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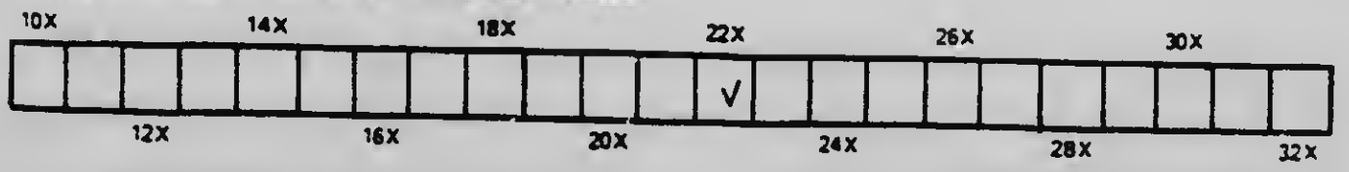

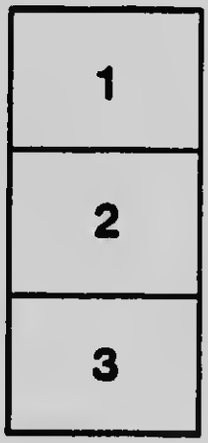

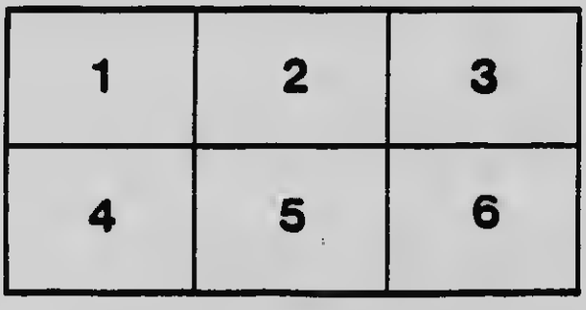

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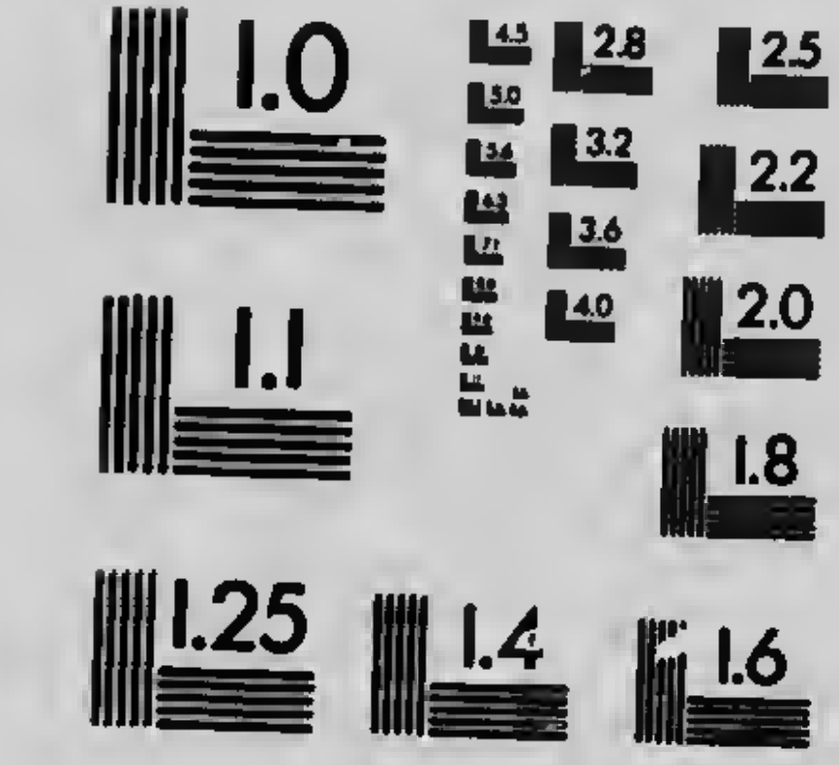

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CATHOLIC EDUCATION IN CANADA

IN ITS RELATION TO THE CIVIL AUTHORITY

ADDRESS

OF

HON. MR. JUSTICE ANGLIN

OF

THE SUPREME COURT OF CANADA

BEFORE

THE CATHOLIC EDUCATIONAL ASSOCIATION OF THE UNITED STATES

AT DETROIT, JULY 7th, 1910

TORONTO:
CATHOLIC REGISTER AND CANADIAN EXTENSION
1910

Catholic Education in Canada

Fellow Catholics:

I am deeply sensible of the honor conferred upon me by the invitation to address this great gathering of the friends of Catholic education in America. I feel that I owe a debt of gratitude to the Catholic Educational Association of the United States and to Rt. Rev. Mgr. Shahan who conveyed to me its invitation, the acceptance of which has afforded me the opportunity of meeting so many men and women interested in a noble and patriotic cause.

The nobility of that cause is based upon the fact that its promotion is vital to the interests of Catholicity, which for us is the embodiment of, and is therefore synonymous with, Truth itself; its patriotism rests upon another fact, equally certain though not always recognized, that its success is of importance to the welfare, if not to the very safety, of your great Republic and its democratic institutions. This fact is fully appreciated by men alive to the dangers of ignorance, infidelity, and materialism, and of their legitimate offspring, Socialism and Anarchism. To these evils Catholic education furnishes the surest antidote.

I realize that I would engage in a veritable work of supererogation, should I labor with this audience to demonstrate the excellences of the system for the training of her youth, which the Catholic Church advocates the world over, and upon which she insists wherever she has the power and the means to carry out her views and wishes. The sacrifices made for it by American Catholics testify to the sincerity of their devotion to the cause of Catholic education. $36,000,000 spent last year in educating 1,237,000 pupils in parochial schools affords unmistakable evidence of a complete acceptance of the teaching of the Church in condemnation of purely secular education—of education divorced entirely from religion; it proves that American Catholics understand that, if they would make of their sons and daughters staunch and sincere Catholics, it is indispensable that they should be given a sound Catholic education. But these sacrifices have another significance. The loyalty of Catholic citizens to the government and to the political institutions of the United States has never been questioned. It admits neither of dispute nor of doubt. Their devotion to the cause of Catholic education therefore proclaims their belief that in this republican country, as in countries where the monarchical system of government prevails, the constant inculcation by the Catholic Church of respect for duly constituted authority, her insistence upon the obedience of her subjects to the laws of the land and her condemnation of every school which propagates doctrines subversive of sound principles of civil government and of the rights of property and of true liberty of conscience, make immeasurably for the well-being of the State, and establish the truth of the adage—"The better the Catholic the better the citizen."

While I should esteem myself myself not merely lacking in that courtesy which, as their guest, I owe to the Catholic Educational Association, but derelict to the duty of paying a tribute of honor where honor is due, had I failed to say a word or two in recognition of the great work which has been, and is being accomplished in this country in the cause of Catholic education—not merely through your parochial schools, but also in the many colleges and convents throughout the Republic, and in that crowning glory of the entire system, the great Catholic University at Washington, I must not, in the enthusiasm of my admiration, forget that a eulogy of your educational institutions and of their achievements is not the purpose of my presence with you to-night. Rather do you expect from me some account of the position of Catholic educational affairs in my own country and some information as to the progress we have made and as to the conditions which now obtain in Canada.

Like the United States, Canada is a country of vast extent. Our population, now estimated at between seven and eight millions, is spread from the Atlantic to the Pacific. In some places, as in the older parts of Ontario and Quebec, where pioneer

conditions have passed away, the population is comparatively dense—in others, it is sparse and scattered. The Catholics of Canada number about 41 per cent. of the whole people. They, too, are spread throughout all its nine provinces. In only one province—Quebec—are they the majority. There their strength is overwhelming. In the other eight provinces Catholics are the minority. Like you we have racial and religious difficulties. Our population has been drawn from many sources and we are confronted, especially in the West, by a problem of assimilation not unlike your own. In Eastern Canada conditions are not dissimilar to those which obtain in older countries; in the newer portions of the West the struggle of life is more strenuous. The pioneer finds little time to devote to primary, and none to give to higher, or even to secondary education. You will therefore readily appreciate that the subject of Catholic education in Canada embraces a wide field—a field which it would be difficult, if not impossible, to cover to-night. Perhaps for this reason—perhaps because those responsible for this evening's programme thought that as a lawyer I would be more at home in that branch of the subject—I have been asked to speak to you not upon Catholic education in Canada generally and at large, but upon Catholic education in Canada in its relation to the civil authority.

Let me premise by explaining that as a member of a Court, which in the past has been, and in the future may be, called upon to deal with questions affecting the constitutional rights of minorities in educational matters, I must ask you to excuse me if I refrain from discussing problems which may present themselves for future adjudication and also from expressing any opinion upon the attitude and the conduct of political parties in recent years upon certain phases of these questions. I shall confine my remarks to a resume of the development of the conditions in regard to Catholic education which now obtain in each of the provinces, of the course which our legislation has taken and of the difficulties which our Catholic people have encountered, merely glancing at the legal and political struggles through which they have passed. I fear I must to some extent enter into details which may not be of transient interest; I shall endeavor ... to do so at greater length than is necessary to present my subject clearly and intelligibly. My object shall be to make plain to you what has been in the past, and what is to-day, the attitude of the civil authority in each of the provinces of the Dominion of Canada towards Catholic education.

Under the constitution of the United States the legislative powers of the Federal Congress are defined. The residuum of legislative jurisdiction remains vested in the State Legislatures. In this residuum is included the control of education, which is therefore with you purely a domestic matter in each State of the Union. In Canada under the Imperial British North America Act of 1867 defined subjects of legislation are assigned, some to the Federal Parliament and others to the Provincial Legislatures, but the residuum of legislative jurisdiction is conferred upon the Dominion Parliament. Where, as sometimes happens, the subjects of Dominion and Provincial legislative authority overlap, a Provincial Legislature may pass valid legislation if it finds the field unoccupied. But here the federal jurisdiction is paramount and a statute of the Dominion Parliament, whenever enacted, prevails over and supersedes provincial legislation "in pari materia." This distribution of legislative powers effected by sections 91 and 92 of the British North America Act was intended to be exhaustive, except upon one subject—that of education—which was deemed so important and so delicate that it was separately and specially dealt with in the 93rd section. This section reads as follows:

"93 In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union.

"(2) All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

"(3) Where in any Province a system of separate or dissentient schools exists by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

"(4) In case any such provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor-General in Council under this section."

This legislation has furnished material for several bitter contests—waged now in the courts, now before the Governor-General in Council, now upon the floors of Parliament, and at least once carried to the electoral hustings—contests which aroused prejudice and hard feeling, not only in the provinces immediately concerned, but throughout the Dominion. As a result the meaning of some of the provisions of section 93 has become better understood by Canadian lawyers and public men, and Catholics, whose interests have suffered in New Brunswick, Prince Edward Island, and Manitoba, are—except in Ontario—perhaps less confident than formerly of the efficacy of statutory protection of their educational rights and privileges. It would be temerity indeed to predict that the difficulties in the construction and application of section 93 are at an end, or that the days of trouble and of conflict in regard to denominational education are forever past in Canada. While we hope much from the decrease in bigotry and religious animosity which is apparent and from the improvement in feeling between Catholics and Protestants throughout Canada, the attacks upon our school rights have been too recent and too determined to permit of our forgetting them; we realize that there is still much jealousy of the privileges we enjoy, and that our vigilance must be unceasing.

You will not have failed to observe as I read section 93 that legislative jurisdiction in regard to education is conferred primarily upon the provinces. But this jurisdiction is restricted and qualified. By clause 1, any right or privilege with respect to denominational schools which any class of persons had by law in a province at the Union is safeguarded. The crucial words in this clause are the words—"by law." Owing to the use in the next clause of the descriptive words "separate" and "dissentient," there has been some discussion of the meaning of the word "denominational" in clause 1. But whether it would or would not include schools which are merely Protestant—as distinguished from Anglican, Methodist or Presbyterian—its application to schools essentially Catholic scarcely admits of serious controversy.

The meaning of the second clause has not yet been submitted to the courts, but it seems too clear for question. It ensures to the Protestant minority of Quebec for their dissentient schools all powers and privileges enjoyed by the Catholic minority in Ontario in regard to their separate schools at the time of the Union. The reason for the insertion of this provision I shall explain later.

By the third clause a right of appeal is given to the minority in any province—Catholic or Protestant—against any act or decision of any provincial authority affecting any of its rights or privileges in relation to education. The appeal is to the Governor-General in Council, i.e. to the Ministry or Cabinet of the day—the Executive Government of Canada. This appeal lies only if a system of separate or dissentient schools exist-

ed by law in the Province at the Union, or if the Legislature of the Province has since the Union established such a system. The cognate provision of the Manitoba Act was much discussed in the second Manitoba School case, to which I shall have occasion again to refer.

By the fourth clause a very limited legislative jurisdiction is conferred on the Dominion Parliament. It is enabled by "remedial legislation" to give to a minority redress to which under clause 3 the Dominion Executive has found it entitled, should the province decline to legislate in accordance with its decision. This provision was also discussed in the Manitoba case. Moreover, should the Dominion Executive at any time find and declare that any Provincial Legislature has failed to carry out any provision of section 93, Parliament is enabled to legislate in order to afford relief. A very obvious application of this power would be to a case in which the Province of Quebec had not accorded, under clause 2, to the Protestant minority some right enjoyed at the time of Confederation by the Ontario Catholics in regard to their separate schools. To the honor of French Catholic Quebec there never has been any occasion to invoke Dominion interference for the protection of the rights of the Protestant minority under this provision. To what other cases or in what other circumstances clause 4 would be applicable has not yet been determined. The scheme of this sub-section requires that legislative action by the Dominion Parliament shall in every case be preceded by and based upon a judicial finding or declaration by the Governor-General in Council that circumstances exist which justify and call for the intervention of the Federal Parliament in what is primarily a subject within provincial legislative jurisdiction.

Your knowledge of the jealousy with which federal interference with state rights is regarded in your own country will enable you to understand with what circumspection our Dominion authorities must exercise the supervisory and remedial powers entrusted to them for the protection of the educational rights of religious minorities. When to the jealousy with which federal interference with so-called provincial rights is viewed, you add the fact that provincial action in educational matters which is the occasion of federal aid being sought invariably arouses sectarian animosity and bitterness, which spreads from the province immediately concerned to the Dominion at large, you will appreciate that a situation of grave difficulty and great delicacy is the result. Although the Dominion Executive is itself essentially a political body, it is usually composed of large-minded patriotic men and it is capable, when called upon to deal judicially with such grave and momentous questions, of rising above mere party politics and of putting aside considerations of party advantage in order to render justice to those who seek it. But when such a situation must be dealt with by a House of Commons composed of 215 members, elected from all parts of Canada, it is almost too much to expect that the political effect of action for or against the minority should be wholly ignored and that party exigencies should be entirely disregarded. And if this be so in Parliament what is likely to happen if such a question should reach the stage when it must be debated on political platforms, canvassed on the hustings and voted upon by the electorate in the heat of a Parliamentary contest? Of the wisdom of attempting to provide for the redress of grievances of provincial minorities in educational matters by federal legislative intervention, I may be allowed, in the light of experience, to express the gravest doubt.

But in order to appreciate the full purport of the several provisions of section 93 of the B.N.A Act and their bearing and effect upon the relations of the civil authority in Canada to Catholic education, it is necessary to have in mind, in general outline at least, the circumstances in which Confederation was originally formed, the manner in which it was extended to embrace other provinces and the conditions with regard to Catholic education which prevailed in the several original confederating provinces at and immediately prior to the year 1867, and, in the cases of provinces subsequently taken in or created, at or immediately prior to their becoming members of the Union.

Before Confederation there were east of the great lakes five British provinces. Canada, comprising Upper and Lower Canada, Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland. Each had autonomous government by its own Legislature, with a presiding Governor appointed by the Imperial authorities. Separated in 1792 into two provinces—Upper Canada and Lower Canada—the two Canadas had been reunited in 1840, and they were thereafter governed by one Legislature until Confederation. To the west of the Great Lakes lay the vast North-West Territories called Prince Rupert's Land, owned by the Hudson's Bay Company; and on the Pacific slope there was still another self-governed province—British Columbia.

The Union of the two Canadas had proved unsatisfactory.

As a solution of the political difficulties between Upper and Lower Canada, Confederation with the other British American provinces was suggested. After several years of discussion and debate, a confederation scheme was accepted by the four original confederating provinces—Ontario (Upper Canada), Quebec (Lower Canada), Nova Scotia and New Brunswick. The terms settled by the representatives of these four provinces were embodied by the Imperial Parliament in the British North America Act of 1867. Provision was made for the entry of Newfoundland, Prince Edward Island, British Columbia and Rupert's Land into the confederation by Imperial Order in Council. Newfoundland has not yet availed itself of this privilege. British Columbia came in in May, 1871, and P. E. Island in July, 1873. To these two provinces the B.N.A. Act, including section 93, became at once applicable

In 1869 Canada acquired Rupert's Land from the Hudson's Bay Company. The Dominion Parliament immediately carved out of this territory the Province of Manitoba, which it constituted in 1870, by a statute called the Manitoba Act. This act contained a special provision in regard to education—a modification of section 93 of the B.N.A. Act designed to meet the circumstances existing in Manitoba in regard to denominational education, as to which I shall have something to say in a few minutes. Owing to some question being raised as to the power of the Dominion Parliament to create new provinces and to endow them with constitutions, this legislation was confirmed in 1871 by an Imperial statute, which also gave to the Dominion Parliament express power to constitute other provinces out of the territories acquired by the Dominion. Under this statute the Provinces of Saskatchewan and Alberta were constituted by the Dominion Parliament in 1905. Up to that time the entire North-West Territories had been without provincial organization. The Act establishing Saskatchewan and Alberta contains special provisions in regard to education in those provinces, the outcome of a prolonged debate in the Canadian House of Commons, which was accompanied by much agitation throughout the Dominion. Of these provisions I shall speak again.

In the net result we have in Canada practically a different system and varying conditions in regard to Catholic educational rights in each province, dependent largely upon the situation which existed in each at, or immediately before, its becoming a member of the Confederation. These conditions I shall now proceed to develop as briefly as possible.

Naturally the needs and requirements of the four provinces originally confederating received the greatest attention and the most careful consideration in the preparation of the federation scheme. Of these four provinces Ontario and Quebec appear to have been the most concerned about minority rights in the matter of education. The reason of this no doubt was that in these provinces there had been a great deal of strife and contention upon separate school questions, and the nature and extent of minority rights, and the necessity for their protection by the guarantee of an Imperial statute was better understood and appreciated. It is therefore not surprising that, while the provisions of the 93rd section have proved to be reasonably adequate for the protection of the rights and privileges of the minorities in Quebec and Ontario, in other provinces—New Brunswick and Prince Edward Island—rights and privileges

which the Catholic minorities supposed they possessed have been found to be not within the protection of the Act, and these minorities have failed in their efforts to sustain their claims.

An understanding of the state of affairs in Ontario and Quebec will give the best idea of the conditions which section 93 of the B.N.A. Act was intended to meet, and of the purposes which its framers had in view. It will also aid in the appreciation of the effect of this section and of cognate provisions of other statutes upon the educational rights of religious minorities in the several provinces of Canada.

To do justice to the history of the separate schools' movement in Upper Canada would require much more time than we can afford to give to it this evening. I must content myself with glancing at its more important events and summarizing the principal features of the separate school system.

Upper Canada was separated from Quebec and organized as a province in 1792. As early as the year 1807 we find school legislation. By an Act then passed, and amended in 1808, 1816, 1819 and 1824, the establishment of public schools was provided for. The government of these schools was left entirely in the hands of local trustees chosen by the ratepayers of the section. There was no system of inspection; no prescribed series of text-books; no government supervision. The early settlers were too intent upon clearing the land and making homes for themselves and their families, the struggle for a livelihood was too strenuous and unremitting, to permit of their being disturbed by religious feuds and dissensions. They were dependent upon their immediate neighbors for companionship and often interchanged with them labor and the very necessaries of life. A kindly and tolerant spirit was thus fostered. In the few places in which they were in the majority—even where they formed a minority of considerable numbers, the reasonable views and demands of Catholics were respected in regard to the courses of study, the selection of text-books and the management of the schools. The methods and conduct of each teacher were largely guided and controlled by the ideas and the wishes of the trustees and principal supporters of the school in which he taught as to the moral and religious training to be imparted. But there were no separate schools in those days, none which were in any proper sense denominational, except, perhaps, in the larger cities and towns, a few private schools under the immediate management of church authorities. Each teacher of a public school which sent to the Government a report of attendance and management received from the province a grant of $100. The rest of the expense was paid by the supporters of the school in the local section. Grammar schools were established only in the district or shire towns.

In Lower Canada the Protestant minority was less scattered, being found principally in the city of Montreal and in the Eastern Townships, near the United States border. The public schools being under Catholic control, the Protestants, wherever they were sufficiently numerous to support them, established dissentient schools under their own management. All these schools—Catholic, Protestant, and, in some localities, mixed—shared proportionately in the provincial educational grant. It will thus be seen that the idea of separate or dissentient schools for the benefit of religious minorities was first introduced into Canada by the Protestants of Lower Canada, and first obtained public recognition in French Catholic Quebec, in the government of which, however, the English Protestant element was then dominant.

Such were the conditions in regard to Education when, as an outcome of the rebellion of 1837 and pursuant to the recommendation of Lord Durham, who was commissioned by the Imperial authorities to investigate and report upon the grievances and abuses which had led to this outbreak, these two provinces were re-united in 1840, and the new province of Canada thus formed was granted responsible government. One of the measures passed at the first session of the new Parliament in 1841 established a common school system for the entire province under the management of a Board and Superintendent of Education. Government aid to the extent of £50,000 was provided. Other

mnnies required to support the schools were to be raised by local assessment. Special provisions were made for religious minorities. They were enabled by a simple process to establish under the control of their own trustees a public separate, or dissentient school in each rural district. In cities and towns the schools were placed under the management of a Board of Examiners appointed by the Governor-in-Council, of which the membership was one-half Catholic and one-half Protestant. The Catholic section had complete control of schools exclusively Catholic and the Protestant section of schools exclusively Protestant. Mixed schools were managed by the Board as a whole. The jurisdiction of urban boards and of rural trustees included the examination and employment of teachers, the prescribing of courses of study, the authorization of text-books and all matters of management and discipline. All the schools, public, separate or dissentient, and mixed, received a proportionate share of all public monies devoted to school purposes, whether granted by the government or raised by local assessment. This eminently fair measure accorded similar treatment to Lower Canada Protestants and Upper Canada Catholics. But in 1843 it was thought desirable that each of the former provinces should control its own system of education. The public grant of £50,000 was accordingly apportioned and a new educational Act was passed for Upper Canada; Lower Canada continuing under the Act of 1841.

Under the Act of 1843 the conditions on which a religious minority of a district in Upper Canada might have a separate school were that the public school was taught by a teacher not of their faith and that at least ten (increased in 1850 to twelve) freeholders or resident householders—members of the minority—should unite in asking for its establishment. These schools shared in the public grant for education, but received no part of the local taxes although their supporters remained liable for public school rates. The Act also contained a conscience clause to the effect that no child attending a public school should be required to read or study from any religious book or to join in any exercise of devotion or religion against the objection of parent or guardian.

Under this legislation, amended at subsequent sessions of the Legislature in some minor particulars, the Catholic minority seem to have experienced many practical difficulties in the establishment and management of separate schools. In 1850 there were all told only 31 minority schools in Upper Canada, of which nearly one-half were Protestant. At least twice Catholics unsuccessfully invoked the aid of the provincial superior courts. From 1852 to 1863 agitation for an improvement in their position was practically continuous. Their demand was to be accorded rights similar to those enjoyed by the Protestant minority in Lower Canada, where the principle of the legislation of 1841 had been continued.

In 1853 exemption from public school rates was secured for the supporter of a separate school, whose children were in actual attendance there and who subscribed to its support an amount equal to the public school rates which he would be obliged to pay if not exempt. But other inequalities remained. Some of these as stated in a memorandum of the Catholic Bishops of Kingston, Toronto and Bytown (now Ottawa), prepared in 1854, were the following:

1st. In Lower Canada dissenters, however few in number, might establish a dissentient school without petition to or authorization of persons opposed to them; in Upper Canada the dissenters must number twelve heads of families and must apply to and receive authorization from persons opposed to them.

2nd. In Lower Canada dissenters might have a separate school although the common school was under a teacher of their own faith. In Upper Canada this right existed only where the common school teacher was not of the faith of the minority.

3rd. In Upper Canada dissenters were, in Lower Canada they were not, obliged to contribute to common school buildings and libraries.

4th. In Toronto, in Upper Canada, the supporters of a separate school must number 21; in Montreal and Quebec, in Lower Canada, they need only number 6.

5th. In Upper Cnnada separate school supporters could not circumscribe the limits of their schools as they pleased; In Lower Canada they could.

6th. In Lower Canadn supporters of dissentient schools could, in Upper Canada they could not, bave their rates collected by the municipal collectors.

7th. In Lower Canada trustees of dissentient schools had, in Upper Canada trustees of separate schools bad not, powers co-extensive with trustees of common schools.

8th. In Lower Canada trustees of dissentient schools might share in the public grant in proportion to population or in proportion to school attendance as they should elect; in Upper Canada they were denied the right to share in proportion to population.

There were other minor disadvantages in Upper Canada—but this statement suffices to indicate that greater liberality prevailed in Quebec.

In 1855 a new statute was passed for Upper Canada, confined in its operation to Catholics, Protestant minorities remaining under the existing law. Under the new Act the fact that the teacher of the common school was a Catholic did not prevent the establishment of a separate school. Five heads of families in a rural school section or in a ward of a town or city were empowered to convene a meeting of persons desiring to establish a separate school. A majority of those present at such meeting, being not less than ten freeholders or householders, might determine to establish a separate school and might elect trustees therefor, who became a body corporate and held office for one year. Provision was made for Union Boards in two or more wards of any city or town. The trustees had the right to impose rates on separate school supporters and to levy and collect the same; to grant certificates of qualification to teachers and to dispose of all school funds. Every separate school supporter was exempted from rates for public schools and public school libraries, if he gave to the clerk of the municipality before the 1st of July in each year, written notice that he was a Roman Catholic and a supporter of separate schools. Each separate school was entitled to share in the provincial grant in proportion to attendance, provided the average number of pupils attending during the year should not be less than 15.

This measure, though a substantial improvement on preceding legislation was imperfect in many particulars, largely due to amendments made at the instance of the opponents of separate schools during its progress through Parliament. It failed to accord to the Catholic minority the right to use the municipal machinery in the collection of separate school rates. The requirement that a written notice should be given annually by separate school supporters to entitle them to exemption from public school rates was unnecessarily burdensome and the cause of much trouble. The Act, moreover, did not prevent municipal corporations from making grants for public school purposes out of their general funds, thus imposing a burden upon separate school supporters, as ratepayers, for the benefit of public schools.

During the years 1860, 1861 and 1862 attempts were made by Mr. (now Sir Richard) Scott, of Ottawa, lately Secretary of State for Canada, to secure the passage of a Bill more in accord with the wishes of the Upper Canadian Catholics. Until 1863 he was not successful. He then secured the adoption of an Act, which embodies the rights and privileges of the Catholics on Ontario in regard to separate schools, of which their enjoyment is guaranteed by the provisions of section 93 of the Imperial B.N.A. Act. With amendments in matters of detail and providing machinery facilitating its operation, this statute remains in force in Ontario.

The following are some of the changes effected by the Act of 1863:

1st. Any number of ratepayers, however few, present at a lawfully convened meeting, might establish a separate school and elect trustees, &c.; formerly the presence of ten householders or resident freeholders was required.

2nd. Residents of an adjoining section might be elected as trustees.

3rd. Unions of separate school sections were provided for as in the

case of common school sections.

4th. Trustees of separate schools were given the right to procure copies of the municipal assessment rolls.

5th. Separate school teachers were made subject to the same examinations and were required to hold the same certificates of qualification as public school teachers, saving the rights of persons qualified by law as teachers in either Upper or Lower Canada. There are no longer any teachers entitled to exemption under this saving proviso. The requirement of common school qualifications is now absolute.

6th. The annual repetition of the written notice from each separate school supporter to the clerk of the municipality was dispensed with; the trustees instead sent in a list of supporters.

7th. Separate schools became entitled to share in all public grants, investments and allotments for common school purposes made by municipal as well as by provincial authorities.

8th. Separate schools became subject to inspection under the direction of the Superintendent of Education and to the public school regulations.

9th. An appeal to the Governor-in-Council from any decision of the Chief Superintendent of Education was provided for.

Such in its essential features was the system of Catholic separate schools in existence in Upper Canada at Confederation, the perpetuity of which is guaranteed to the Catholic minority by the Imperial British North America Act, and of which, therefore, no power in Canada can constitutionally deprive them. The separate school system has been frequently attacked in the Legislature and in the course of political contests. Efforts have been made by persons actuated either by mere unfriendliness, or by motives less worthy, to hamper the usefulness of the schools and to prevent the adoption of changes in detail found to be requisite in the working out of the system. But since 1867 the various governments which have held office in Ontario have shown themselves friendly to separate schools, and ready to promote their efficiency and to remove obstacles to the fair working of the Separate Schools Act.

To complete this summary of the story of Catholic education in Ontario—by an amendment to the law made since Confederation separate school trustees are enabled to require that the municipal authorities shall collect their school rates for them. The rate itself is determined by the Separate School Board, which endeavors to prevent it exceeding that imposed for public schools. Unfortunately owing principally to the comparative poverty of the separate school supporters in many districts, the greater cost per head of the education of a smaller number of children in each school section, the greater number of Catholic children in proportion to the number of ratepayers and the failure of the law to provide adequately for the allotment to separate schools of a fair proportion of the school taxes of large corporations, it has not always been found possible to accomplish this. Indeed, but for the devotion of the Christian Brothers and the Sisters, who in many places fulfil the onerous duties of teachers for much smaller remuneration than is paid to public school teachers of corresponding grades, the separate school rate must generally exceed the public school rate. Still more unfortunately a separate school rate higher than the public school rate in the same municipality has caused some Catholics who attach an undue value to the goods of this world to withdraw their support from the separate schools and to divert their taxes to the public schools, the burden of those who remain faithful being still further increased as a result of this selfish action of a few backsliders, not always by any means the poorest members of the community.

Provision has also been made whereby non-residents may direct that their school taxes shall be appropriated to the support of separate schools. Assessors may accept the statement of a ratepayer that he is a Roman Catholic as sufficient prima facie evidence that he is a separate school supporter. If the assessor knows a ratepayer to be a Roman Catholic he may without further inquiry assess him as a separate school supporter. In either case if

so assessed. the ratepayer is exempt from public school rates.

Separate school trustees have also been given liberal powers of borrowing money for school building.

In practice the Department of Education, now a department of the Provincial Government presided over by a responsible Minister, known as the Minister of Education, appoints two Catholic Inspectors for the inspection of separate schools.

Although the statute is silent as to the authorization of any special series of text-books for use in separate schools, the Department of Education has uniformly approved for use in these schools only text-books satisfactory to the ecclesiastical authorities. With the exception of readers and histories, public school text-books are used.

But the Ontario system is by no means perfect. It makes no provision for separate secondary education. Catholic parents who feel they can afford it usually send their children to colleges and convents where an excellent secondary education may be had. In the city of Toronto the De La Salle Institute, conducted by the Christian Brothers, and the convent of the Sisters of St. Joseph have successful high school classes. These classes are carried on as continuation classes of the separate schools and are maintained out of the taxes of the separate school supporters levied for common school purposes. They receive government aid merely as ordinary separate school classes and not as high schools. The taxes levied for high school purposes are paid by Catholics and Protestants alike towards the support of non-denominational public high schools; and in all parts of the province Catholic children attend these schools. On the Boards of high schools established in cities, towns and incorporated villages Catholics are given one representative, chosen by the separate school trustees. In the city of Toronto they have two such representatives on the Board of Education, which controls both public and high schools. The representatives have no voice in public school matters.

Another defect is the absence of any provision for a separate Normal school. In Lower Canada the dissentient Protestants have been given high schools and a Normal school of their own.

In Ontario the University of Toronto is a State-owned and State-controlled provincial institution. It is well manned, well equipped, and well sustained by public monies; its students number 3,975, which is said to be the largest attendance of any university in British Dominions; it comprises many faculties—law, medicine, engineering, arts, agriculture, and science in its various branches—domestic science not being overlooked, having its own faculty, and half million dollar building. This University is non-denominational. Amongst its federated colleges are Anglican Trinity, Methodist Victoria, and Catholic St. Michael's. This last mentioned institution, conducted by the Basilian Fathers, had last year more than 250 pupils. Its academic course conforms largely to the curriculum of the high schools of Ontario. In its University course modern history and philosophy are taught in accordance with Catholic views and ideas. Its matriculants and graduates pass the public examinations of the University of Toronto. Many of them hold distinguished positions in Ontario and elsewhere.

In the city of Ottawa we have a distinctly Catholic University, presided over by an Apostolic Chancellor and conducted by the Oblate Fathers. This University holds charters giving it degree-conferring powers both from the Papal Court and from the Provincial Legislature. Last year it had 547 students, and it counts amongst its graduates many men who have attained positions of eminence in public and in private life. We have excellent Catholic colleges also at Sandwich, Perlin, and Kingston, and in the various cities and towns throughout the province many admirable convent schools which impart to our girls a sound and efficient Catholic education.

But not a dollar of the public money of Ontario is used to aid advanced Catholic education. In Quebec, on the other hand, provincial grants are made to such Protestant institutions as the University of Bishop's College, McGill University, and Stanstead College.

I have dwelt at some length, but

by no means exhaustively, upon the Ontario educational system and its conditions as they affect Catholic interests, because its separate school system is the longest established and is perhaps, in most respects, the most complete Catholic separate school system in Canada—at all events it is so in regard to elementary or primary education. But, as I have said, it is by no means perfect; its short-comings and defects are many. Important as Catholic training undoubtedly is in the primary or elementary grades, its importance in secondary education and in university work is, if not greater, at least equally great. Yet in these fields, Ontario Catholics are not merely left to carry on the work without any public aid, they are handicapped by being obliged to contribute as taxpayers to non-denominational high schools and the State University. Moreover, several of the provisions of the Separate Schools Act now in force—those to which I have most recently alluded as post-Confederation amendments—are not protected by the absolute guarantee of sub-section 1 of section 93 of the B.N.A. Act, because the rights and privileges which they confer did not exist at the Union. Whether, in the event of their repeal or modification to their prejudice, Catholics could successfully appeal to the Governor-in-Council is problematical. Though such an appeal should be held to lie (as it almost certainly would), in view of the comparatively recent experience of the Catholic minority of Manitoba the restoration through federal intervention of any rights and privileges thus withdrawn could not be looked for with any degree of confidence.

But separate schools themselves, with the fundamental principles of a separate school system—exemption of separate school supporters from public common school rates, their taxation by their own trustees for the support of primary separate schools, the right to share equally in all public grants for common school purposes, the selection of teachers and the management of their schools by their own trustees, the establishment of such schools as of right wherever there is a number of supporters sufficient to maintain them—having been irrevocably engrafted upon the Ontario educational system, the intelligence and fair-mindedness of the average Canadian public man may be relied upon to prevent the adoption of measures which would deprive the separate school system of machinery essential to its proper and successful operation. So far there has been no retrograde step and for the past fifteen years attacks upon the Separate School system have practically ceased. Yet Catholics realize that in connection with the amendments to, and consolidation or revisions of the school Acts which take place from time to time, they must always be vigilant; otherwise apparently trifling changes—the dropping of a clause here, the insertion of a proviso there, seldom perhaps designed to prejudice Catholic rights—more often ascribable to failure to appreciate their bearing upon separate school interests—may be found to cause serious inconvenience, if not positive injury; and it is not always easy to procure the re-enactment of the former law. On the whole, however, Ontario Catholics are well satisfied with their separate school system of elementary education. The future of Catholic education in this, the most populous province of Canada seems well assured, and Catholic parents have every reason to believe that their children will be well equipped for the struggle of life—both as Catholics and as citizens.

And now let us revert for a moment to the 93rd section of the B.N.A. Act. In Ontario the essential principles of an elementary separate school system had been established after a struggle of twelve or thirteen years by the Act of 1863. In Quebec the principle of dissentient schools was equally firmly implanted in the educational system; but the minority, which had been treated more liberally than the Ontario Catholics prior to 1863, and which was still better off in some particulars, found in the Upper Canada legislation of that year several features which they desired to have embodied in their own system. They were pressing for amendments to cover these points when the movement for Confederation took form. The actual passing of the legislation had, however, been de-

fayed, because the Quebec Protestants asked for some additional rights which the Upper Canada Protestant majority refused to coocede to Upper Canada Catholics. Although the leaders of the French Catholic majority pledged themselves to enact legislation similar to that of Upper Canada at the first meeting of the Provincial Legislature which should be held after Confederation, Mr. (afterwards Sir Alexander) Galt, who represented the Lower Canadian Protestant minority in the Confederation conferences, declined to accept this assurance. He drafted the second clause of the 93rd section of the B. N.A Act and insisted on its insertion. This clause automatically extended to the Protestant minority of Quebec all the powers, privileges and duties at the Union by law conferred and imposed on the separate schools and school trustees of the Catholic minority of Upper Canada. The efficacy of this provision was further assured by the third and fourth clauses. Thus in the Provinces of Ontario and Quebec the existence of separate or dissentient schools for the religious minorities was firmly imbedded in their constitutions, was placed beyond the control of the Provincial Legislatures and was made irrevocable otherwise than by an Act of the Imperial Parliament.

The position of Catholic education in the other two provinces which became original members of the Confederation—Nova Scotia and New Brunswick—must now be considered.

In Nova Scotia there never has been the bitter antagonism between Catholics and Protestants which has unfortunately prevailed in some other provinces of Canada. From a comparatively early date a system of voluntary common schools assisted by grants from the public treasury existed in Nova Scotia. Public grants were also made to denominational colleges and academies. In this province, the question of the establishment of a single state or provincial university became a political issue as early as 1841 under the rival leaders, Johnstone and Howe. The Baptists who were a powerful body and were deeply interested in Acadia College, were the principal opponents of Howe's Central State University scheme. The question was fought out in the election of 1843. Johnstone succeeded and as a result the idea of a central Provincial University for Nova Scotia was abandoned and higher education was entrusted to, and has ever since remained in the hands of the denominational colleges and academies, which, however, do not now receive any grant from the public purse. According to the Report of the Superintendent of Education of Nova Scotia for 1909, there are four Catholic colleges in the province which have degree-conferring powers, with an attendance of 416 pupils; and there are three convent schools with an attendance of 373 pupils. The census of 1901 gives the population of Nova Scotia as 459,574, of which 129,578 were returned as Catholics.

Although a system of State free schools supported by compulsory general assessment had been advocated in Nova Scotia for many years, a resolution approving of its establishment having been carried in the Legislature in 1856, it was not until 1864 that legislation was passed with the attainment of that end in view. Dr. (afterwards Sir Charles) Tupper, as leader of the Government, in that year carried a measure which, to quote himself, "did not provide for compulsory taxation," but was "framed with a view to render that system as gradually acceptable to the people as possible." In 1865 Dr. Tupper determined to press a measure for the establishment of a uniform system of free common schools, based on compulsory taxation. In Dr. Edward M. Saunders' book, "Three Premiers of Nova Scotia," it is stated that, before introducing his Bill, the Premier waited on Mgr. Connolly, Archbishop of Halifax; that upon the Archbishop expressing some fear that without separate schools Catholics would not get justice, Dr. Tupper replied that, as a large body of Christians, Catholics would always have a good representation in the Provincial Cabinet, which he had determined, for that reason, should be the Council of Public Instruction. This, he assured the Archbishop, would give a permanent guarantee of justice to his people. Thereupon, says Dr. Saunders, the Archbishop promised that the Bill should have his support.

Notwithstanding that a series of resolutions in favor of separate schools was moved by Mr. Le Viscountc, the Protestaat representative of a Catholic coastituency and a member of the Governnient, the Bill was carried. So it happened that when Dr. Tupper eamo to the Conlederation cunlerences as representativo of Nova Scotia, he was little concerned with the questioa of denominational education in his own province, since it had so recently decided that from its system any statutory provision lor separato schools lor tho minority should be excluded. It is only proper that I should add that the confidence reposed by Nova Scutia Catholics in the justice and liberality of their Protestant fellow-citizens has not been abused. Although the School Aets provide only for a non-denominational system of public schools, the views and wishes of Catholics huve been su readlly and completely met that I have never neard a Nova Scotia Catholic speak of the adminlstration of educational affairs in his province otherwise than in terms of satisluctiou. Addressing the House of Commons of Canada during tho debate on the Alberta and Saskatchewan Autonomy Bills in March, 1905, Mr. Fielding, a stuunch Protestant and an opponent ol separate schools, who was for many years Premier ol Nova Scotia, and has been, since 1896, Finance Minister ol Canada, said:

"We have no separate schools by law in Nova Scotia, but I say that we could not have brought about that happy condition if we had not been disposed to meet our Roman Catholic brethren in a generous spirit, with due regard to their religious convictions. There is no separate school school system by law in the Province of Nova Scotia, but I tell this House to-night that the principle of separate schools is more emphatically recognized in the Province of Nova Scotia than it is today in the Northwest Territories.

"Come with me down to the fair city nf Halifax and what will you find? The Roman Catholic Archbishop builds the school and leases it to the school trustees. What would they say to that in the Northwest? The Roman Catholic authorities receive consideration, and this is one of the means whereby we bring about that happy condition which obtains down there. The Sister of Charity teaches in our schools wearing the garb of her order, and many nf the Sisters are among the best teachers in our province. There are schools in the city of Halifax which will be pointed out to you as Roman Catholic schools and so they are. The Prime Minister once when in Halifax visited one ol these schools and he alluded to it as a separate school, and one of the Sisters interrupted him and said, 'Nu, Sir; it is a public school of the Province ol Nova Scotia!' And so it was, but it was a school which was recognized as a Roman Catholic school, and it was attended only by Roman Catholic pupils, and it was taught hy the Roman Cathulic Sister of Charity, wearing the garb of her order and the cross upon her breast. We have made concessions to our Roman Cutholic brethren in the Province of Nova Scotia. Why, if a vacancy occurs in the teaching staff of one of the Catholic schouls ol Halifax, the Protestant commissioners have no vote in the selection of a successor. The Catholic commissioners only have the right to vote. Such is the system in the city of Halifax and substantially the same system exists in many of the larger communities in the province, because it is only in a large community that this condition can be brought about."

Ol New Brunswick, which also became a member of the Confederation in 1867, there is unfortunatel a different story to be told. The Catholics of that province were not specially represented in the Confederation conferences. But, as there had been no religious school-law trouble or agitation in the province and Catholics were not then dissatisfied with the treatment they had received in educational matters, it is quite probable that, had they been specially represented at Quebec and London, no additional guarantees for their protection in educational matters would have been sought. It was not until 1871—four years after Confederation—that New Brunswick Catholics, who were fully one-third of the population, had any cause for worry or anxiety in regard to their schools.

Although the N. B. Parish Schools

Act of 1858 provided for a single Provincial Superintendent and a Board of Education, and for the establishment of a uniform system of undenominational parish schools under the general control of this provincial board, this statute had been so administered that Catholics, who lived principally in the large towns, and in a number of rural communities where they formed practically the whole population, had in fact enjoyed most, if not all the practical advantages of denominational schools. In many country parishes and villages where they were the great majority, "trustees, committees, teachers, parents and pupils were all Catholic, the Douay Bible alone was used and the religious books and training and acts of devotion were generally the same as in the separate schools of Upper Canada." In other populous districts, especially in the cities and towns, Catholics had their schools in separate buildings, with Catholic teachers and Catholic religious instruction was freely given. These schools were established and maintained by the common school trustees. They all shared in the provincial grants. In 1870, according to the return of the Superintendent of Education, there were 825 common parish schools in the province. Of these 250 were exclusively Catholic. Special government grants had moreover been made to a number of denominational schools, including six or seven Catholic schools situated at different points in the province which were not parish schools. Under the Act of 1858 taxation for parish school purposes was not compulsory. But it was unfortunately only too true that the establishment of denominational schools or the teaching of denominational doctrines was neither recognized or provided for by the statute law.

The Act of 1871 introduced a system of compulsory school taxation; it required all teachers to hold governmental certificates of qualification; it ordained that all schools established under the Act must be nonsectarian; it prohibited the granting of any public money to aid denominational schools. That this legislation deprived New Brunswick Catholics of privileges which they had actually enjoyed under the former law admits of no dispute; that it subjected them to new burdens is equally clear. They determined to contest its validity and to resist its enforcement.

In many places Catholic parochial schools were established, sustained by voluntary subscriptions and collections in the churches. Payment of the school tax levied under the new law was resisted. In the city of St. John the horses and carriage of the Bishop, a gift from the people, were seized by the tax collector, and Father Michaud, a zealous priest, was put in the common gaol for refusal to pay the school tax. An action was taken in the courts to quash an assessment levied for school purposes. This was made a test case. Numerous petitions were sent to the Federal Government praying the disallowance of the School Act under a provision of the B.N.A. Act which enables the Governor-General to disallow any provincial statute within one year after notification to him of its passage. The exercise of the Federal jurisdiction conferred by subsections 3 and 4 of section 93 of the B.N.A. Act was also invoked.

The Supreme Court of New Brunswick held that no class of persons in New Brunswick had by law at the time of the Union any rights or privileges in regard to denominational schools and that the Act of 1871 therefore could not, and did not, take away or prejudice any such right or privilege of the Catholic minority. On appeal to the Judicial Committee of the Imperial Privy Council this judgment was affirmed. This ended the fight in the courts.

The friends of the New Brunswick minority in the Canadian Parliament secured the adoption by the House of Commons of a resolution condemnatory of the New Brunswick School Act, but at the instance of Quebec supporters of the Government, who dreaded taking any step which might serve as a pretext for future Federal interference with exclusive local control of educational matters in Catholic Quebec, there was added to the resolution, in substitution for the prayer for disallowance with which it originally concluded, a declaration that the question of Federal interference should be submitted for the opinion of the law officers of the

Crown in England. This was accordingly done, with the result that the Attorney-General and the Solicitor-General of England reported their concurrence in the opinion of Sir John A. Macdonald, Minister of Justice of Canada, that the New Brunswick School Act was constitutional, adding that, in their opinion, the circumstances of the case did not warrant the exercise of the restraining power of the Dominion Executive, or of the power of appeal to the Governor-General in Council and the power of remedial legislation contained in the 93rd section of the B.N.A. Act. The Federal Government thereupon declined to interfere.

An indefatigable champion of his fellow-Catholics throughout their fight was my late father, the Hon. Timothy Warren Anglin, afterwards Speaker of the Canadian House of Commons. A further effort was made in 1875, through the Canadian House of Commons, to secure the intervention of the Imperial authorities on behalf of the New Brunswick Catholics. This also proved unsuccessful.

The Catholic minority sustained their parochial schools for several years by great sacrifices. But they were a comparatively poor people and the burden proved so great and other important church work suffered so much in consequence for lack of necessary financial support, that the two Bishops of the province were at length reluctantly compelled to assent to a compromise with the provincial authorities. The principal features of this arrangement, which is still in force, are that in parishes in which the population is practically exclusively Catholic, and in other communities where Catholics are sufficiently numerous, they have one or more schools taught by Catholic teachers, who may be Religious, but must hold government certificates. Where there are Catholic school buildings these are rented by the public school board, who also pay a rental for school rooms in convent buildings which are used for public school purposes. The public school regulations must be observed, and the use of public school text-books is obligatory. These are generally not unsatisfactory except upon historical matters, in regard to which they are not free from objectionable passages. After regular school hours (0 to 3.30) the teacher may detain the pupils for one half an hour for religious instruction. In other localities Catholic children attend the ordinary public schools and receive religious training only in their homes and at Sunday schools.

This compromise is, of course, far from satisfactory to Catholics. But on the whole it has worked better than was anticipated. So far as I can learn there is little prospect of the position of New Brunswick Catholics being materially improved.

Unlike Nova Scotia, New Brunswick supports a State University. There is a good Catholic college at Memramcook, in the Diocese of St. John, conducted by the Fathers of the Holy Cross, and another is about to be established at Newcastle, in the Diocese of Chatham, of which the Basilian Fathers are likely to be in charge. There are also good convent schools in several of the principal towns.

The Province of British Columbia joined Confederation in 1871, and became subject to the provisions of the B.N.A. Act, including the 93rd section. At this time there was no system of separate or dissentient schools in that province. There were then, and there are to-day, a few Catholic parochial schools in the larger towns and cities. Where these schools are not found Catholic children attend the non-sectarian public schools, which are maintained by general taxation from which Catholics are of course not exempt. The authorized text-books are, I am told, little open to criticism. Owing to the conditions existing when British Columbia entered the Union, and the failure then to secure any special provision in regard to denominational schools, the subject of education is entirely in the hands of the Provincial Government. Clause 1 of section 93 of the B.N.A. Act has no application and unless the Provincial Legislature should hereafter establish a system of minority dissentient schools, which it seems hopeless to expect, clause 3 will remain likewise inapplicable. It follows that clause 4 is of no practical value in this province. In the cities of Victoria and New Westminster there are Catholic colleges for boys, and there

are good convent schools in Victoria and Vancouver. Speaking of course from a Western point of view, a prominent Catholic of British Columbia quite recently assured me, that "Catholic interests have generally been fairly dealt with," and that "the Government has evinced a spirit of preserving a policy of equality of treatment."

Prince Edward Island, a little province with a population slightly over 100,000, nearly half Catholic, joined Confederation in 1873 and became subject to the B.N.A. Act. In 1877 the Provincial Legislature passed a Public School Act, which formed the subject of an appeal by the Catholic minority for Federal intervention. Their principal complaint was that the Anglo-Russico schools, which were established in a district largely peopled by the Acadian French, and which it was claimed had always been separate and denominational in character, would be suppressed under the new law. The Bishop of Charlottetown, supported by his clergy and the Catholic laity, petitioned the Federal authorities for disallowance. In a lengthy report, Mr. Lallamme, the Canadian Minister of Justice, reviewed the provincial legislation from the year 1852, and reached the conclusion that, although there may have been in the province a number of schools supported by local taxation and government grants, which were denominational in their teaching and in the course of education followed therein, and although the Board of Education and the public generally may have been aware of and have tacitly sanctioned this state of affairs, there was not only no statutory provision empowering the Catholic community to establish and maintain separate schools, but, on the contrary, the statutes of the province provided for a uniform system of education non-denominational in its character. The Minister was of opinion that Federal interference would not be justified, and he recommended that the provincial statute be left to its operation. This report was approved by His Excellency in Council. While the Catholic minority appear to have had strong moral grounds for complaining of the course taken by the Provincial Government, and no doubt believed that their schools were protected by the B.N.A. Act, a dispassionate study of the documents available—especially of the statutes referred to in the petitions and in the report of the Minister—makes it reasonably clear that at the time of its entry into Confederation there did not exist "by law" in P. E. Island any system of separate or Dissentient schools. The minority did not carry their case to the courts, convinced no doubt that, in view of what had occurred in the New Brunswick case, it would be hopeless for them to endeavor to have it held that the Act of 1877 prejudicially affected a right or privilege with respect to denominational schools which they had by law at the Union.

By a particularly obnoxious provision of the Prince Edward Island Act, parents who, by keeping their children away from the public school, reduced its average attendance below 50 per cent. of the number of school children in the district, were penalized by being subjected to a special assessment levied to make up the amount of the government grant which the school had failed to earn owing to its attendance having fallen below such 50 p. c. Although reported against by the Minister of Justice as severe and arbitrary, this provision was defended by the local authorities as a reasonable measure to compel children of school age to attend school, and they refused to repeal or amend it. It is noteworthy, that the Nova Scotia School Act contains a similar provision, which, however, is there harmless, since Catholic children attend the public schools.

In working out the educational system where Catholic children are sufficiently numerous they are taught in separate buildings by Catholic teachers. But the public school law and regulations must in all respects be complied with. The text-books prescribed for the public schools must be used and religious instruction is only permitted after school hours. In mixed schools there is no provision as to the religion of teachers and religious instruction is not given. In two out of seven convents the Sisters are allowed to teach in their religious habits on qualifying as public school teachers.

In his annual report for 1909 the Chief Superintendent of Educatinn says: "In some of the schools, particularly the convents, I was much struck with the admirable distinctness both in tone and articulation which charneterized the reading nf the girls In the convent at Souris I heard from the highest class, aml from every one of the twenty girls composing it, the best reading w! I have heard on this side of the Atlantic. These are not selected girls, but such as may be met with in any country school." No aid is given to any Catholic institution for higher education. In the Prince of Wales College in Charlottetown, maintained at the public expense, a three years' course is provided and its students pass by arrengement intn McGill at Mnntreal or Dalhousie at Halifax for graduetion.

Carved nut of the Nnrthwest Territories, the Prnvince nf Manitoba was given its constitution by Dominion legislation in 1870, confirmed by an Imperial Statute passed in 1871. The Manitoba Act contained the fnllowing provisions in regard to education:

"22. In and for the Province, the said Legislature may exclusively make laws in relation to education, anbject and according to the fnllowing provisions:

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class nf persons have by law or practice in the Province at the Union.

"(2) An appeal shall lie tn the Gnvernor-General in Council from any Act or decision of the Legislature of the Province, or of any provincial authority, affecting any right or privilege nf the Protestant or Roman Catholic minority nf the Queen's subjects in relatinn to education.

"(3) In case any such Proviacial law, as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decisioa of the Governor-General in Council on any appeal under this sectinn is not duly executed by the proper Provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the prnvisions of this sectinn, and of any decision of the Governor-General in Council under this section."

The notable differences between these provisions and those of section 93 of the B. N. A. Act are that in clause 1 the words "or practice" are inserted after the words "by law" and the words "where in any province a system of separate or dissentient schools exists by law nt the Union or is thereafter established by the Legislature of the Province," with which clause 3 nf section 93 of the B.N.A. Act opens are omitted entirely from clause 2 of the Manitoba Act.

When the Prnvince of Manitoba was formed its population was abnut half Catholic. According to the census nf 1871 out nf a populatinn of 12,000, 5,452 were returned as Catholics, 4,811 as Prntestants, and 1,935 as not having given their religion. Whether the majority in the future would be Catholic or Prntestant was prnblematical. There was not, and never had been any state system of educatine; compulsory taxation for this purpose and state grants were alike unknowa. But there were voluntary denominatinnal schools in connectinn with the several churches supported by subscription. Freedom from state tax and untrammelled liberty of each citizen to support a school of bis own religious faith were the conditions prevalent in Manitoba in 1870 Fearing that it might be held that the minorities had no rights or privileges with respect to denominational schools "by law," the words "or practice" were added to the language nf sub-sectinn 1 of section 93 of the B.N.A. Act to meet the existing conditinns in Manitoba, as the debates in the House of Commons of Canada in 1870, when the Act was before that Chamber, clearly show.

In 1871 the Provincial Legislature established a state system of education. A Board of Education was formed, one-half Protestant and one-half Catholic. Each section of this Board had control of the schools of its own denomination, with the right to prescribe text-books bearing on religion or morale. The provincial

grant was divided equally between the Protestant and the Catholic schools. In 1875, owing to the more rapid growth of the Protestant element, its representation on the Board was fixed at twelve and that of the Catholics at nine, and provision was made for distribution of the provincial grant in proportion to the number of the children of school age. It was also provided that there might be coterminous school districts of each denomination.

In 1877 it was expressly enacted that no ratepayer should be obliged to pay for a school of the denomination to which he did not belong. Thus there was established a complete system of separate Catholic and Protestant schools.

By two Acts of 1890 this system was entirely swept away. A non-sectarian public school system was substituted to the support of which all ratepayers were compelled to contribute by their taxes. The Catholic school districts were abolished and it was enacted that all the assets of Catholic schools should belong to, and that all their liabilities should be paid by, the public school districts established by the new Act. Catholics were thus compelled to support schools to which they could not conscientiously send their children, and by this taxation the means which they would otherwise have had for the support of such voluntary schools as they had maintained before 1870 were reduced. Out of this legislation arose the famous Manitoba School litigation and the subsequent political agitation which convulsed all Canada from 1893 to 1896

The Catholic minority, under the leadership of the venerable Archbishop Taché, promptly appealed to the Federal authorities for protection and redress. Well within the statutory period they petitioned for disallowance, and also asked that an appeal under subsection 2 of section 22 should be entertained. Their claim was supported by a petition from the entire Canadian hierarchy. On the 4th April, 1891, on the recommendation of the Minister of Justice, Sir John Thompson, the Federal Government determined to leave the question of the validity of the Manitoba School Acts to the decision of the courts and to postpone consideration of the statutory appeal until it should be decided whether the legislation was or was not intra vires. The opportunity for disallowance was thus lost

In proceedings taken by Mr Barrett to quash certain by-laws of the city of Winnipeg for levying a rate for school and municipal purposes, the constitutionality of the Public Schools Act was called in question. In the Manitoba courts its validity was upheld. On appeal the Supreme Court of Canada unanimously held it unconstitutional, because, in depriving Catholics of the right to have their children taught according to the rules of their Church and in compelling them to contribute to the support of schools to which they could not conscientiously send their children, it prejudicially affected rights and privileges with respect to denominational schools which they had by practice in the province at the Union. The Chief Justice, Sir Wm. Ritchie, pointed out that the words "or practice" must have been added by Parliament to the language of the 1st clause of section 93 of the B.N.A. Act for some purpose, that there is nothing to indicate that the should not be given their ordinary meaning, and that "the object the Legislature must have had in view in using them was clearly to protect the rights and privileges with respect to denominational schools which any class of persons had by law or practice, that is to say, by usage, at the time of the Union." He alluded to the difference between the language of sub-section 1 of section 22 of the Manitoba Act and that of sub-section 1 of section 93 of the B. N. A. Act, with which he had been called upon to deal in the New Brunswick case, when presiding in the Supreme Court of New Brunswick

By special leave an appeal was taken to the Judicial Committee of the Privy Council. Their Lordships rendered judgment on the 30th July, 1892. They conceded that the word "practice" should not be construed as equivalent to "custom having the force of law," as was argued for the appellants. But because Catholics were not compelled by the new law to send their children to the public

schools and were not deprived of the right to maintain denominational schools at their own expense, this law, which obliged them to contribute as taxpayers to the support of state schools which they could not use, was held not to have prejudicially affected any right or privilege enjoyed by them, either by law or by practice, at the time of the Union. "What right or privilege is violated or prejudicially affected by the law?" asks Lord Macnaghten, in delivering the judgment, and he proceeds thus to answer his own question. "It is not the law that is in fault. It is owing to their religious convictions, which everybody must respect, and to the teaching of their Church that Roman Catholics and members of the Church of England find themselves unable to partake of the advantages which the law offers to all alike." The appeal was allowed, and the Manitoba School Act was held to be valid. And thus the Catholic minority received no consolation from the courts.

It is not fitting or opportune that I should comment here and now upon this judgment of the highest judicial tribunal of the British Empire. I feel that without comment or explanation from me you can properly appreciate it. It came as a thunderbolt to the Catholics of Canada, who felt that with the unanimous judgment of their own Supreme Court in their favor, the Catholic minority of Manitoba were assured of the recovery of their cherished rights.

The time for disallowance being past, and their faith in the infallible justice of the courts having been disappointed, the Catholics of Manitoba took up again with great vigor their appeal to the Governor-General in Council under sub-section 2 of section 22 of the Manitoba Act:

"22. (2) An appeal shall lie to the Governor-General in Council from any Act or decision of the Legislature of the Province, or of any Provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

They had new petitions prepared, and retained counsel to present their case. They prayed that His Excellency and his advisers would take steps to redress their grievances.

The Government, on the advice of a sub-committee, of which Sir John Thompson was Chairman, decided to submit a special case to the Supreme Court of Canada, to obtain its opinion upon the scope of sub-section 3 of section 22 of the Manitoba Act, its own jurisdiction in regard to the appeal of the minority, and the effect upon their rights of the decision of the Privy Council in the Barrett case. A majority of the judges of the court held that the Manitoba Legislature had unrestricted power to repeal its own statutes and that the right of appeal to the Governor in Council was therefore confined to cases in which subsequent provincial legislation affected a right or privilege existing when Manitoba became a province of Canada. Two of the judges thought the Barrett case conclusive against the present claims of the Catholic minority.

Again an appeal was carried to the English Privy Council, this time by the Catholic minority. Rather to the surprise of most lawyers, having regard to the adverse view taken in the Barrett case, this appeal succeeded. It was held that an appeal lay under sub-section 2 of section 22 of the Manitoba Act to the Governor in Council in respect of rights and privileges acquired by legislation in the province subsequent to the Union: "that Roman Catholics having acquired by such legislation the right to control and manage their denominational schools, to have them maintained out of the general taxation of the province, to select books for their use, and to determine the character of the religious teaching therein were affected as regards that right by the Acts of 1890, under which state aid was withdrawn from their schools, while they themselves remained liable to local assessment in support of non-sectarian schools to which they conscientiously objected; and that, the Governor-General in Council had power to make remedial orders in the premises within the scope of sub-section 3 of section 22, e.g., by supplemental rather than repealing legislation." Lord Chancellor Herschell, in delivering the judgment, distinguished the Barrett case, which, he said, dealt only with minority rights "at the Union." He proceeded

to point out that the courts were the proper tribunals to determine questions of constitutionality and that an appeal to the Governor-General under sub-section 2 of section 22 should not be deemed a concurrent remedy with the right to resort to the courts where legislation contravenes the provisions of sub-section 1, unless these clauses were open to no other construction. He concluded that under sub-sections 2 and 3 relief might be given in cases in which sub-section 1 had not been contravened. He then points out that while sub-section 1 is confined to a right or privilege of a class of persons "at the Union," there is no such restriction on the application of sub-section 2, nothing to limit the generality of its language or to exclude from it rights acquired by post-union legislation. His Lordship proceeds:

"The sole question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their Lordships are unable to see how this question can receive any but an affirmative answer. Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. Before these passed into law there existed denominational schools, of which the control and management were in the hands of Roman Catholics, who could select the books to be used and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890? Schools of their own denomination, conducted according to their views, will receive no aid from the State. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which State aid is granted to the schools provided for by the statute fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined to any extent for the support of Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were distinctively Protestant in their character.

"In view of this comparison it does not seem possible to say that the rights and privileges of the Roman Catholic minority in relation to education which existed prior to 1890 have not been affected."

He adds that in order to give the right of appeal it is not necessary that the rights of the minority should be "illegally" affected. That word is not found in sub-section 2. Holding that the appeal of the Catholic minority to the Governor-General was admissible, he proceeds:

"The further question is submitted whether the Governor-General in Council has power to make the declarations or remedial orders asked for in the memorials or petitions, or has any other jurisdiction in the premises. Their Lordships have decided that the Governor-General in Council has jurisdiction, and that the appeal is well founded; but the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute. It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the third subsection of section 22 of the Manitoba Act. It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these statutes should again be made law. The system of education embodied in the Acts of 1890 no doubt commends itself to, and adequately supplies, the wants of the great majority of the inhabitants of the province. All legitimate ground of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded, and were modified so far as might be necessary to give effect to these provisions."

I have quoted thus fully from this, the last judgment of the Imperial

Court of last resort for British Overseas Dominions on the educational section of one of our Canadian Constitutional Acts, because it throws a flood of light upon the nature of the rights which these provisions secure to religious minorities. This judgment was pronounced on the 29th of January, 1895.

Counsel for the Catholic minority and for the Government of Manitoba were then heard by the Governor-General in Council, and on the 19th March, 1895, a remedial order was pronounced under sub-section 2 of section 22 of the Manitoba Act, requiring that the system embodied in the two Manitoba Acts of 1890 should be supplemented by a Provincial Act or Acts which would restore to the Roman Catholic minority:

"(a) The right to build, maintain, equip, manage, conduct and support Roman Catholic schools in the manner provided for by the statutes which were repealed by the two Acts of 1890 aforesaid.

(b) The right to share proportionately in any grant made out of the public funds for the purposes of education.

"(c) The right of exemption of such Roman Catholics as contribute to Roman Catholic schools, from all payments or contribution to the support of other schools."

The Provincial Legislature refused to comply with this order or to grant the minority redress. The five year term of the Federal Parliament elected in 1891 had nearly run out. Nothing was done at the session of 1895, but a special session was called early in 1896, at which the Government introduced remedial legislation to restore to the minority the rights to which the Governor in Council had found them entitled. The excitement throughout Canada was intense. "No coercion of Manitoba" was the slogan of the opponents of Federal interference. The Opposition deliberately determined to talk out the Bill, i.e., to keep the measure before the House until the Parliament should expire by effluxion of time. Their avowed policy was not to pass Federal legislation, but to endeavor to obtain some redress for the minority by conciliatory methods. The Government stood by their measure. But the tactics of their opponents proved successful, and Parliament was prorogued and dissolved. At the general election which ensued the Manitoba School Question dwarfed all other issues. The polling resulted in a sweeping defeat for the Government and with it disappeared all hope of redress for the minority by Federal legislation. The delay in introducing the Bill had foredoomed it to defeat. There were, moreover, undoubtedly some practical difficulties in the way of enforcing the proposed remedial legislation had Parliament enacted it. But the controversy is comparatively recent; it was distinctly political, and I must refrain from the expression of any opinion upon its merits.

After his accession to power Sir Wilfrid Laurier and his Ministers approached the Government of Manitoba with a view to arranging a compromise. Again I abstain from the expression of any opinion upon the merits of what was done. The negotiations resulted in provincial legislation providing that religious teaching might take place in any public school between 3.30 and 4 p. m., if authorized by a resolution of the majority of the school trustees of the district, or if a petition therefor is presented by the parents or guardians of at least ten children attending the school in the case of a rural district, or at least 25 such children in the case of a city, town or village. Where in any school in a town or city the average attendance of Roman Catholic children is 40 or more, and in villages or rural districts 21 or more, the trustees, if required by a petition of the parents or guardians of such children, must employ at least one duly certificated Roman Catholic teacher, and there is a like provision as to non-Catholic children. Where the school accommodation permits of it, the pupils may be separated for religious instruction; where it does not, Catholic and non-Catholic instruction must be given to the pupils of each class respectively on one-half the teaching days of the year. Provision is also made for teaching in French or any foreign language where ten pupils speak such language as their native tongue; English in such cases is to be taught on the bi-lingual system.

Whatever may be said and whatev-

er may be thought of this arrangement as a compromise, as the greatest concessions, we have been told, that could be obtained even by their own political friends from a government hostile to Catholics and to Catholic education. It certainly falls far short of according to the Catholic minority the rights which they had prior to 1890,—the right to have their own schools, the right to share proportionately in public grants for education and the right to exemption from taxation for the support of non-Catholic schools, to which the remedial order of 1895 declared them to be entitled. It may be that the attempt to restore these rights by Federal legislation, had the Bill of 1896 passed the Dominion Parliament, would have proved ineffectual; it may be that by determined opposition the provincial authorities would have rendered its operation impracticable. Upon that aspect of the case Canadians are not in accord. French Catholic Quebec has four times returned by overwhelming majorities the political party which opposed Federal legislation and advocated conciliation. In the English-speaking provinces Catholics are divided in their political allegiance. In Manitoba itself the Government which carried the Act of 1890 has long since gone out of power. Political friends of the party which advocated remedial legislation in 1896 have held office for many years. Yet there has been no attempt at a restoration of Catholic rights, no improvement in the legislation affecting them since 1897. Although the Archbishop of St. Boniface and his friends have never accepted the arrangement made in that year between the Federal and the provincial authorities, although the Catholics of Winnipeg who are largely English-speaking still keep up the struggle and support parochial schools, there appears to be little ground for hoping that the Catholic minority will again enjoy, at least in the near future, any substantial part of the rights of which they were so unjustly deprived in 1890. In St. Boniface, which lies across the Red River, opposite Winnipeg, and is almost exclusively French, and in other French settlements advantage has been taken of the statutory provisions made by the Local Legislature. In St. Boniface two schools—one for boys taught by the Brothers and lay teachers, and one for girls taught by Sisters in their convent—are carried on as public schools, with direct religious instruction from 3.30 to 4 p.m. It is said that the pupils from these schools do not present themselves for the High School entrance examinations. In the schools of outlying French settlements the bilingual system prevails, but I am told that in fact English is poorly taught. In all these schools religion is taught almost as freely as in the Ontario separate schools, the Department apparently ignoring this breach of the law. In Winnipeg the seven parochial schools—three English, one French, one German, one Polish, and one Ruthenian—are maintained with great difficulty by voluntary subscription. These schools are taught by Christian Brothers and Sisters, well qualified for their work, and St. Mary's School has turned out many business men in Winnipeg who are a credit to the parochial school system. The other schools have not been long enough in existence to warrant an expression of opinion as to results. Outside Winnipeg there are no parochial schools. The textbooks in use in the public schools are said to be unobjectionable. English-speaking Catholics, in fact all Catholics not living in French settlements, except in Winnipeg, are obliged to attend public schools, where little or no attention is paid to the preservation of their faith. English-speaking Catholics complain very bitterly of the existing conditions. They find the burden of their parochial schools very trying. But they seem determined to keep them up and profess still to hope for a restoration of their former legal rights. The provincial authorities appear to be disposed to administer the school law in such a manner that the French-Canadian Catholics may take advantage of it, as they have done. But representative English-speaking Catholics assure me that the only conditions offered them are such that they cannot conscientiously abandon their parochial schools and come under the public school system. For Polish, German, Galician, Hungarian and Ruthenian Catholics, who are quite numerous, the existing educa-

tional conditions are highly unsatisfactory. For those people more churches and priests are also urgently needed. It is feared that from both these causes not a few of them will be lost to the Faith. Manitoba has a non-sectarian high school system and supports a non-denominational State University. At St. Boniface the Jesuits have an excellent college, which is affiliated with the Provincial University.

The Northwest Territories were acquired in 1869 from the Hudson's Bay Company. After the Province of Manitoba had been constituted in 1870, there remained an immense tract of territory lying to the north and west, and between Manitoba and British Columbia, very sparsely settled. Over this territory the Federal Parliament retained full legislative jurisdiction. In 1875 it became desirable to give to these territories a modified form of self-government, not an autonomous provincial constitution, but a temporary form of representative local government, subject to the supervision of the Federal authorities. Legislation passed for this purpose contained the following section:

"When and so soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, shall pass all necessary ordinances in respect to education; but it shall therein be always provided, that a majority of the ratepayers of any district or portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor; and further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof."

When this provision was under consideration in the House of Commons, Hon. Edward Blake stated that "he believed it was essential to our obtaining a large immigration in the Northwest Territories that we should tell the people beforehand what their rights were to be in the country in which we invited them to settle." He regarded it as essential that a general principle should be laid down in the Bill with regard to instruction. He would confer the same rights as were possessed by the people of Ontario. The Bill passed the Commons unanimously. In the Senate of Canada, the leaders in that House of both political parties, Hon. R. W. Scott and Hon. Mr. Campbell, referred to the educational clause as intended "to establish and perpetuate in the Northwest Territories the same system which prevailed in Ontario and Quebec." The provisions for the form of government were intended to be temporary; that guaranteeing to minorities their right to separate schools was meant to be permanent. This feature of the Northwest constitution remained substantially the same until the Provinces of Saskatchewan and Alberta were formed in 1905.

In 1881 the first local ordinance regarding education was passed by the Assembly of the Northwest Territories. It provided for a Council of Public Instruction of twelve members, half Catholic and half Protestant. This Board was to act in two sections—one Catholic, the other Protestant—each having complete control and management of the schools of its section, including the engaging and licensing of teachers, the selection of text-books and the appointment of inspectors. Direct religious instruction was allowed after three o'clock in the afternoon, when such instruction might be given as the trustees permitted or desired. No child was required to take part in religious instruction against the wishes of its parent or guardian. A separate school could be established by the religious minority in any public school district.

In addressing the House of Commons in 1905 Sir Wilfrid Laurier said:

"This school ordinance remained without any substantial alteration until the year 1887 when an important amendment was made, and in the following year, 1888, another was

made in the same line, by which the provision of the Act of 1884 which required that all schools when first organized should be either Protestant public schools or Roman Catholic public schools, was repealed, and a provision made to the contrary, namely that all public schools should be at once organized as public schools, quite independent of the religious faith of the majority. No important amendment took place afterwards until 1892, when a very important amendment was made. By that amendment the Board of Education was re-organized on absolutely different lines. The members of the Executive Council and four other persons, two Protestants and two Catholics, appointed by the Lieutenant-Governor, were to constitute a Council of Public Instruction. There was to be no sub-division of the Council into Protestant and Roman Catholic sub-sections as was previously the case. There was to be only one School Board, which was to have control and management of all schools established under the Act, that is to say, public schools, separate schools, kindergartens, Normal schools, and teachers' institutes. That remained in force until 1901, when it was consolidated with practically no change, except that there is to-day a Department of Education, which is a department of the Government, over which presides one member of the Executive Council, with the assistance of the Council of Education." The Premier of Canada thus described the provisions of the local law of the Territories under which their school system was carried on when the Provinces of Alberta and Saskatchewan were constituted.

Under the ordinance of 1892 religious instruction was restricted to the last half hour previous to the closing of the school. The whole subject of secular education in public and separate schools alike "including the certification of teachers, the inspection of schools and the selection of books was placed under the control of the Board of Education." Ratepayers establishing and supporting separate schools remained exempt from public school rates. The Educational Council reduced to five members, of whom two must be Catholic and two Protestant, became a purely advisory body. The changes made by the legislation of 1887 appear to have passed unnoticed. Giving this as his reason, Sir John Thompson as Minister of Justice, declined to recommend disallowance of the ordinance of 1888, and when the Catholic minority petitioned for disallowance of the ordinance of 1892, the Federal Government of the day contented itself with advising that the petitioners seek a review of the entire subject by the Northwest Assembly. This body took no action and the law was unchanged when the project of establishing the new Provinces of Saskatchewan and Alberta came before the Dominion Parliament in 1905. I should think it not improbable, having regard to the Federal legislation of 1875 which remained in force, that the courts, if appealed to, would have declared the ordinances of 1887, 1888 and 1892 ultra vires of the Northwest Assembly. But no legal action was taken.

As first introduced the Alberta and Saskatchewan Autonomy Bills contained a provision (section 16) which was substantially a re-enactment of the educational section of the Federal statute of 1875, with the addition of a clause securing to public and separate schools an equitable apportionment of public moneys. Following the introduction of this measure, the Hon. Mr. Sifton, who represented Manitoba and the Northwest Territories in the Dominion Government, resigned his portfolio, alleging as his reason the inclusion in the Autonomy Bills of this educational provision. Another prominent member of the Administration, rumor said, was also gravely dissatisfied. A formidable agitation at once sprang up throughout Canada. Public meetings were held at many places and the shibboleth of provincial rights was again invoked. The demand was pressed that the new provinces should be left to deal with the subject of education as they might please. It was well known that if this course were taken, it would mean the destruction of the last vestiges of denominational rights of the Catholic minority in educational matters. The Government found itself confronted by a situation of much danger. The support of a large

section of its own political party in Parliament became very douhtful. Finally it decided to adopt the compromise course of treating the new provinces as if they were entering the Union as existing provinces with an established educational system, and of placing them in the same position as if, thus coming in, section 93 of the B.N.A. Act were made applicable to them. To accomplish this, section 16 of each Bill, which had become famous throughout the Dominion, was withdrawn, and for it there was substituted a clause which had the effect of perpetuating the existing educational conditions created by the Northwest ordinance of 1892, re-enacted in 1901. In support of this amended provision the Ministerial party was, with one or two exceptions, unanimous. The leader of the Opposition, supported by a majority of his party, moved an amendment that the Legislatures of the new provinces, subject to and in accordance with the provisions of the B.N.A. Act, should enjoy full powers of self-government, including power to exclusively make laws in relation to education. The obvious objection to this amendment was that that restrictive clauses of section 93 applied in terms only to the case of a province already in existence joining the Union, and not to the case of a new province formed from unorganized territory. Its effect probably would have been to leave the Legislatures of the new provinces entirely untrammelled in regard to education. At all events it would have meant lengthy and uncertain litigation to settle the question of minority rights. Another section of the Opposition insisted on the restoration of section 16 as originally framed. After a prolonged debate, which created great excitement in all parts of the country, the Government's compromise provision passed both Houses of Parliament and the educational question in Alberta and Saskatchewan was thus settled.

Provision has since been made in Saskatchewan for non-denominational high schools and university education, without [illegible] to any rights of religious minorities. There is no provision in the University Act for the affiliation of denominational colleges, but collegiate institutes formed under the Secondary Education Act may be affiliated. This latter provision may prove serviceable to Catholics wherever, as a majority, they can control the high schools.

In Alberta there is no distinct high school system, students being carried on in the public and separate schools to university matriculation. The University of Alberta is a non-sectarian state institution, scarcely organized as yet on a permanent basis. It is contemplated that there shall be a Catholic College or Hall erected on a part of the University grounds, leased for that purpose, which shall be a residence for Catholic students, under the direction of a priest, with necessary assistants. Catholic students will have their own lectures and examinations in philosophy at this college. They will attend the other lectures and take the other examinations of the University course. The plan approved by Rome for Catholic students attending the English Universities of Oxford and Cambridge will be followed as closely as possible. In Alberta there is said to be general satisfaction with the prevailing system amongst Catholics interested in education. All the Catholic schools stand well. They are inspected by Government officers who inspect both Catholic and Protestant schools in their districts. This system ensures equality of grading, and is preferred to a system of separate inspection. Although the authorized text-books are not considered as entirely satisfactory in history and literature, it is well understood that teachers may make any fair commentary on the text. In the lower grades the use of Catholic readers is optional. The Catholic atmosphere of the schools attended by Catholic children is of incalculable advantage to them. Of course whether such a system will prove satisfactory or the reverse must largely depend upon the spirit in which it is administered.

In Saskatchewan there are 2,021 school districts, and in probably one-fourth of them the public schools are under Catholic control. There are in addition 15 schools which are virtually Catholic separate schools. I have not the corresponding figures for Alberta. The use of the Ontario Catholic readers is permitted. In

Saskatchewan there are several convents for girls, in some of which Sisters qualified as public school teachers, conduct Catholic separate school classes.

On the whole the outlook for the cause of Catholic education in these new provinces is bright. What is urgently needed there is an increase in the number of churches, priests, and teachers, especially in the more newly settled districts and amongst the Catholic immigrants from southern Europe. This need the Church Extension Society is making stupendous efforts to meet.

I have now given you as comprehensively as time will permit an outline of the history and of the existing conditions of Catholic education in the several provinces of the Dominion of Canada. I fear that the details which I have necessarily discussed must have been wearisome. You see that with us the conditions differ in each province. From the comparatively perfect separate school system of Ontario we pass through the less satisfactory systems of Alberta and Saskatchewan to the unsatisfactory conditions in New Brunswick and Prince Edward Island. In Manitoba the state of affairs is still more unsatisfactory, and in British Columbia not only have religious minorities no legal rights in regard to denominational education, but no concessions appear to have been made to them in the administration of the public schools. In Nova Scotia, without any legal guarantees, the public school system seems to be administered to the entire satisfaction of Catholics.

I have said little of the Province of Quebec. There Catholics have not to seek protection as a minority. As a majority, overwhelming in its numbers, they control public education. Yet the Protestant minority in that province enjoys rights more extensive than are accorded to Catholic minorities in any part of Canada. In the great University of Laval and the many colleges and convents throughout this province the higher education of the Catholic population is well cared for. Graduates of these institutions are found holding excellent positions not merely in Quebec, but throughout Canada and in many places in the United States.

In Catholic elementary education the Catholic people of Canada have been deeply interested. They support their schools liberally where they have them. They are always ready to act as trustees for them and in other ways to manifest a practical interest in their work and their welfare. In secondary education their interest has unfortunately not been so keen; and higher education is left almost entirely in the hands of the clergy and religious orders, the assistance of Catholic laymen being not sought and apparently not desired. I am convinced that this is a mistaken policy. We have in Canada amongst the laity many well educated men, occupying leading positions in the literary world and in professional and business life, men, who if encouraged to do so, would be prepared to interest themselves in, and to devote some of their time to, the affairs of advanced Catholic education. Their knowledge of the educational requirements of those who have to make their way in the learned professions and in business life, their practical experience of the value to themselves and to the men about them of philosophical, classical, scientific, and commercial training should prove of undoubted advantage to those in charge of the courses of studies in our Catholic colleges, even though these gentlemen of the laity should be called upon merely for consultation and advice. I cannot but think that their counsel and assistance in matters of business management would also be valuable. Moreover, the prospect of material advantages in the form of gifts and endowments to be expected from men of means who would be thus personally interested in the work and the success of our higher educational institutions should not be underestimated. I do not know what are the conditions in your country in this matter. I do not know how you look at the question. But I regard it as a great weakness in our Catholic educational system in Canada at the present day that the Catholic layman play no part and practically have no voice in the management, the course of studies, or the methods of training of the institutions in which

our Catholic youth must receive their advanced education.

But you may ask me, "What of the efficiency of your Catholic separate schools in Canada as shown by official statistics?" From the new provinces where there are such schools I have not received any statistics. In Ontario, where separate schools have existed for about three-quarters of a century, I was informed on enquiry at the Department of Education, that statistics are not presently available showing the comparative standing at the entrance examinations to the high schools of public school and separate school pupils throughout the Province. These examinations, conducted by the provincial authorities, afford a test of efficiency which is indisputable and not open to any suspicion of bias or favoritism. It is unfortunate that comparative official statistics for the entire province are not now to be had. Upon enquiry made in the cities of London, Hamilton, and Ottawa, I failed to get precise information. But for the city of Toronto, with its population of 350,000 people, about one-ninth that of the entire province, I was able to secure reliable data from the year 1906. In 1908, of the total attendance in the public and separate schools of Toronto the pupils of the separate schools formed about 9.2 per cent. This percentage would vary but little, if at all, in the other years of the period. During the four years, 1906, 7, 8, 9, of the total number of the Toronto candidates at the high school entrance examinations, those from the separate schools were 11.5 per cent. The separate schools therefore sent up proportionately a greater number of candidates. Of the separate school candidates, 76.1 per cent. passed, as against 67.9 of the public school candidates. It is not necessary that I should expatiate on these figures. They tell their own tale, and demonstrate once more and most conclusively the falsehood of the oft-repeated slander that, owing to the loss from secular studies of the time devoted in our Catholic schools to religion and religious instruction, the secular education which they afford is inferior to that given in the public schools.* I have also obtained statistics from one outside town, Orillia on Lake Simcoe, and they are so creditable that I feel you should have them. Very Rev. Dean Moyna, of Barrie, until this year parish priest of Orillia, informs me that during the twelve years of his pastorate upwards of 200 children from the Orillia Catholic separate school passed the entrance examinations. During this entire period not a single candidate from this school failed to pass. Last year 21 separate school pupils wrote and all passed, with an average of 79 per cent. of marks. There were in the Orillia separate school 140 pupils all told. In the public schools of the town there were between 800 and 900 pupils, 93 of these wrote on the same entrance examinations and 47 passed, with an average of 67 per cent. of marks. The separate school pupils took the first, second, third, fourth, sixth, seventh and eighth places on the list. This record is simply astounding. But it only shows to what a degree of efficiency a school taught by Catholic teachers and well looked after by the parish priest may attain. I think you will agree with me that the devoted Dean Moyna has good reason to be proud of his school and of his late parishioners. § I only regret that statistics from other localities in Ontario are not available.

Let me conclude by thanking you for the patient courtesy with which you have listened to my long story. I trust that the day is not far distant when in many States of the American Union public men and the citizens at large will realize that in compelling Catholics who maintain parochial schools at the same time to pay taxes for public schools to which they cannot conscientiously send their children, they are not only doing a grievous injustice to some of their best and most loyal people, but are also discouraging that system of education best calculated to provide the State with what it most

* The results of the Entrance Examinations for 1910, published on the 14th July, show that of the total number of candidates in Toronto 11.4 per cent. were from the Separate Schools. The examination papers are complained of as unusually severe. Of the Separate School candidates 57.8 per cent. passed as against 54.59 per cent. of the Public School candidates.

§ This year every candidate from this school passed, and of the first ten places it captured all except the sixth.

needs—men and women who will be God-fearing, law-abiding citizens—men and women who can be counted on as uncompromising foes of everything dishonest and corrupt, who can be depended on to support only a clean and pure administration of public affairs. Until that day dawns you are, I know, determined to maintain the struggle in the cause of God and of Religion. When it does come, we who have enjoyed the blessing of Catholic separate schools will rejoice with you, and we shall be gratified if you find in the separate school legislation of Canada some ideas that may prove of service in the construction of Catholic separate school systems for yourselves.

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