, of Chatham, one of the Trustees of the Roman Catholic School at that place, complaining that that School has not received its proper proportion of the Common School Grant for the year 1851. I enclose herewith an extract from Mr. Williams' communication, with a request that you will furnish me with such information upon the subject to which it relates, as you may consider necessary to guide His Excellency to a right understanding of the matter.

I have the honor to be,  
Rev. Sir,  
Your obedient servant,

(Signed,)

A. N. MORIN,  
Secretary.

Reverend Doctor Ryerson,  
Chief Superintendent of Schools,  
Toronto, U. C.

(Extract.)

"You are aware that the law provides for the establishment of Roman Catholic and Protestant Schools under certain circumstances in Upper Canada.

"In May last, it was considered expedient (by the Catholics of this place,) to avail ourselves of those provisions, and we have had a Separate School in operation since that time; but I am very sorry to say that upon the distribution of last year's assessment, and rents of the School lands of the Town, the Board of Trustees have been induced to offer the Trustees of the R. C. School, an amount only equal to their share of the amount apportioned by the Chief Superintendent, being £4 10s., while their proportion according to average attendance, amounts to £37 10s., there having been £225 raised by taxation for the payment of the teachers, &c., and say £25 received as rent, and attendance being 46 to about 307, it is pretended that the 40th Section of the School Act† justifies them in adopting this course, and in this they are borne out by Dr. Ryerson,

\* Appendix No. 12.

† See Appendix No. 36.

but none of them can say upon what principle they give this so unreasonable interpretation to the law, as for several years past, in almost every Municipality in Upper Canada, the amounts raised by assessment have exceeded the amount apportioned by the Government, and it was never supposed for a moment that the excess did not form a part of the Common School Fund, but on the contrary, it was always applied as such, until the establishment of R. C. Schools."

No. 5. Letter from the Chief Superintendent of Schools for Upper Canada to the Secretary of the Province, in reply to the foregoing.\*

EDUCATION OFFICE,

TORONTO, 17th April, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 6th instant, enclosing an extract of a communication from Mr. J. B. Williams, of Chatham, one of the Trustees of the Roman Catholic School at that place, and requesting that I will furnish you with such information upon the subject to which it relates, as may be necessary to guide His Excellency to a right understanding of the matter. I regret that the occupation of my time with the public annual examination of the Normal and Model Schools for Upper Canada, during the four days that have elapsed since my receipt of your letter, has put it out of my power until this day to comply with your request.

The extract of Mr. Williams' letter involves two questions; the first of which relates to the participation, in 1851, of a portion of the School Fund for the Separate School of which he is a Trustee. Mr. Williams states that the Separate School commenced in May last; but the 19th Section of the Act 13th and 14th. Vic., cap. 48, † does not permit the alteration of any School Section, or the establishment of a Separate School to take place before the 25th December in any year, in order that the calculations and arrangements of Trustees at the commencement of a year may not be embarrassed in the course of such year. It was not, therefore, possible that a Separate School, commencing in May last, could, according to law, share in the School Fund for 1851.

2. The second question involved in the extract of Mr. Williams' letter relates to what constitutes the School Fund in each Municipality in Upper Canada, the application of which the Government has a right to control, as no application was ever made by Mr. Williams and others for the establishment of a Separate School until about 1851, and as he cannot know how the law is administered in other places, I may remark that his statements in the latter part of the extract enclosed by you are without foundation, and are contrary to fact, as I have for years past, in various official communications to School authorities in different Municipalities (and not at all in reference to Separate Schools) stated, that I had no authority to interfere in the expenditure of moneys raised by Municipalities for School purposes, beyond the amounts they were required by law to provide—that they could apply such money in giving additional aid to Common Schools, Separate or Public, as they might judge expedient, the principle of local self government, with no other than a few essential limitations forming the basis of the Municipal system of Upper Canada.

In my letter to the Provincial Secretary on the School law generally, dated 12th May, 1849, are the following words: "The School Act authorizes any Municipal Council to raise as large an amount as it pleases for Common School purposes. I have never insisted, as the Common School Fund, upon a larger sum in each District or Township, than the apportionment of the Legislative Grant. Any sum over and above that amount, which a Council may think proper to raise, may, (as has been done by some Councils)

\* Referred to in the Correspondence, Letters I. III.

† App. No. 33. . . .

be applied in such a manner to the relief of any otherwise unprovided for Poor School Sections within its jurisdiction, at the pleasure of each Council." (Printed Correspondence on the School Law of Upper Canada, laid before the Legislative Assembly in 1850, p. 39, 2nd column.)

But the object of Mr. Williams' appeal, and of a similar one a short time previous from Mr. O'Hare, of Belleville, was to compel the local School Municipalities to apply a portion of all the moneys they might raise for the erection and repairs of Separate School houses, as well as to Separate School teachers—a provision that was never contemplated by the School Act, and a demand that was never before made since I have been connected with the Department. The exposition I have given of the School law on this point and against which Mr. Williams appeals, is contained in a letter which I addressed to him, and also to Mr. O'Hare, of Belleville, and of which I here enclose a copy.\*

The 19th Section of our School Act defines so explicitly the basis of apportionment to Separate Schools, that it is scarcely possible for differences to arise on that point. † I have sought to administer the law impartially and in the most liberal spirit; but novel movements and demands have lately been set on foot in Upper Canada, on the part of certain persons in reference to Separate Schools, which must be regretted by every judicious friend of the Union of the Canadas, and of the social advancement and interests of Upper Canada, especially of the Roman Catholic portion of the population.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed,) E. RYERSON.

The Honorable A. N. Morin,  
Secretary of the Province, Quebec.

No. 6. Letter from John O. Hare, Esq., Belleville, to the Chief Superintendent of Schools for Upper Canada; soliciting information on certain points submitted relative to Separate Schools. ‡

BELLEVILLE, CANADA WEST,  
30th December, 1851.

SIR,—Since the passing of the Act of last Session relative to Separate Schools, the Roman Catholics of this place have had a School Division set apart for themselves by the Board of School Trustees, embracing the whole Town.

This alteration, of course, went into operation on the 25th December, when the election of the Trustees for the Separate School, (of whom there were three,) took place, a few days after the passing of the Act, and in fact even before that occurred as far back as last January, a Roman Catholic School was in operation.

As one of the Trustees, I would beg to request you to inform us, as soon after the receipt of this as possible, and before the day of election, how many Trustees should be elected for the Separate School at the election now approaching; should there be two or three for the whole Town, or two for each of the four Wards into which the Town is divided? And is the election of the Separate School Trustees, their retirement, &c., to be conducted precisely as those of the other Trustees?

Again,—How are the Roman Catholic Trustees to proceed to obtain their share of the School Fund, which according to Sections 19§ and 40¶ of the Act, consists of the Gov-

\* See Appendix No. 12.

† Ibid No. 33 p.

‡ Referred to in the preceding Letter.

§ See Appendix No. 33.

¶ Ibid do do 36.



ernment allowance and the tax raised from the Town? In this place the Free School system prevails.

Must an application for moneys be made through the Local Superintendent, or to the Town Council direct, or how otherwise?

Are our Reports, Returns, and such business to be transacted through the Local Superintendent of the Town Schools, and is he to examine and report on ours?

The Act is almost silent about such matters, otherwise I would not trouble you regarding them.

The Roman Catholic children here number one-third of the whole. According to my reading of the law, if the number attending the Separate School is one-third of those attending the other Schools, we would be entitled to one-third of the Government Grant, together with the same proportion of the money raised in Town.

If I be correct, the question arises, how are we to obtain this proportion? What steps are we to take, and through whom are we to apply for it?

Your attention will oblige the Rev. Mr. Brennan, Col. McLellan, and myself.

I am, Sir,

Your obedient servant,

(Signed,) JOHN O'HARE.

No. 7. Letter, from the Chief Superintendent of Schools, to Mr. O'Hare, in reply to the foregoing.

EDUCATION OFFICE,  
TORONTO, 5th January, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 30th ulto., and to state in reply, that as the proceedings of the Board of Trustees, in establishing a Separate School Section in the Town of Belleville, could not take effect before the 25th ulto., so no lawful election of Trustees could be held before that date. It will therefore be necessary, on the day of the approaching Annual School Meeting, to elect all the School Trustees required by law.

2. As to the number of Trustees required by law, I remark that all Separate Schools, whether in a City, Town or Township, are under the same regulations; and therefore three Trustees, and three only, must be elected in each Separate School Section.

3. You will observe that those only have a right to vote at the election of Trustees of a Separate School, who have petitioned for or send children to such School.

4. Separate Schools are under the same superintendence as other Common Schools, in each Municipality, and must report in the same manner.

5. By the 7th Clause of the 24th Section of the School Act, it will be seen that all orders for School moneys in a City or Town must be given by the Board of Trustees, and therefore you must obtain from that Board the order for the money which may be due your School Section.

6. The first instalment of the School Fund for the year is not payable until July, when the average attendance of pupils at the Separate and other Common Schools of the Town will be taken as the basis of apportionment to each. The same course of proceeding will be adopted at the end of the year in distributing the local assessment, part of the School Fund.

I have the honor to be, Sir,

Your obedient servant,

John O'Hare, Esquire,  
Trustee Roman Catholic  
Separate School, Belleville.

(Signed,)

E. RYERSON.



No. 8. Letter from the Secretary of the Board of School Trustees, Belleville, to the Chief Superintendent of Schools, submitting a letter from John O'Hare, Esq., and requesting information thereon.

BELLEVILLE,  
6th February, 1852.

REV. SIR,—I have been instructed by the Board of Schools Trustees for the Town of Belleville to submit to you, for your opinion upon the enclosed copy of a letter received by the Board, from John O'Hare, Esquire, Secretary of a Separate Roman Catholic School lately established, and to request you to favor me with your views, so that I may, if possible, receive them by Tuesday next, when a meeting of the Board will be held for the purpose of taking the subject into consideration.

I have the honor to be,  
Rev. Sir,  
Your obedient servant,

(Signed,) C. O. BENSON,  
Secretary Board of School Trustees,  
Belleville.

Rev. E. Ryerson, D. D.,  
Superintendent of Schools,  
Upper Canada.

No. 9. Enclosed in the foregoing Letter from John O'Hare, Esq., Belleville, to the Board of School Trustees.

BELLEVILLE,  
21st January, 1852.

TO THE BOARD OF SCHOOLS TRUSTEES OF THE TOWN OF BELLEVILLE:

GENTLEMEN,—I beg to inform you that, in pursuance of your notice dated the 19th September, 1851, calling upon the Roman Catholic inhabitants of the Town of Belleville, to select three School Trustees for the Separate School then about to be set apart for the Roman Catholics of said Town, a meeting of taxable Catholics was held in the Inn of James Grant, on the 29th of September last, at which the Rev. Michael Brennan, Donald McLellan, and John O'Hare, were selected as Trustees for said Separate School Section; that the said School Trustees so elected engaged the services of Richard Mason, as School Teacher, from the 25th December last—that on the 14th instant, at the period for holding the annual election of School Trustees for said Town, another meeting of the Roman Catholic inhabitants qualified to vote for School Trustees for a Separate Roman Catholic School for the whole of the Town, was held, in pursuance of the direction of the Chief Superintendent of Education, the Rev. Dr. Ryerson, at which last mentioned meeting the Rev. Michael Brennan, Donald McLellan, and John O'Hare were elected School Trustees for the present year; that the said School Trustees, at a meeting held on the 20th instant, engaged the services of the said Richard Mason, to teach the said Separate School for a year from the time the said School went into operation, viz: on the 25th ultimo—that they bargained with him, subject to the right of discharge, at the end of any three months of the time that they agreed in their corporate capacity to pay the said Richard Mason for his services, to the same extent, the same amount, and in the same manner as the School Teachers employed by the Board are paid; and the said School Trustees do hereby request that you will be pleased to place the said Richard Mason upon the same footing, and provide for his salary to the same amount, and in the same manner, as the salaries of the Teachers employed by the Board.

And the said Separate School Trustees would further intimate that their School is now in operation, and taught by the said Richard Masou, in the house adjoining the County Grammar School, and that it is at all times open to the inspection and amenable to the visitations and regulations prescribed by law for Separate Schools.

I am, gentlemen,

Your obedient servant,

(Signed,)

JOHN O'HARE,

Secretary to, and one of the Trustees  
of the Separate School.

No. 10. Letter from the Chief Superintendent of Schools to the Secretary of the Board of School Trustees, Belleville, in reply to his letter (No. 8).

EDUCATION OFFICE,  
TORONTO, 7th February, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 6th instant, enclosing a copy a letter addressed by John O'Hare, Esquire, to the Board of Trustees for the Town of Belleville, relative to the Separate Roman Catholic School in that Town, and requesting my opinion as to the course which the law requires the Board to pursue.

The proceedings for the establishment of a Separate School appear to have been quite correct; and the School established by the Trustees elected will be entitled to all the advantages of a Separate School from the commencement of the current year.

As to the course which the Board should pursue, and the extent to which the Separate School is entitled to share in the School Fund, I have nothing to add to what I stated in a letter to Mr. O'Hare, dated the 5th ultimo, and a copy of which I herewith enclose.\*

I have the honor to be, &c.,

(Signed) E. RYERSON.

C. O. Benson, Esq.,  
Secy. Board of School Trustees, Belleville.

No. 11. Letter from John O'Hare, Esquire, Belleville, to the Chief Superintendent of Schools, submitting further information in regard to the preceding case.

BELLEVILLE,  
12th February, 1852.

SIR,—The Trustees of the Separate Roman Catholic School in this Town, (of whom I am one,) apprehend the occurrence of some difficulty with the Board of Common School Trustees, relative to the employment of a Teacher by the former, and as we understand that the Board of School Trustees have applied to you for an opinion in the matter, we deem it right to acquaint you with all the circumstances before you arrive at a conclusion, so as, if possible, to prevent a recourse to litigation. I may state that the Rev. M. Brennan, Colonel McLellan, and myself, were selected Trustees for the Separate School; and after the election held last month, we reported to the Board of School Trustees, and stated that we had engaged a School

\* See Appendix No 7.

Teacher, and requested the Trustees to provide for the payment of his salary, in the same manner and to the same amount as the Teachers employed by them. Some of the Members of the Board of School Trustees entertain the opinion, I understand, that the Roman Catholics are only entitled to share (according to the number of children attending School,) in the Government Grant, (say £60,) and an equal amount raised by taxation from the Town; if this were correct, the Roman Catholics, who number nearly one-third of the population, and pay taxes in proportion, would receive about £24 only, per annum, for their Teachers, while the Teachers employed by the Board are in receipt of £100 per annum, each, raised from the taxes of Roman Catholics as well as Protestants. Section 19 of the School Act says:—

“That each Separate School shall be entitled to share in the School Fund, according to the average attendance of pupils attending such Separate School, as compared with the whole average attendance of pupils.”

And Section 40 defines what the School Fund is, namely:

“The sum of money apportioned annually by the Chief Superintendent—and at least an equal amount raised by local assessment.”\*

Now, what the Separate School Trustees contend for, is that not only the sum of money apportioned by the Superintendent, but all the other moneys raised by local taxation for Common Schools constitute the School Fund, and that that sum is apportioned annually, as the case may be, among all the Schools in proportion to the numbers attending, as laid down in this Act. You will please bear in mind that in this Town the Board of Common School Trustees hire four Teachers, at a salary of £100 each, and this sum of £400, with the current expenses of the School, is raised by the Corporation, at the instance of the School Trustees. There has been, in fact, no apportionment according to numbers heretofore; each Teacher receiving £100 whether he has a greater or a lesser number of Scholars. Now, all that we ask is, that our Separate School Teacher shall receive £100 per annum; and we consider it no more than right to insist in the demand, as we comprise so large a portion of the population. If the Trustees were to adopt the system of paying all Teachers here in proportion to the number of children attending each School, out of the Common School Fund, (i. e., out of the local taxation and the Government Grant,) we would be perfectly satisfied, as our School, having so large an attendance, would fare better than the rest; but as the Trustees have not seen fit to do so, but hire Teachers at specific salaries, we insist that we are entitled to the same treatment. To sum up, the Trustees contend that we are only entitled to share in the Government apportionment, (say £60) and an equal amount raised from taxation.

We contend that we are entitled to share in the apportionment, and such other sum as may be raised for paying Teachers' salaries in the Town. If the manifest injustice towards us, which some of the Trustees exhibit in this matter be carried out, and it is found to be the result of the present law, the Roman Catholics, who may be similarly circumstanced in other places, will be obliged to commence an agitation not only against the law itself but against the Free School system altogether. At present we are obliged to find our School house, and pay all expenses of the School. And although there are children of our denomination in Belleville sufficiently numerous to warrant us in employing two Teachers, we ask but one.

We beg leave to request a reply, and indulge a hope that it will be such as to prevent further trouble.

I am, Sir, &c.,

(Signed,) JOHN O'HARE.

One of the Separate School Trustees.

The Rev. E. Ryerson, D. D.,  
Supt. Education, Toronto.

\* See Appendix No. 36.

No. 12. Letter from the Chief Superintendent of Schools to Mr. O'Hare, in reply to the foregoing.\*

EDUCATION OFFICE,  
TORONTO, 18th February, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 12th instant, and to state in reply, that whatever sum or sums any Municipality may raise over and above the sum declared by the 40th section of the School Act, to be necessary to constitute the School Fund of such Municipality, must, of course, be the property of the Municipality, to be disposed of for such School purposes as the Corporation authorizing it may think proper. The Government has no right to require of a Municipality anything more than the fulfilment of the conditions on which such Municipality accept a certain amount of Legislative aid for School purposes. Beyond the fulfilment of these conditions, each Municipality has a right to dispose of its own moneys in its own way, without the control of Government: much less could Government assume the right of requiring a Municipality to appropriate such moneys to support the institutions or interests of particular religious persuasions.

It has been decided under the advice of the Attorney General some few years since, as a general principle of law, that whatever sum or sums of money may be raised under the authority of the School Act, must be applied to School purposes, and not to other purposes; but within this restriction the School authorities in each Municipality exercise their own discretion in the disposal of any School moneys raised from local sources, beyond what the 40th section of the Act defines as essential to the School Fund.† It is also to be observed, that the Board of School Trustees is the only authority constituted in each City, Town, and incorporated Village, to authorize the raising and expenditure of School moneys in such Municipality. The members of such Board of Trustees are periodically elected by all classes of rate-payers for that very purpose.

The School law provides for the equal protection of the peculiar religious rights and temples of all religious persuasions; but if the members of any religious denomination in a Municipality are not satisfied with the enjoyment of equal privileges with the members of other religious persuasions of their fellow-citizens, but insist upon a School exclusively devoted to their own denominational interest, they cannot ask, upon any ground of constitutional right or justice between man and man, that public money, Municipal authority and property, shall be employed to the same extent to build up denominational interest as to promote interests which are common to all classes of citizens without regard to sect or party.

Such is the principle on which our successive School Acts have been framed; such is the principle on which I have explained and administered them during the whole period that I have had the charge of this Department; such is the exposition that I gave of the object of the provision of the present Act, permitting Separate Schools in certain circumstances, as you will see by referring to my official Circulars, addressed to Township Councils and Town Boards of Trustees, in August, 1850, as found in the appendix to my Annual Report for 1850, pages 267, 268, 304; nor have I ever before heard of a demand being preferred upon a Municipality to make the same provision for the salary of a denominational School as for that of a Teacher of a Public School.

I have the honor to be, Sir,  
Your obedient servant,

John O'Hare, Esq.,  
Trustee R. C. Separate School, Belleville.

(Signed) E. RYERSON.

\* See Appendix, No. 3 and No. 5.

† See Appendix, No. 36.

P. S.—As the Secretary of the Belleville Board of School Trustees has addressed the same question to me that you have, I shall transmit him a copy of the foregoing letter in reply to his inquiry.

(Signed,) E. R.

The provision of the 19th Section \* as far as it relates to Separate Protestant and Roman Catholic Schools, is substantially the same as that contained in the 55th and 56th sections of the School Act of 1843, and in the 32nd and 33rd sections of the School Act of 1846, with the exception that the present Act imposes more effective restrictions and conditions in the establishment of such Schools, than either of the former Acts referred to under the City and Town School Act of 1847; the establishment of Separate Schools in Cities and Towns was at the discretion of the Municipalities, and not at that of the applicant parties. No complaints having been made against this provision of the law, even in Cities and Towns, it was at first proposed to extend the application of the same principle and provisions to Township Municipalities; but objections have been made to it by some (both Protestant and Roman Catholic) members of the Legislature, the provision of the former School Act was re-enacted, requiring, however, the petition of twelve heads of families instead of ten inhabitants, as a condition of establishing a Separate School, and aiding it upon the principle of average attendance, instead of at the discretion of the local Superintendent, as under the former Act. But, notwithstanding the existence of this provision of the law of 1843, there were last year but 31 † Separate Schools in all Upper Canada—nearly as many of them being Protestant as Roman Catholic; so that this provision of the law is seldom acted upon, except in extreme cases, and is of little consequence for good or for evil, the law providing effectual protection against interference with the religious opinions and wishes of parents and guardians of all classes, and there being no probability that Separate Schools will be more injurious in time to come, than they have been in time past. It is also to be observed, that a Separate School is entitled to no aid beyond a certain portion of the School Fund for the salary of the Teacher. The School house must be provided, furnished, warmed, books procured, &c., by the persons petitioning for the Separate School. Nor are the patrons and supporters of a Separate School exempted from any of the local assessment or rates for Common School purposes. The law provides equal protection for all classes and denominations; and if there be any class or classes of either Protestants or Roman Catholics who are not satisfied with the equal protection secured to them by law in Mixed Schools, but wish to have a School subservient to sectional religious purposes, they should, of course, contribute in proportion, and not tax a whole community for the support of sectarian interests.”

‡ It may be proper for me to make an explanatory remark on the nineteenth Section of the School Act, authorizing, under certain circumstances, the establishment of Protestant and Roman Catholic Separate Schools. In my late circular to Township Councils, I have remarked upon this provision of the Act, and shown that it is no new provision, but one which has existed upwards of seven years, since the commencement of our present Common School system. It has been clearly intended from the beginning as a protection of the minority against any oppressive or invidious proceedings on the part of the majority in any School division, in addition to the ordinary provision of the Act, prohibiting the compulsory attendance of any child upon a religious exercise, or reading a religious book, to which the parents or guardians shall object. The existence of so few Separate Schools, (only thirty-one in 1849,) in all Upper Canada, and nearly one-half of them Protestant, shews that the provision for their establishment is rarely acted upon, as the local School authorities seldom find occasion for it, and as

\* Appendix No. 33.

† Erroneously reported 59, see Note appended to the table, Appendix No. 32.

‡ See Appendix No. 32. Note.

there can be no Separate School in a School division, unless the Teacher of the Mixed School is of a different religious persuasion from the applicants for such Separate School, the local Board of Trustees can always, if they think proper to do so, make such a selection of Teachers as will prevent the establishment or continuance of Separate Schools."

No. 13.—Letter from the Secretary of the Board of School Trustees, Belleville, to the Chief Superintendent of Schools, submitting a new question for consideration and decision.

BELLEVILLE,  
12th February, 1852.

REVEREND SIR,—Your letter of the 7th instant is perfectly satisfactory as to the point submitted to you. A new question has, however, arisen upon the subject of the application made by the Roman Catholic Board of Trustees for this Town—that is, what constitutes the School Fund spoken of in the 19th section of the School Act, in which the Teacher of the Separate School is to share?

Section 40 declares that it shall consist of the sum appointed by the Chief Superintendent, and *at least* an equal sum raised annually by assessment.\* Do the words "at least" intend that an amount raised by assessment equal to the Government appropriation, and added to it—shall together be the School Fund exclusively for the payment of the Teachers? or do they mean the amount assessed, whatever it may be, so that *at least* it equal the Government allowance, shall in addition thereto, constitute the School Fund?

As this is the first instance of the kind we have had in Belleville, I pray you will pardon our importunity.

I have the honor to be,  
Sir,  
Your obedient servant,

(Signed,) C. O. BENSON,  
Secy. Board Trustees,  
Belleville.

To the Reverend E. Ryerson, D. D.,  
Chief Superintendent,  
&c., &c., &c.,  
Toronto.

P. S. An early reply will much oblige the Trustees.

No. 14.—Letter from the Chief Superintendent of Schools to the Secretary of the Board of School Trustees, Belleville, in reply to the foregoing.

EDUCATION OFFICE,  
TORONTO, 18th February, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 12th instant, and in reply to enclose you a copy of a letter I have this day addressed to Mr. John O'Hare, one of the Trustees of the Separate School in the Town of Belleville.†

I have the honor to be, &c.,

C. O. Benson, Esq.,  
Secretary, Board School Trustees,  
Belleville

(Signed,) E. RYERSON,

\* Appendix No. 36.

† See Appendix No. 13.

No. 15.—Letter from the Roman Catholic Bishop of Toronto, to Mr. Maurice Carroll, of Georgetown, Esquesing, on the subject of a dispute with the Trustees of School Section No. 10, Esquesing; originally published in the *Toronto Mirror* of the 9th April, 1852, and referred to in the Correspondence, letter V.

TORONTO, 3rd April, 1852.

VERY DEAR SIR,—Let your Bishop bless you and your family for your judicious, noble, paternal, and quite Catholic conduct, in the very painful emergency mentioned in your letter of the 29th ult., to the Editor of the *Mirror*.

You send to School five children of yours, from five to thirteen years old. Honor to your zeal for instruction, dear Sir, and let every father do the same, by steady, industrious, and temperate habits; and our part of the Province will deserve to be the Upper one.

You sent five children to the Mixed School of Georgetown, but with the precaution of a sentinel and a watchword. Honor to the simplicity of the dove combined with the prudence of the serpent—honor to your tolerance and wisdom; you thought that a Mixed School, true to the law, true to public speeches, pamphlets and reports, though a very incomplete system of education, is still better than no School at all; but you thought too that there are dangers in Mixed Schools, danger in the teacher, danger in the books, danger in fellow-pupils, danger even in religious exercises, and you safeguarded your little ones against all those dangers.

Let every head of a family, having a religious persuasion do the same, and at least religion shall be respected in our Mixed Schools, and they shall not be Schools in which such or such denominations is laughed at in turns, Schools of sceptic indifferentism and infidelity; and we will not see as elsewhere nothingarians becoming more and more numerous as it is stated in every census; and the hierarchy of our Catholic Church will tolerate the educational, or rather the instructional machinery; and both Catholic parents and children, though mixing with Mixed Schools, will be admitted to the Sacraments provided at home or in Churches; religious instruction will be carefully attended, because both parent and children are equally bound to the preservation of faith and morals from any immediate danger, and to the acquirement of Catholic knowledge and practice of piety; and because secular instruction without religion is a calamity, far from being a blessing.

Your watchful children refused reading the Protestant New Testament, and yet were compelled to join in evening prayer. Shame to the Teacher, to the Methodist Divine, to the transgressor of the law; shame to bigotry, injustice, violence, and persecution; but honor to your blood, dear Maurice Carroll, five times honor to your five children; their blood is genuine Catholic Irish blood; they remind me of the soldiers of St. Maurice, who resisted an emperor.

For redress you have applied to the Schoolmaster and Trustees; and your sacred right has been abused and refused as an unjust privilege. Shame again to those trustless Trustees, and if so enormous a violation of the law were not remedied throughout the whole Upper Province, shame to School Visitors, Superintendents and Counsellors, and shame to myself, if Head Pastor of this Diocese, I did not protect the lambs of my fold, by claiming now publicly, as I have done heretofore by all other means in my power, against such a cruel persecution, and repeating with the Divine Pastor:—"Take ye great heed of false prophets, which come to you in the clothing of sheep, but inwardly are ravening wolves; by their fruit you shall know them. . . . . Do men gather grapes of thorns, or figs of thistles. A good tree cannot yield evil fruit; neither an evil tree yield good fruits;" St. Math chap. VII, v. 15. But again, dear Sir, honor to Maurice Carroll's enlightened and generous conscience, and let every Catholic do the same under similar circumstances, as he is bound to do under guilt or mortal sin, and our dear children, the children of Raehael, will not be the victims of infanticides.

Finally, through the Press, you have denounced those facts to the good sense of the



country as being in your sound opinion, after prayer, the best weapon against Satan and his agents. Honor once more to your energy, and let every Catholic be as energetic and send to the open columns of the *Mirror* of Toronto, any complaint as well grounded as yours, soon Mixed Schools shall be what they ought to be, respectful towards all sectarian persuasions. Quakers and Baptists, High and Low Church, Episcopalians and Presbyterians, Unitarians and Universalists, &c., &c., and we, Catholics, shall be soon placed in the same position towards the majority in this section of the Province, which the Protestant minority occupies in Lower Canada.—*Toronto Mirror*, 2nd instant.

Now, very dear Sir, my hope is, that in reward of your devotedness to your most sacred duty of a Catholic father of a family, your son, the faithful sentinel, shall be in ten years, by a divine vocation, a watchman of the sanctuary in this part of the Catholic Church, where the harvest is so great and the laborers so few; and that all your children will remain worthy of their father, Maurice Carroll.

Such is the earnest wish of your devoted servant and Father in Xt.

† ARMAND F. M.,  
Bishop of Toronto.

Mr. Maurice Carroll, Georgetown.

No. 16.—Letter from certain Roman Catholic inhabitants of Georgetown, Esquimes, to the Chief Superintendent of Schools, objecting to the practice of performing Protestant religious service in their School by the Teacher.\*

GEORGETOWN,  
5th April, 1852.

TO THE REVEREND EGERTON RYERSON, D. D.

RESPECTED SIR,—We, the Catholic inhabitants of Georgetown, whose children attend the Common School, beg to submit to you the following grievance for redress. We, the undersigned, have in all fourteen children attending this School. The Teacher, we understand, belongs to the denomination known as Methodists, to whom on that account we do not object, but the aforesaid Teacher is in the habit of using prayers and other religious exercises as practised by the above denomination, to which, as well as the use of the Protestant version of the New Testament, we object. We have applied to the Teacher and Trustees for permission, for our children to retire, at the close of School, without being compelled to take part in the aforesaid exercises, which request they have refused: the Teacher further states that unless our children comply in full with his rules in this respect, he is instructed by the Trustees to refuse them admission to the School, and therefore, although contributing to its support, deprive us altogether of the benefit of a School for our children. All of which we humbly submit.

(Signed,) MAURICE CARROLL,  
THOMAS NELAN,  
JOHN QUINLAN,  
PATRICK LAMB,  
THOMAS SHEA.

\* Referred to in the Correspondence Letter V.



No. 17. Letter from the Chief Superintendent of Schools to the R. C. inhabitants of Georgetown, in reply to the foregoing.\*

EDUCATION OFFICE,  
TORONTO, *5th April*, 1852.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 5th instant, received this day; and I regret to learn that an attempt has been made by the Trustees of your School Section to infringe the express provision of the 14th Section of the School Act, as well as the general Regulation prepared under it, in both of which it is declared, that “no pupil in any Common School, shall be required to read or study from any religious book, or join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians.”†

Yours is the first instance that has been represented to me during the last seven years, in Upper Canada, of a Teacher or Trustees undertaking to compel children to attend religious exercises, or read from a religious book, objected to by their parents or guardians; and cannot be too strongly reprobated as tyrannical and unchristian, and at variance with the letter and spirit of the law.

I know not the names of the Trustees or Teacher of your School Section; but I desire you to show this letter to them, and let a copy of it be given to them, informing them at the same time, that by persisting in such a violation of the law they will incur the loss of the School Fund apportioned to their School Section, and the Trustees will become personally liable to the Teacher for the payment of the salary they have agreed to pay him, without being able to collect any part of it from others.

I have the honor to be,  
Gentlemen,  
Your obedient servant,  
(Signed,)

E. RYERSON.

Messrs. Maurice Carroll,  
Thomas Nelan,  
John Quinlan,  
Patrick Lamb and  
Thomas Shea.

S. S. No. 10, Esquesing Georgetown.

No. 18.—Letter from the Trustees of School Section No. 10, Esquesing, Georgetown, to the Chief Superintendent of Schools, explanatory of their conduct to the parties in the preceding complaint.

GEORGETOWN, ESQUESING,  
*10th April*, 1852.

DEAR SIR,—We have just received a copy of a communication from you to Maurice Carroll, Thomas Nelan, John Quinlan, Patrick Lamb and Thomas Shea, of his Village, in reply, it would appear, to a complaint against us, being the Trustees of this School Section No. 10, of Esquesing. Now Sir, we are at a loss to know what they have represented to you, but must infer from the very harsh language of your reply that we have grossly violated the 14th Section of the School Act, by compelling their children to read in the Testament, contrary to their wish, and joining in devotional exercises, &c. We think we understand the Act sufficiently well to avoid implicating

\* Referred to in the Correspondence Letter V.

† Appendix No. 33 a and 35.

ourselves in that way, but perhaps we do not, and if not, you will, we trust, have the goodness to inform us, has we will now represent the case as it has occurred. Our Teacher, Mr. Frickleton, engaged at the beginning of the year, and has been in the habit of closing the School with prayer. We also use the New Testament in the School, and have always done so. Complainants have sent to the School the same as others, until about the last days of March last past, when Maurice Carroll applied to one of us, also to our Teacher, to allow his children to absent themselves before reading the Testament and prayer. Accordingly we met and considered the matter, willing to concede all we could and not infringe on the order of the School, as well as the law, and we came to the following decision, viz. : That his children, or any other, whose parents may desire it, should be exempted from reading in the Testament, or joining in prayer. But we considered it a bad precedent to establish to allow any to leave the School before the regular hour for dismissing the School; we accordingly instructed the Teacher to that effect, and he informed those children the following day, or rather attempted to inform them of our decision, but they refused to hear and ran out of the School and went home. Mr. Carroll came the next morning to the School, accompanied by Thomas Nelan and two others not mentioned in the communication, and presented to the Teacher the Catholic Catechism and Bible, and asked him if he would teach his children out of those books, if he sent them, and he replied that he could not. Now they have all taken their children from the School, and await the rescinding of our resolution, which we do not think proper to do until convinced that we are in error. We therefore hope that you will have the kindness to reply to us, and inform us if we are in error, and please let us know what the charge is against us, as we are not informed.

Mr. Frickleton, our Teacher, will be the bearer of this, and an answer, if you please, and we will be able to answer any questions you may think necessary to ask, in regard to his conduct, or our own, in the matter.

We are, dear Sir,  
Yours most respectfully,

(Signed,) JOHN FREEMAN,  
H. B. WEBSTER,  
ELIJAH LEAVENS,

Trustees of School Section No. 10, Esquesing.

The Reverend E. Ryerson,  
Chief Superintendent of Education,  
Toronto, Canada West.

No. 19. Letter from the Chief Superintendent of Schools, to the Trustees of School Section, No. 10, Esquesing, Georgetown, in reply to the foregoing.\*

EDUCATION OFFICE,  
TORONTO, 22nd April, 1852.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 10th instant, and have been prevented by the pressure of engagements, from answering it earlier, the necessity for which, however, being somewhat lessened by my having seen your Teacher, and stated to him the course which both law and usage required in your case.

I doubt not, but you were actuated by honorable motives and an earnest desire to promote the discipline and interest of your School in the course which you pursued;

\* Referred to in the Correspondence, letter V.

but you were quite mistaken in the meaning and application of the law, since its broad interpretation and plain design, is to make every parent or guardian the sole judge as to what religious instructions or exercise his child shall receive or attend in any Common School. In Ireland, from which this part of our system has been adopted, Roman Catholic children retire whenever the Protestant Teacher commences the reading of the Scriptures and prayer. They are previously notified by the Teacher, and their retiring has become a matter of usage, and is not considered as affecting the discipline and order of the School.

Besides, compulsion in religious matters, in regard even to children not Protestants, is no principle or practice of Protestantism. I think the principle is unchristian, and to act upon it is not doing to others as we would be done by.

I have the honor to be,  
Gentlemen,  
Your obedient servant,

*Wm*  
Messrs. Freeman,  
H. B. Webster, and  
Elijah Leavens.  
Trustees, S. S. No. 10, Esquesing, Georgetown.

(Signed,) E. RYERSON,

No. 20. Letter from certain Roman Catholic inhabitants of Georgetown, Esquesing, to the Chief Superintendent of Schools, additional to their former letter.\*

GEORGETOWN, 12th April, 1852.

RESPECTED SIR,—We presented a copy of your letter to the Trustees of this School Section, according to your directions, but can get no answer. We understand they are going to lay a statement of it before your Reverence, for your satisfaction and the public at large; we are prepared to take in five respectable witnesses to Toronto, to prove to the facts stated in our former letter to you, who were present when we demanded of the Teacher by whose authority he denied our children admission to the School; therefore, we knew no better source to seek for redress than to communicate our grievances to you.

We have the honor to be,  
Sir,  
Your most obedient and humble servants,

(Signed,) MAURICE CARROLL,  
JOHN QUINLAN,  
THOMAS NELAN,  
THOMAS SHEA,  
PATRICK LAMB.

To the Reverend Egerton Ryerson.

\* See Appendix No. 16.

No. 21. Letter from the Chief Superintendent of Schools, to Mr. Maurice Carroll, School Section No. 10, Esquimes, Georgetown, in reply to the foregoing.\*

EDUCATION OFFICE,  
TORONTO, 24th April, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 12th instant, signed by yourself and others, and to state in reply that, having written to the Trustees of Georgetown School,† I have no doubt my decision in your case will be, if it has not already been, carried into effect, so that you will have no further ground of complaint against the Trustees and Teacher in question.

I must, however, add, that I think your conduct is perfectly unjustifiable in appealing to the public, through the press, on the subject, at the very time you were preferring a complaint on it to this department, a mode of proceeding condemned by the common sense of justice and regard for law and public order in all civilized countries. The subjects of disputes between parties, or of even criminal prosecutions, are not considered proper matters of newspaper discussion, while they are pending before the tribunals authorized to decide upon them. If such an example were followed by all persons throughout the land, whenever they conceived a wrong or injustice was done them, the impartial administration of justice, and the supremacy of law, would soon cease among us, and revenge and anarchy prevail. The counsel and encouragement which you seem to have had to pursue such a course, does not alter its character, or render it less reprehensible.

The case itself has afforded an opportunity of shewing that the religious faith of the parents and guardians of every religious persuasion can and will be equally protected in the Public Schools, and furnishes, therefore, an illustration against the necessity of Separate Schools rather than a plea for them.

As you have published what is unofficial, and calculated to excite popular passion and religious animosity on this subject, I trust you will cause to be published, through the same medium, the official correspondence respecting it which has taken place between you and this Department.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed,)

E. RYERSON.

Mr. Maurice Carroll,  
S. S. No. 10, Esquimes, Georgetown.

No. 22. Letter from the Reverend Rupert Ebner, Wilmot, to the Chief Superintendent of Schools, complaining that the R. C. Separate Schools in Wellesley have not received such aid as he thinks they were entitled to.

S. AGATHA, WILMOT,  
February 26th, 1852.

MOST HONORABLE SIR,—It is the first time I see me in the case of necessity to address myself to your authority, and your impartiality and love of justice. The case belongs to the Roman Catholic Separate School, in the Township of Wellesley, Sections IX. and X. The Catholic people in this place have erected a Schoolhouse, about four years ago—the first in both Sections. There was since that time a diligently kept

\* Referred to in the Correspondence, Letter V.

† See Appendix No. 19.

School, six months in every year. The School was considered as a Common School. Now, about only one year ago, there was erected another Common Schoolhouse in Section X., where the larger parties of Catholic settlers live. As this Common Schoolhouse was going on, the Roman Catholic population of both sections made up a petition, and presented it to the Municipal Council of the Township of Wellesley, in which they petitioned that their School, established only by the means of Catholic people, might be for the future considered as a Roman Catholic Separate School, to which their children could be sent, without any obligation towards the new Common School, as it is understood by itself. The number of the undersigners of the said petition was far larger than the last School Act requires, and therefore the Municipal Council granted the petition without the least repugnance, as it was obliged to do so according to the same School Act. Since then the Municipal Council has granted a Roman Catholic Separate School for the Catholic inhabitants of both Sections; there is left no doubt, I think, that the same Council has extended the limits of the said Separate School as well over Section IX as over Section X, and that therefore the *limits fixed by the Council*, as the School Act prescribes, comprise both Sections. Hence the Catholic family fathers of both sections sent their children to the Separate School, and send still this very moment. There was never made the slightest objection against their sending, never the slightest hindrance from any side, neither from the side of the Council, nor of the Local Superintendent, who visited some time the School, nor of any other person else.

Therefore, the Catholic population of those places was not little astonished and alarmed, as they suddenly, in the beginning of this year, were advised that the Catholic inhabitants of Section X were obliged to pay taxes for the Common School. Knowing that I, their Pastor, as a Clergyman, am somewhat concerned in School affairs, some of the Catholic resident family fathers went to me, and informed me of the matter, and asked my advice. I told them that I see no reason, by which they could be compelled to pay taxes for the Common School; on the contrary, the plain and clear tenor of the School Act defends them from such an obligation; the Trustees of the Common School must be wrong not knowing the School Act, otherwise they could not think on such taxes, which cannot be imposed on the Catholic family heads without violating the School Act, and therefore without injustice. I told them finally, that I would write to the Local Superintendent, Mr. Schuler, and I wrote to him, indeed, but hitherto I received from him no official answer; he only sent me word by a man who spoke to him, that according to his view, it would be the best, that the Catholic people in Section X should pay the imposed taxes, and he himself would then take care that the paid taxes should be repaid to them for their indemnification. Such an answer, as you, Honorable Sir, may understand yourself, is good for nothing. Mr. Schuler himself appears to see, that the law is for the Catholic portion. The interested parties appealed then to the Municipal Council. The matter was spoken of in the last Session, and the Council decided that the Catholic people could be taxed by no means for the sake of Common School. And that, of course, because some of the same members, who composed the Council and granted the Separate School the last year, composed the Council this year.

I was hereafter told, that the Trustees of the Common School addressed themselves to Toronto, to the Chief Superintendent of Schools; therefore I resolved, in the name of the Trustees of our Separate School, to do the same, in order to prevent perhaps false informations, and to implore, most Honorable Sir, your humane and impartial feelings in this affair, that you may, if there should arise any necessity, interpose your authority, lest this disgraceful matter become more disgraceful and intricate. If I did not live so far from the Separate School under question, I would take care that this my letter should be undersigned by the Trustees and the Catholic householders that belong to that School.

Relying, most Honorable Sir, on your kindness and your zeal for law and justice, I beg you to repel such a violent attack, and to settle this affair as soon as possible, that the excited spirits of both parties may be shortly appeased again.

I have the honor to be,  
Most Honorable Sir,  
Your most obedient servant,

(Signed,) RUPERT EBNER,  
Roman Catholic Missionary.

The Reverend E. Ryerson,  
Chief Superintendent of Common Schools of Upper Canada.

P. S.—If your Honor should have the kindness to answer me, the address to me would be:

REV. MR. RUPERT EBNER,  
Post Office, Petersburg,  
Township of Wilmot, C. W.

No. 23.—Letter from the Chief Superintendent of Schools, to the Reverend Mr. Ebner, in reply to the foregoing.

EDUCATION OFFICE,  
TORONTO, 3rd March, 1852.

REVEREND SIR,—I have the honor to acknowledge the receipt of your letter of the 26th ultimo, and in reply I beg to refer you to my Circular to Town Reeves of Townships, on the duties of Township Councils in Upper Canada, under the present School Act, dated 12th August, 1850, and published in the *Journal of Education* for that month, and also in the Appendix to my last Annual School Report, pp. 267, 268.\* The part of my official Circular in which I explained to all parties the provisions of the Act relative to Separate Schools, commences with paragraph No. 6, the last on the 267th page of the Appendix to the Report referred to.

I have the honor to be,  
Reverend Sir,  
Your most obedient servant,

(Signed,) E. RYERSON.

The Reverend Mr. Rupert Ebner,  
R. C. Missionary, Wilmot, Petersburg, C. W.

No. 24. Letter from the Local Superintendent of Wilmot and the German Schools in Wellesley to the Chief Superintendent of Schools, submitting the case of the R. C. Separate Schools in Wellesley, and soliciting advice.

The Reverend E. RYERSON,  
Chief Superintendent of Schools for U. C.

SIR,—I beg leave to ask a few questions regarding School matters, viz:—

There are three Schools in one Section in one Township, one of which is a Catholic Separate School. The Trustees of that School, as well as the Trustees of one of the other Schools, wish to put on their Sections, an extra tax, but the Trustees of the third School wish to raise the necessary money by Rate Bill.

\* See second Note to letter in Appendix No. 12.

1. Can, therefore, one or two Schools, or rather the Trustees, do it, or must they all join?

2. If there is a Catholic Separate School, and, in the neighbourhood of it, also a Common School, in which limits some of the Catholics reside who send their children to the Separate School, will these Catholic Schools be taxed in and for the Separate or Common School?

These Separate Schools are indeed a burden to Superintendents and all those concerned in School matters, because the Catholics believe that, whenever they live in the Township, they belong to such Separate School, and refuse to pay extra taxes in their own Section; wherefore I humbly beg your Reverence for information on that subject.

3. Can Trustees collect the amount of Rate Bill by force, if they neglected to do so in the proper time?

These questions I lay before your Reverence, and trouble you with the same, praying you to inform me as soon as possible, since the matter lies before me for decision, and the Act is not very intelligible on the subject.

Hoping to receive an answer,

I remain, Sir,  
Your humble servant,

(Signed,) WENDLIN SCHULER,  
Superintendent for Wilmot and  
the German Schools of Wellesley.

New Hamburg,  
"Wilmot," March 9th, 1852.

No. 25. Letter from the Chief Superintendent of Schools to the Local Superintendent of Wellesley, in reply to the foregoing.

EDUCATION OFFICE,  
TORONTO, 20th March, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 9th instant, and to state in reply that there cannot be, according to law, three sets of Trustees in one School Section. There can be only one set of Common School Trustees in a Section, although, under the circumstances mentioned in the 5th clause of the 12th Section of the School Act, there may be both a male and female School; there may also, be a set of Trustees of a Separate School, according to the 19th Section of the School Act.\* There cannot, therefore, be more than two sets of lawful Trustees in any School Section.

As to the Common School, the Trustees can raise what sums they require by Rate Bill on parents sending to the School, or by rate on property, as may be agreed upon at the annual School Meeting, or a Special meeting called for that purpose. See letters, Nos. 1, 2, 3, 4 and 5, in the *Journal of Education*, for last month, (February,) pages 26 and 27, as to the authority of Trustees of Common Schools.

In regard to a Separate School, you will perceive by carefully examining the 19th Section of the Act,† that the Trustees of such School have no authority to levy a rate on any person who has not petitioned for, or who does not send a child to such School. Neither a Roman Catholic nor Protestant can be compelled to support a Separate School unless he sends his children to it. If Roman Catholics prefer sending their children to the Common School, they cannot be made to contribute to the support of the Roman Catholic Separate School, and the same principle of right applies to each Protestant, where a Separate Protestant School is established.

\* Appendix No. 33.

† Appendix No. 33.

I remark also, that the supporters of a Separate School are not exempt from any property tax which may be levied for the erection of a Common Schoolhouse, or for the support of the Common School. See my circular to the heads of Township Councils, dated August, 1850, and printed in the Appendix to my last Annual School Report, pages 267, 268.\*

I have the honor to be,

Sir,

Your ~~most~~ obedient servant,

Wendlin Schuler, Esquire,  
Superintendent of Schools,

(Signed,)

E. RYERSON.

Wilmot and Wellesley, New Hamburg

No. 26. Letter from the Reverend Rupert Ebner, Wilmot, to the Chief Superintendent of Schools, in reference to the matter contained in his former letter. (No. 21.)

SAINT AGATHA,  
WILMOT, 27th April, 1852.

VERY REVEREND SIR,—I have the honor to acknowledge the receipt of your answer to my letter of the 26th February, about one month ago; by urgent circumstances I was prevented to reply earlier to your official answer.

I beg your pardon, very Reverend Sir, I must tell you, with regret, that I was wholly disappointed in my expectations. You refer me in your answer to your circular to Town Reeves, dated Toronto, 12th August, 1850, commencing with paragraph No. 6. In No. 6, I find nothing touching our case, but in No. 5, I found somewhat. Therein is said, that "patrons and supporters of a Separate School are not exempted from any "of the local assessments, or rates for Common School purposes." Well, Reverend Sir, whatever the sense of this passage may be, I think it cannot be the sense, that such supporters of any legally established Separate School should be obliged to pay taxes for the salary of the Teacher at a Common School; otherwise, as it is understood by itself, the XIX Section of our School Act, would be a mere illusion and a great lie. I think, very Reverend Sir, you have been not fairly instructed, neither by the Trustees nor by the local Superintendent, Mr. Schuler.

Whatever I wrote to you in my foregoing letter, is a fact, and still continues to be a fact; I expected, therefore that you, if you should refuse to give any decisive and final answer, at least would make acquainted the local Superintendent with my letter, and the circumstance mentioned therein, that the Catholic School under question was authorized by the Municipal Council of the Township of Wellesley, as the Councillors themselves cannot deny, and recommend him and perhaps the Councillors too, a new sincere inquiry into the matter, and to act according to the law with candor and impartiality.

As I received your answer, I perceived instantly that it would help us very little or nothing, if the Township Councillors should change in whatever way their view or good will. For as to the local Superintendent, Mr. Schuler, he was against our Separate School, as I have reason to suppose. You say also in the mentioned circular, No. 7, "that the new Act provides for the settlement of nearly all probable School Section "disputes, by a simple system of local arbitration." But, Reverend Sir, I think such a local arbitration in such cases, as in ours, will seldom be practicable; the one or the other party, and perhaps both, will seldom agree in the election of arbitrators, and at least in our case, there was no necessity of local arbitration; there was the clear law to decide upon the matter, for in accordance with the law, the Municipal Council had

\* See second note to letter in Appendix No. 12.



granted that Separate School, by granting the petition submitted to them by the Catholic party, without restriction to any of the subscribers, among whom were a great many of the X Section; how could, therefore in accordance with law, with the Catholic family fathers, residing in section X, be compelled to pay taxes for the Teacher of the Common School? But what I feared, has happened; in their first session, in which the matter was acted, the Councillors declared, that the Catholic family fathers belonging to the Separate School, could not be taxed for the sake of the Common Schools, they themselves would defend them; in the next following session declared the Town Reeve, Mr. Hawk, that he would provide the Trustees of the Common School with money, in order lest the Catholics may be taxed. In the meantime, the Trustees of the Common School began to enforce the taxation; and as then, some Catholic came to Mr Hawk for redress, he told them that he could do nothing for their behalf, and that they should apply themselves to a lawyer. I leave it, very Reverend Sir, to your own consideration what you may think, of such unmanly and unprincipled behaviour, and whether Mr. Hawk is not obliged in conscience before God and man, to repair the damnification to the Catholics, whom he has caused by his inconsistency not only to be taxed, but also to be fined?

The taxation was then enforced, not without great excitement and clamours, and exertions of hostility. One of the Trustees of the Common School, Mr. Feitenheimer, has since sold his land and left the place out of anger, and is gone away with all his household. And who is guilty of that sad emergency and popular outrage? I think the maintainers and executioners of the law.

I cannot but acknowledge in this fatal occurrence a heinous and flagrant injustice, committed against the Catholic settlers in those places. They had a right to petition and to obtain a Separate School for their children, for there are not twelve of them, as the School Act requires, but above twenty, and that in Section X alone, and with the settlers, in Section IX, their number surpasses far thirty; and if the Municipal Council had not granted a Separate School for them about a year and a half ago, they had been obliged by law to grant it, and still are obliged to do so. But they granted the School indeed, as they do not and cannot deny; nay they confessed that openly, by declaring a little while before, that the Catholics could not be taxed for the sake of the Common School. I do not hesitate at all to call that taxation an act of open injustice, and a kind of roguery not very different from pillaging and robbing; and the fault of that pillaging and robbing is *not in the want of law, but in the want of impartiality and justice in maintaining and executing the law*; I guess Mr. Schuler, the Local Superintendent, bears no little portion of guilt in that disagreeable affair; he, at least, as I was told, encouraged the Trustees to enforce the taxation, and why did he not listen to the just complaints of the Catholics? Why did he not insist upon an impartial, sincere and quiet inquiry upon their reclaims? Why did he not acquiesce to the just decision of the Municipal Council, that they could not be taxed? Although he himself has told me that the whole decision depends upon the Municipal Council. Does such a behaviour show impartiality?

I read, very Reverend Sir, in the last copy of your *Journal of Education*, for the month of March, many questions upon school matters, and your decisions of them; and some of them seem to have reference to our case, and therefore proposed to you by Mr. Schuler. But, very Reverend Sir, there are mentioned only some secondary circumstances; the principal circumstance, that our Separate School was legally established by the authority of the Municipal Council is quite let out. Supposing that the questions alluded to have been proposed by Mr. Schuler, I ask, is that fairness, sincerity, impartiality necessarily connected with his position? Therefore, because Mr. Schuler did not propose that principal point, I will, with your permission, take the liberty to propose it in the following questions, and to beg an answer from you, whether by a private letter or in the *Journal*.

*Question 1st.* Have their more than 20 Catholic family heads a right to petition a Separate School for their children? and can any Municipal Council or Local Superintendent suppress such a right in compliance with law?

*Question 2nd.* Is it the duty of any Municipal Council to authorize such petitioners to establish a Separate School?

*Question 3rd.* If any Municipal Council grant such a petition for all subscribed petitioners without restriction, without any other declaration, have the petitioners not reason enough to believe that their School is granted and established by legal authority?

*Question 4th.* If in such way a Separate School is erected, are the family fathers who send their children to that School obliged to pay a portion of the salary for the Teacher of the Common School in the same section, or are they not?

*Question 5th.* If, notwithstanding that the partakers of such a Separate School are compelled by violence and intrigue to pay taxes for the Teacher of the Common School, is there any injustice committed or not? and are the injuring parties obliged to indemnify the injured, or are they not?

I would like to see those questions clearly answered, and should they be answered in a negative way, I would like to know the grounds thereof; otherwise I cannot be convinced that law is respected in this country, and particularly that the Section XIX of the School Act is somewhat more than a soap-bubble, or that Catholics can surely enjoy liberty of conscience and religion, with which is necessarily connected liberty of education, without being exposed to continuous fear of trouble and vexation.

The Common School under question is as for the rest a very pretty one and worth all protection. As to the number of children, it was universally smaller than of those attending the Separate School; two of the Trustees are two Catholic dupes, the third is a deaf man; the Teacher, Mr. John Peter Wirz, is a drunkard of first class, well known through the country, and living separate from his wife; M. Schuler himself was before a Catholic, but because Rev. Mr. Shnider, who lives now at Goderich, did not permit him to instruct the people in catechism, because he has been informed (as Rev. Mr. Shnider himself and the Teacher Mr. Wirz too told me) that Mr. Schuler had debauched a girl in Germany, he turned hereafter a Lutheran, and was soon made a preacher too; and perhaps one of the motives of his activity against our Separate School was to show that he has become a good Protestant.

I ask now, very Reverend Sir, what man of any good feeling should think or see without indignation, that by such a rabble so many family fathers should have been pillaged, and our Separate School, established by legal authority, should be abolished? and should there, very Reverend Sir, also for the time to come the said Catholic family fathers be deprived of their right to send their children in a Catholic School, or compelled to pay for two Teachers,—would that be equality before the law? Many of them told me that they would by no means send their children to any Common School; they will have a School with religious instruction; and the law is not opposed to their views and paternal religious wishes. I think there would be many ways to remedy their complaints, and to satisfy their desires; but, very Reverend Sir, what will it avail, the law being just and good, if Local Superintendents, and Trustees and Municipal Councillors, set aside its authority? I cannot enforce the execution of law; it is you, very Reverend Sir, who by your position as Chief Superintendent of Schools, have the power and duty to watch over the maintenance of law, to support its authority, to repel by restraining your officers from all unjust going, all illegal attacks, and provide equal right for all parties in accordance with law.

You express, very Reverend Sir, very noble and recommendable sentiments, and worth the highest praise, in your circular to Local Superintendents, (Toronto, 12th August, 1850), where you say:—"The spirit of the vow made by the Prussian Councillor, Dinter, should imbue the heart of every School officer in Upper Canada: I promised God that I would look upon every Prussian peasant child as a being who could complain of me before God, if I did not provide him the best education, as a man and a Christian, which it was possible for me to provide."

I sincerely believe, very Reverend Sir, that you are truly penetrated by such a noble and good spirit, but I think I have reason to doubt whether so many Catholic

children could not complain of you before God, if you would do nothing for their behalf by interposing your authority in this disgraceful case.

But I rely, very Reverend Sir, on your impartial and good spirit, and implore as I have already done once, in the name of the Trustees of our Separate School, and of all the Catholic inhabitants of both Sections, and in the name of justice and humanity, your supreme authority, that rights grounded upon the clear words of the School Act may be respected, and more than thirty family fathers may not be prevented to provide their children religious instruction, or perhaps instruction at all, for some of them told me, if they could not send their children to a Catholic School, they would send them to no School at all.

I think it would be the best and shortest way, if you, very Reverend Sir, would please to advise the Municipal Council of the Township of Wellesley, to respect the XIX Section of the School Act, and to grant anew a Separate School, and to prescribe its limits for all Catholics of both sections, who wish to send their children to such School, and will signify the petition, to be made up and submitted to the Municipal Council, that allows the Act, nay, that prescribes the Act, as a duty for any Municipal Council; and when that will have been done, there will be furnished all dispute, quarrel, and enmity.

Hoping that you, very Reverend Sir, will regard our just and humbly submitted claims.

I have the honor to be,  
Very Reverend Sir,  
Your most obedient servant.

(Signed,) RUPERT EBNER,  
Catholic Missionary.

TH<sup>r</sup> Reverend  
Egerton Ryerson, D. D.,  
Chief Superintendent of Schools, U. C.

No. 27, Letter from the Chief Superintendent of Schools, to the Reverend Rupert Ebner, in reply to the foregoing.

EDUCATION OFFICE,  
TORONTO, 31st May, 1852.

REVEREND SIR,—I have the honor to acknowledge the receipt of your letter of the 27th ultimo, and to state in reply, that you will observe by the several Clauses of the 35th Section of the School Act, that the Chief Superintendent of Schools has no authority whatever to interfere with any Township Council in prescribing the limits of School Sections, whether for Separate or Public Schools. Each Township Council, consisting of representatives elected by the people interested, is the judge as to the limits of School sections in such Township; the power to act in such cases is given by law, not to me, but to each Township Council. Besides, in an appeal to this department, each of the parties to whom you refer should have been furnished with a copy of your letter, that they might speak for themselves, that I might hear both sides before offering an opinion on the acts of either. See forms and instructions, chapter V, miscellaneous remarks.

Whether the Township Reeve, the Local Superintendent, the Trustees, and the Teacher referred to, are the characters you represent them to be, I have no means of knowing; nor is it in my province to judge. But it appears from your own letter, that two of the three Trustees of the School Section in which so much is urged for a Separate School, are Roman Catholics; and it appears to me very extraordinary, that in such circumstances, a second set of Roman Catholic Trustees should be deemed necessary by

any portion of the population. It shows how much personal and party feeling, and a desire of exemption from the ordinary School taxes, has to do in such proceedings in some cases, where no reason can be adduced, from difference of religious faith. I regret such occurrences, so destructive to the unity of neighborhoods and the universal education of youth, though I have no power to prevent them.

As to the questions to which answers have been inserted in the *Journal of Education*, I have to observe, that not one of them was proposed by Mr. Schuler. You are, therefore, entirely mistaken in your conjectures as to the nature of Mr. Schuler's communications to this Department;\* and I charitably hope you may be equally mistaken in your opinion and representations as to the character of the Reeve and Councillors and other persons to whom you allude.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed,)

E. RYERSON.

The Reverend Rupert Ebner,  
Roman Catholic Missionary,  
Wilnot, Petersburg.

No. 28. Letter from the Chairman of the Board of School Trustees. City of Toronto, to the Chief Superintendent of Schools, requesting him to obtain the opinion of the Law Officers of the Crown, as to the construction of the term "School Fund," in the Act 13th and 14th Victoria, chapter 48, Section 40.†

TORONTO, 2nd June, 1852.

SIR,—I have been instructed by the Board of School Trustees for the City, to obtain through you, the opinion of Her Majesty's Attorney General, with regard to the correct legal construction of what constitutes the "School Fund," as mentioned in the School Act, especially with reference to *Separate Schools*.‡

The interpretation put upon it by the Board is, that the School Fund, as applicable to the demands of parties requiring Separate Schools, consists of the Legislative grant and a local assessment, at least equal in amount; these sums united, forming the aggregate School Fund described in the Act, as applicable solely to the payment of qualified teachers.

The Roman Catholics who are desirous to have Separate Schools established for their benefit entertain a different view, and claim to have the right of sharing in all the School money raised by assessment in the City, thus virtually taxing the whole community to maintain separate denominational Schools.

In order that the Attorney General may have the opportunity of thoroughly informing himself as regards the views entertained by the Trustees, I inclose herewith a copy of a Report recently adopted by the Board,§ and as the question involves a principle of very great public importance, and the action of the Board, in the matter of Separate Schools, will have to be determined by the Attorney General's opinion regarding the law of the question, it is hoped that the legal adviser of the Crown, will give a conclu-

\* Appendix No. 24.

† Appendix No. 34.

‡ Appendix No. 36.

§ See Appendix 30.

sive opinion thereon, so as to determine for the guidance of the Board, what is the true intent and meaning of the clauses of the School Act establishing Separate Schools, and to what extent such Separate Schools can claim their legal share of the School Fund.

I am, Sir,  
Your most obedient servant,

J. G. BEARD,  
Chairman, Board of School Trustees,  
Toronto.

To Reverend Dr. Ryerson,  
Chief Superintendent of Schools, C. W.

No. 29. Inclosed in the foregoing. Letter from T. J. O'Neil, Esquire, to the Board of School Trustees, submitting the claims of the Roman Catholic Separate Schools.

TORONTO, 20th April, 1852.

TO THE BOARD OF CITY TRUSTEES, &c., &c., &c.

GENTLEMEN,—As Trustees of the Catholic Schools of this City, we beg leave, on behalf of the Catholic inhabitants, to submit the accompanying statement, shewing the number and character of our Schools, and attendance at each, with the view to obtain such proportion for the current year of the School Funds at your disposal, as you shall consider our numbers are entitled to.

It is, perhaps, unnecessary to observe, that a statement rendered at this period of the year cannot be taken to represent fairly the average attendance for the whole year,—the poverty of a large portion of our population preventing many parents from sending their ill-clad children to School during the winter months.

We think it, therefore, but reasonable to compute the number likely to attend our Schools during the ensuing seven months, at nearly, if not fully, a-fourth more than now represented, and trust, whatever may be the amount the Board shall see fit to apportion in view of our present numbers, due consideration will be given, at the close of the year, to the large increase which we anticipate our summer and fall's attendance will exhibit.

We partake, equally with yourselves, of the desire to see the blessing of education enjoyed by all classes. Our aim, like your own, is to secure for our youth that system best calculated to instruct and elevate. We hope our application will be met in the spirit of equity, and that the amount placed at our disposal shall be commensurate with the requirements of the large body we represent.

We remain, Gentlemen.

Your obedient servants,

T. J. O'NEIL,  
(Signed on behalf of Trustees.)

STATEMENT furnished to the City Board of Trustees of Catholic Schools, and children attending the same, Toronto, 20th April, 1852.

	Number of Teachers.	Boys.	Girls.	Total.
Richmond Street School, taught by Christian Brethren.....	3	235		
St. Paul's Church, by Christian Brethren.....	2	175		
St. Patrick's, by Mr. Taaffe,.....	1	65		
St. Patrick's, by Miss K. Higgins,.....	1		47	
Stanley Street, by Miss Higgins,.....	1, & 1 Assist., (Miss Nolan.)		124	
Palace Street, (Russell Abney), by Miss Herrick,.....	1		30	
Lorette, (Simcoe Street), by Ladies of Lorette,.....	2		30	
7 Schools, (equal to 10).....	11, and 1 Assistant, estimated at 10 Teachers,.....	475	231	706

With regard to the above, we would respectfully note, that the probable expenses of sustaining a similar number of Common Schools, may be presumed to approximate to the following, viz:—

6 Male Teachers.....	at £110 .....	£660
2 Female do .....	65 .....	130
2 do do .....	45 .....	90
Rent of 10 School Houses.....	20 .....	200
Fuel for do do .....	7 .....	70
		<u>£1150</u>

(Signed on behalf of C. Trustees.)

T. J. O'NEIL,

No. 30.—Also inclosed. Report of the Free School Committee of the Board of School Trustees, Toronto, upon the foregoing application: Adopted 19th May, 1852.

The Committee on Free Schools, to whom was committed the Letters of T. J. O'Neil, Esq., dated the 31st March and 20th April last, relative to the appropriation of funds for the support of Roman Catholic Separate Schools, beg to report:—

That the Roman Catholic Separate Schools, which have hitherto been recognized by the Board, are No. 14, male and female Schools, in St. Patrick's Market, and No. 8, female school, in Stanley Street; and these have been under the direction of two Committees, appointed by the Board, under the compromise made with the Roman Catholic inhabitants, in February, 1851. The amount appropriated last year for their support, both Sections having been voluntarily deprived of the Schools for a time, was £196 5s. but the sum appropriated was equal to two Schools, at an average rate of £110 each per annum.

With regard to the claims of Separate Schools, established according to law, they are entitled, by the 19th Section of the School Act, to share in the School Fund, according to the average attendance of pupils (the mean average attendance in summer and winter being taken), as compared with the whole average attendance at the Public Schools.\*

The School Fund consists of the Legislative grant, and a local assessment at least equal to it in amount. If the assessment fall short of the grant, the amount of the grant is proportionately reduced; but if the assessment be greater, the grant is not increased.† These equal sums united, form, according to the interpretation of the law

\* Appendix No. 33.

† 40 Sec. of the Act, 13 and 14, Vic. cap. 48.

by the Chief Superintendent of Education, the Common School Fund named in the Act, and is to be applied solely to the payment of the salaries of qualified Teachers. If any locality choose to levy a School Tax exceeding the sum required to secure the share of the Government Grant, that excess is at the disposal of the Board of Trustees, for general School purposes, and cannot, with any regard for propriety or justice, be applied to the support of Separate Schools, whether Protestant or Roman Catholic.

Your Committee, desirous to meet the claim of the Roman Catholic inhabitants, so far as duty and law require, endeavoured to form a correct judgment as to the relative claims of those who demand Separate Schools, whether Protestant or Roman Catholic, and the claims of our entire population, for whose welfare the system of Public Instruction has been established. While your Committee admit that the law makes provision for Separate Schools, to meet an exigency—namely, the anticipated intrusion of the religious dogmas of a majority upon a minority; yet no ground for such complaint exists, or has been urged against the Public Schools of this City,—they having been established upon a broad catholic basis, rendering the demand for Separate Schools utterly indefensible, upon any sound principle of political justice or morality.

It is one of the recognized principles of civilized society, that all shall contribute to establish and sustain institutions deemed essential by the majority; provided that the demand does not infringe upon the rights of conscience. Thus, the charges attendant upon every branch of public legislation, jurisprudence, or any other branch of social economy, security of defence, are, or should be borne equitably by all the inhabitants of the country, because all are partakers of the benefits resulting from the expenditure. No good citizen complains of being taxed to make the laws of his country, to guard it to extend the benefit of public economy throughout society. Religious distinctions in such cases are unknown—the sectarian is wholly merged in the citizen. We never hear of separate houses of legislation being demanded by Protestants or Roman Catholics—separate Courts of Justice—separate Houses of Correction, or any other of the numerous arrangements which the peace, safety, and well-being of society demand. There is a universal admission of a rectitude and necessity of united co-operation in public affairs, and the submission to the burthen imposed to uphold those civil institutions which the majority may deem essential to the social existence or welfare of the whole.

Among all the instrumentalities employed to secure the moral elevation, and to promote the best interests of society, none appear to be more important than a wise and liberal system of public instruction, based upon moral law, but free from sectarianism. To promote intelligence and virtue all admit is better than to punish ignorance and crime; to pay by public tax, for the moral and intellectual improvement of youth (committing their instruction in dogmatic theology entitled to parents, guardians, and religious teachers), experience has proved to be the best public economy. The system of Free Schools, recently established in the City, rests upon the recognition of an entire equality of rights and privileges among all classes of citizens. The religious convictions of all denominations have been scrupulously respected, and their rights sedulously guarded by the law under which the Schools have been established. No Protestant teacher can thrust his religious opinions upon Roman Catholic youth, nor can a Roman Catholic teacher upon Protestant youth. In this respect, our educational system differs essentially from that of Lower Canada; there, the Schools of the majority are essentially sectarian; here, on the contrary, they are emphatically unsectarian,—they are secular but moral. When, however, twelve resident householders of different religious faith to the teacher appointed to any School Section, or twelve colored persons, apply to a Board of Trustees for a Separate School, it must be granted, although there is no alleged grounds for complaint. Still, in such cases the law evidently guards against such Schools being recognized as upon an equality with the Public Schools generally. It concedes a certain measure of public aid, but regards their existence as an undesirable exception



to a great principle, that the State should afford an opportunity to every youth in the land, to enjoy the benefit of a good, moral, but secular education.

Your Committee would further remark, that as Roman Catholics are required as well as Protestants, according to the assessed value of their property, to contribute their share to the entire local tax levied for School purposes,—not merely that which is required to secure the share of the Legislative grant, but any excess which the Board of Trustees may determine, your Committee acknowledge that they should share in the advantages of the whole fund equally with others—not, however, as Roman Catholics or Protestants—not of the professors of any system of religious faith—but as citizens. If either party, members of the body politic, choose to isolate themselves from the rest of their fellow-citizens on the ground of holding to certain religious opinions, if they refuse to co-operate in arrangements for the general good which do not at all infringe upon their rights as religious communities, and if thus they voluntarily forfeit the advantages they are invited to enjoy equally with others, the blame rests not with the Board but with themselves. Neither the general nor the local Governments of the State have any warrant to make laws or to collect taxes to build up any system of religious faith whatever. Such functions belong exclusively to the lawful authorities of religious communities. If Roman Catholics or Protestants are to share in the moral and political advantages which arise from the promotion of intelligence and virtue in society by means of unsectarian Public Schools, they are required in justice, to pay for such advantages in common with their fellow-citizens generally. If either Protestant or Roman Catholic desire to super-add other Schools to indoctrinate their youth with their own peculiar religious opinion, common justice and propriety demand that it should be done by their own agencies, and entirely at their own cost. The principle is false which makes any secular Government to become a tax-gatherer for churches; and it bears unjustly and grievously upon those who conscientiously repudiate the interference of Government in providing for the teaching of sectarian dogmas, or for the support of religious communities.

Your committee are fully convinced that justice to society—to every religious persuasion—can never be fully enjoyed but upon the invulnerable ground so highly eulogized by the present Roman Catholic Archbishop of New York—namely that civil government has no moral right to legislate upon the subject of religion. That eminent ecclesiastic referring to the rights of conscience in other countries being often secured by affirmative laws, thus refers to the superior security afforded in the United States by “a Constitutional” negation of all powers to legislate on so sacred a subject. His words are—“In other countries they are secured by some positive statute—here they are safer, under a constitutional provision forbidding any such statute to be ever enacted. In other countries toleration was granted by the civil authority—here the great men who framed the Constitution saw, with keen and delicate perception, that the right to tolerate implied the equal right to refuse toleration; and on behalf of the United States, as a Civil Government, they denied all right to legislate in the premises, one way or the other; ‘Congress shall make no law on the subject of religion, or prohibiting the free exercise thereof.’”

The vital principle involved in this interesting quotation from the lecture of the Archbishop is the only rightful and efficient guarantee for the protection of the rights of conscience. Let civil rulers cease from legislating upon the subject of religion and all will be safe. Religion wants no such aid; it will flourish the better without it; and it will live when governments will die.

The School Act, in the opinion of your Committee, violates the principle inasmuch as it makes provision for the establishment of Sectarian Schools where no reasonable cause exists for their establishment, that is, in cases where no rights are violated, or offence is committed against the religious opinions or prejudices of the applicants. The end would have been better attained by a legislative negation of all powers to introduce sectarian religious teaching in any of our Public Schools.



Accompanying the communication of Mr. O'Neil, submitted to your Committee, dated the 20th April, is a statement shewing that the whole number of Roman Catholic Schools in the City amounts to seven, embracing eleven teachers, one assistant, and 706 pupils. These include the Schools taught by "the Christian Brothers," and "the Loretto Female Schools." The cost of these as computed by the Roman Catholic Trustees, reckoning the same rate of expenditure as is required for the support of other schools, embracing Teachers' salaries, rent, and fuel, amounts to £1150. This is presented to the Board, no doubt, as a mere ground for calculation, but afford no proper data for the computation of the amount which the parties may legally claim for the support of the Separate Schools recognized by the Board.

In estimating the amount legally due to the Roman Catholic Trustees, assuming the School Fund to be the Government appropriation and an equivalent amount raised by assessment (which is the evident meaning of the Act); reckoning the total fund at £1000, and their proportion according to the average attendance as shewn by the official returns) about 1-14th the sum would be only £70. But assuming that the School Fund embraced the Government appropriation, and *the whole* of the local assessments for School purposes (which your Committee do not allow) the sum apportioned to the Roman Catholic Separate Schools, under the compromise of last year, exceeded not only the amount to which they were legally entitled, but the whole amount of the School tax, paid by the Roman Catholic inhabitants of the City.

From a recent return submitted to this Board by its Secretary, after much tedious investigation, the following facts gathered from authentic statistical documents, exhibit that the Roman Catholic inhabitants of the City, while reckoned at upwards of one-fourth of the population, contribute only about one-twelfth of the taxation. From the return referred to, your Committee find that the total *annual value* of the taxable property in the City amounts to £186,983 5s. :—of this the proportion held by Roman Catholics is £15,750 10s. The total nett amount of School tax for last year, at 2½d. currency, in the pound, was £1800: the nett proportion contributed by the Roman Catholic inhabitants was £156 10s. Were the sum thus contributed by the Roman Catholic inhabitants to be placed at the disposal of the Committee now superintending their Separate Schools—together with their legal share of the Legislative grant—the sum would fall short of £200 :—last year the amount was rated by compromise at £220.\*

While your Committee cannot too strongly repudiate the principle recognized by the present School Act, of giving a Legislative sanction to Separate Schools, without any just cause for their existence (as in Lower Canada,) they would seek most earnestly, but by other and better means, to guard the rights of every class in the community. Your Committee fear that to continue to carry out the principle that the State should provide means to inculcate sectarian religious dogmas in our Public Schools, will result, not only in the various Boards of Trustees being required, according to the plainest principles of political justice, to meet the demand of other religious bodies for the establishment of denominational Schools, but perhaps, even, in the entire destruction of our educational system.

Your Committee having reason to believe that some members of the Board regard the compromise of last year, relative to the Separate Schools, as having extended, morally into this: and having given their views upon the case at some length, while they cannot recommend an appropriation beyond that which the law evidently allows, deem it to be their duty to commit the adjudication of the amount to the whole Board.

All which is respectfully submitted.

J. LESSLIE, Chirman,  
WM. McMASTER,  
D. PATERSON,  
WILLIAM SHEPPERD,  
WILLIAM HALL.

\* Referred to in the Correspondence, Letter VIII.

After some remarks, Mr. Lesslie moved the adoption of the Report, with a view to the question being submitted to the Law Officers of the Crown for their opinion, which was carried.

A resolution was then passed, authorizing the Chairman of the Board to submit the matter to the Attorney General.

The Board then adjourned.

No. 31. Letter from the Chief Superintendent of Schools, to the Chairman of the Board of School Trustees, Toronto, in reply to his letter, (No. 27.)

EDUCATION OFFICE,  
TORONTO, 7th July, 1852.

SIR,—I have the honor to acknowledge the receipt of your letter of the 2nd ultimo, requesting me to apply to the Attorney General, for his opinion on the subject of difference, respecting the import of the term, Common School Fund, in the School Act, between the Board of School Trustees for the City of Toronto, and the Trustees of one of the Roman Catholic Separate Schools in the City. I have brought the legal question involved under the notice of the Honorable the Attorney General, and I have to state for the information of the Board over which you preside, that the Attorney General does not consider it compatible with his official duties, to give an opinion on such a question under the circumstances.

The Attorney General would feel it his duty, when officially called upon, to give his opinion and advice to the heads of Public Departments, for their guidance in doubtful legal questions; but he considers it an undue interference with the administration of the law, and the duties of the Courts of Justice, to give an official opinion on a matter which may be brought by the parties concerned before the legal tribunals of the Country, and respecting which his opinion would not have the authority of a legal decision in settling the question of law at issue between the Board of School Trustees, for the City of Toronto, and the Trustees of the Separate School referred to.

I have the honor to be,

Sir,

Your obedient servant,

(Signed,)

E. RYERSON.

Joshua G. Beard, Esquire,  
Chairman, Board of School Trustees,  
Toronto.

## No. 32.

TABLE shewing the number of Protestant and Roman Catholic Separate Schools in Upper Canada, during the years 1850 and 1851.\*

County.	Township.	1850.		1851.		Remarks.
		Protestant.	Roman Catholic.	Protestant.	Roman Catholic.	
Prescott .....	West Hawkesbury....	1	0	0	0	Not reported in 1851.
Leeds.....	Kitley.....	0	1	0	1	Established in 1844.
	Leeds and Lansdown } Reur.....	0	0	1	0	Established 1st May, 1851.
Renfrew.....	Puekenham.....	1	0	0	0	Not reported in 1851.
Addington.....	Ernestown.....	1	0	0	0	Do do do.
Frontenac.....	Kingston.....	0	1	0	1	This School was not returned in the column for "Separate Schools" in the Local Superintendent's Report for 1850. Established about 1848.
Hastings.....	Rawdon.....	0	1	0	0	Supposed to have been a Roman Catholic Separate School, not reported in 1851.
Do.....	Thurlow.....	0	1	0	1	Established 1st April, 1850.
Do.....	Tyendinaga.....	1	1	0	0	Supposed to have been Protestant and Roman Catholic Separate Schools, as Teachers belonging to both persuasions were returned in the sections reported as "Separate" in 1850. Not reported in 1851.
Prince Edward.....	Athol.....	1	1	0	0	Not reported in 1851.
Northumberland.....	Crammhé.....	2	0	0	0	Do do do.
Do.....	Murray.....	2	1	0	0	Supposed to have been two Protestant and one Roman Catholic Separate Schools, as Teachers belonging to both persuasions were returned in the sections reported as "Separate" in 1850. Not reported in 1851.
Durham.....	Cavan.....	2	0	0	0	Not reported in 1851.
York.....	Etobicoke.....	0	1	0	1	Established in 1847 or 1848.
Simcoe.....	Medonte.....	1	0	0	0	This was returned as a Protestant Separate School, in 1850, and in his Report of 1851, the local Superintendent remarks, that "in consequence of a disagreement between the Trustees and people of the section, the public Common School was not in operation during the year; but the children attended a private School which had its origin in a Denominational School in 1850.
Wentworth.....	Ancaster.....	1	0	0	0	Not reported in 1851.
Do.....	Glandford.....	1	1	0	0	Supposed to have been Protestant and Roman Catholic Schools, as Teachers belonging to both persuasions were returned in the sections reported as "Separate," in 1850. Not reported in 1851.
Lincoln.....	Clinton.....	1	0	0	0	Reports a Dutch School in 1851.
Do.....	Grimshy.....	1	1	0	0	Not reported in 1851.
Norfolk.....	Walsingham.....	1	0	0	0	Do do do.
Oxford.....	Burford.....	1	0	0	0	Do do do.

\* Referred to in the Correspondence, Letters III, VI and XI.

No. 32.

TABLE shewing the number of Protestant and Roman Catholic Separate Schools in Upper Canada, &c.—(Continued.)

County.	Township.	1850.		1851.		Remarks.
		Protestant.	Roman Catholic.	Protestant.	Roman Catholic.	
Oxford.....	Norwich.....	1	0	0	0	Not reported in 1851.
Do.....	East Oxford.....	1	0	0	0	Do do do.
Waterloo.....	Nichol.....	0	1	0	1	Discontinued in 1851.
Do.....	Waterloo.....	0	1	0	1	German Roman Catholic Separate School, established in 1847. Now in the Village of Preston.
Do.....	Wellesley.....	1	1	1	2	Two Roman Catholic Teachers are reported in the one section.
Do.....	Wilmot.....	0	1	0	1	Established some years ago.
Middlesex.....	Malahide.....	1	0	0	0	Not reported in 1851.
Do.....	Southwold.....	1	0	0	0	Do do do.
Do.....	Westminster.....	1	0	1	0	Established in 1847.
Do.....	Yarmouth.....	0	1	0	1	
Perth.....	South Easthope.....	0	1	0	1	Established in 1843.
Essex.....	Maidstone.....	0	0	0	1	Established in 1850.
Do.....	Sandwich.....	1	0	1	0	Established in 1845.
City of Toronto.....	.....	0	2	0	2	Established in 1849.
City of Kingston.....	.....	0	2	0	0	The Board of School Trustees in reporting a Roman Catholic Separate School in the City in 1851, states that "There is, properly speaking, no Separate School. All the Teachers are engaged by the Board, and hold certificates from the County Board of Public Instruction. The Return is made on account of the conscientious scruples of some of the Board, who consider that as this School was taught by two Nuns, and is practically a Denominational School, it must also be a Separate School."
City of Hamilton.....	.....	0	0	0	1	Established about 1848, but was not reported in 1850.
Town of Picton.....	.....	0	1	0	1	Established in 1848.
Total.....	.....	25	21	4	16	The Roman Catholic Separate Schools in Chatham and Belleville are not reported in this table, as they did not go into operation until the 25th December, 1851.

Education Office,  
Toronto, 13th September, 1852.

NOTE.—The following Table shews the number of Separate Schools reported during the years 1847, 1848, 1849, 1850, and 1851:—

Year.	Number of Separate Schools.
1847.....	41
1848.....	32
1849.....	31
1850.....	46
1851.....	20

} The Superintendent of Common Schools for the Eastern District having made an error of 28 in his Report for 1849, 59 Separate Schools were reported for that year.

No. 23.—PROVISIONS of the Law and official Regulations relating to Separate Schools in Upper Canada.

Provisions of the law, 13th and 14th Victoria, chapter 48.

a. XIV. And be it enacted, That no foreign books in the English branches of education shall be issued in any Model or Common School, without the express permission of the Council of Public Instruction; nor shall any pupil in any such School be required to read or study in or from any religious book, or join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians; Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians shall desire, according to the general regulations which shall be provided according to law.

\* \* \* \* \*

b. XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees and City, Town, or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more Separate Schools for Protestants, Roman Catholics or colored people, and, in such case, it shall prescribe the limits of the divisions or sections for such Schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such Separate School or Schools, as is provided in the fourth Section of this Act, for holding the first School meeting in a new School Section; Provided always, that each such Separate School shall go into operation at the same time with alterations in School Sections, and shall be under the same regulations in respect to the persons for whom such School is permitted to be established, as are Common Schools generally; Provided secondly, that none but colored people shall be allowed to vote for the election of Trustees of the Separate School for their children, and none but the parties petitioning for the establishment of, or sending children to a Separate Protestant or Roman Catholic School, shall vote at the election of Trustees of such School; Provided thirdly, that each such Separate Protestant or Roman Catholic or colored School shall be entitled to share in the School Fund according to the average attendance of pupils attending each such Separate School, (the mean attendance of pupils for both summer and winter being taken,) and compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township; Provided fourthly, that no Protestant Separate School shall be allowed in any School Division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic Separate School be allowed except when the Teacher of a Common School is a Protestant; Provided fifthly, that the Trustees of the Common School Sections within the limits of which such Separate School Section or Sections shall have been formed, shall not include the children attending such Separate School or Schools, in their return of children of School age residing in their School Sections.

No. 34. Declaratory Act, 14th and 15th Victoria, chapter 41, relating to Separate Schools in Cities and Towns in Upper Canada.\*

Whereas it is desirable to remove doubts which have arisen in regard to certain provisions of the nineteenth Section of an Act passed by the Parliament of this Province, in the Session thereof held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, "*An Act for the better establishment and maintenance of Common Schools in Upper Canada*;" and whereas it is expedient to deprive any of the parties concerned of rights which they have enjoyed under preceding School Acts for Upper Canada: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and

\* Referred to in the Correspondence, Letter XI, Postscript.

intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That each of the parties applying according to the provisions of the said Act, shall be entitled to have a Separate School in each ward, or in two or more wards united, as said party or parties shall judge expedient, in each City or Town in Upper Canada; Provided always, that each such School in its establishment and operations shall be subject to all the conditions and obligations, and entitled to all the advantages imposed and conferred upon Separate Schools by the said nineteenth Section of the said Act.

No. 35. Official Regulations, &c., adopted by the Council of Public Instruction on the 5th day of August, 1850.

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SECTION 5. Constitution and Government of Schools in respect to religious and moral instruction.\*

As christianity is the basis of our whole system of elementary education, that principle should pervade it throughout; where it cannot be carried out in Mixed Schools to the satisfaction of both Roman Catholics and Protestants, the law provides for the establishment of Separate Schools; and the Common School Act, 14th Section, securing individual right as well as recognizing christianity, provides, "That in any Model or Common School established under this Act, no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians; Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents or guardians shall desire, according to the general regulations, which shall be provided according to law."

In the section of the Act thus quoted, the principle of religious instruction in the Schools is recognized, the restriction within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured, without any interposition from Trustees, Superintendents, or the Government itself.

The Common School being a day, and not a boarding School, rules arising from domestic relations and duties are not required; and as the pupils are under the care of their parents and guardians on Sabbaths, no regulations are called for in respect to their attendance at public worship.

In regard to the nature and extent of the daily religious exercises of the School, and the special religious instruction given to pupils, the Council of Public Instruction for Upper Canada makes the following regulations and recommendations:

1. The public religious exercises of each School shall be a matter of mutual voluntary arrangement between the Trustees and Teacher; and it shall be a matter of mutual voluntary arrangement between the Teacher and parent or guardian of each pupil, as to whether he shall hear such pupil recite from the scriptures or catechism, or other summary of religious doctrine and duty of the persuasion of such parent or guardian. Such recitations, however, are not to interfere with the regular exercises of the School.

2. But the principles of religion and morality should be inculcated upon all the pupils of the School. What the Commissioners of national education in Ireland state as existing in Schools under their charge, should characterize the instruction given in each School in Upper Canada.

The Commissioners state, that "in the National Schools, the importance of religion is constantly impressed upon the minds of children, through the works calculated to promote good principles and fill the heart with love for religion, but which are so com-

\* Referred in the Correspondence, Letter V.

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piled as not to clash with the doctrines of any particular class of Christians." In each School the Teacher should exert his best endeavors, both by example and precept, to impress upon the minds of all children and youth committed to his care and instruction, the principles of piety, justice, and a sacred regard to truth; love to their country, humanity, and universal benevolence, sobriety, industry, frugality, chastity, moderation and temperance, and those other virtues which are the ornament of society, and on which a free constitution of government is founded; and it is the duty of each Teacher to endeavor to lead his pupils, as their ages and capacities will admit, into a clear understanding of the tendencies of the above-mentioned virtues, in order to preserve and perfect the blessings of law and liberty, as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

By order of the Council of Public Instruction for Upper Canada.

(Signed,) J. GEORGE HODGINS,  
Recording Clerk C. P. I.

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No. 36. Fortieth Section of the School Act, (13 and 14 Victoria, chapter 48), defining what shall constitute the Common School Fund of each County, Township, City, Town, and Village in Upper Canada, frequently referred to in the foregoing Correspondence and Appendix.

XL. And be it enacted, that the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools; Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said School grant apportioned to it; and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment of such County, City, Town or Village, in the following year.

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