

Our Educational Problem



The Jewish Population AND THE Protestant Schools

ELSON I. REXFORD, M.A., LL.D.



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MONTREAL





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circa 1925

THE JEWISH POPULATION and the PROTESTANT SCHOOLS

* HISTORICAL OUTLINE

The rapid increase of the Hebrew population in our City and Province is one of the most interesting features of our history during the past twenty-five years.

While this feature of our development has had a most important effect upon the social and financial conditions of our community life, the greatest disturbance is felt in our educational system, which was originally organized exclusively for the Roman Catholic and Protestant elements of the community.

The historical bearings of this question carry us back for more than half a century, and in order to get a clear understanding of the present situation it is necessary to note the main features of the development of our educational system during the 19th century.

During the first quarter of the past century, two outstanding efforts were made by the English Protestant ruling minority of the Province to provide schools for the rural districts which were largely French and Roman Catholic. An act was passed in 1801 providing for the appointment of a permanent committee on education under the name of "The Royal Institution." This committee was empowered to establish and manage one free school in each parish or township. The masters were appointed and paid by the Government. As the members of the Royal Institution were largely English and Protestant, it made little progress in establishing schools in the French parishes. In the English sections of the Province, however, these schools were more successful, but they passed under the control of the

*A Paper read before the K. A. club of Montreal and printed by request.

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common school system as soon as it was established and the work of the Royal Institution is now confined to the management of McGill University.

The second important step in educational matters was taken in 1824, when the Fabrique act was passed authorizing each Roman Catholic parish to devote one quarter of its annual Church revenue to the support of a school for the parish. Under these two acts temporary provision was made for elementary education in a large number of the English and French sections of the Province during the first quarter of the past century.

The first public elementary school act for the Province was passed in the year 1829. This act provided that five trustees, elected in each parish or township, should have the management of schools in that district. The act provided for a limited number of schools and a grant of £20 was paid by the Government to each teacher on condition that the school was in operation at least 90 days, and had an average attendance of 20 pupils. These schools were for the rural districts, they were voluntary, free, and without taxation.

Although the schools established under this act took their colour as to language and religious teaching, from the communities which maintained them, they were common schools, recognizing no religious distinction in the community. As these schools were supported by the Government and the grants were paid through the local member of the Legislature, the people in the French districts of the Province regarded this system as a political propaganda for the destruction of their language and religion. The schools, therefore, under this act met with only a moderate measure of success. About 1300 schools, however, were established under the provision of this act with an attendance of about 36,000 pupils.

Various amendments defining and elaborating the provisions of this act were provided by the Legislature during the next few years, but the absolute control of these schools, which was given to the local members of the legislature under this act, led finally to the rejection was again left without any school system apart from

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of the whole system in 1836, when the whole country was divided into the Fabrique schools and those under the Royal Institution.

After the revolution of 1837 and the union of the Provinces of Upper and Lower Canada under one legislature in 1841, a new educational act was passed which applied to both Provinces. The administration of this act was under the direction of a General Superintendent with two Provincial Superintendents, one for Upper Canada and one for Lower Canada.

Among the important provisions of this act of 1841, we may note that it provided a system of **common schools** and established a **common school fund** from which grants were to be made for their support. It also provided that the religious minority in any community might dissent, and establish schools of their own. Five school commissioners, elected by the people, undertook the management of the schools, examined teachers and determined the course of study and the text books, but the new and important feature of this act was the establishment of the right of taxation for the support of schools. This right of taxation, however, was not entrusted to the five school commissioners elected by the people, but to the Municipal Council in each district, the members of which were appointed directly by the Government. This clause of the Act was stoutly resisted by the rate-payers, who protested against the right of direct taxation being given into the hands of a body over whom they had no control. This clause of the Act aroused such opposition that amendments were introduced in 1846 and 1849 placing the power of taxation in the hands of the school commissioners elected by the rate-payers. This act of 1846, with amendments, contained the essential features of the acts under which our Provincial school system is operated today.

The Government grant amounted to about \$116,000., and was divided between 250 school municipalities in proportion to their population. Each school board was required to raise by taxation for the support of its schools a sum at least equal to the Government grant. This act of 1846 made special provision for the cities of Montreal and Quebec. Two separate school corporations, one consisting of six Roman Catholic members

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and one consisting of six Protestant members, all appointed by the City Council, were provided for the administration and management of two separate school systems for these two cities. There was no school tax imposed in these cities, but the City Treasurer was required to pay over out of the ordinary revenues of the city to these school boards, an amount equal to the Government grant, this amount to be divided between the school boards in proportion to the population which they represented. Unfortunately the City of Montreal received only a small portion of the Government grant to which it was entitled by population, because it was thought capable of supporting its own schools, and therefore the amount paid over to these school boards by the city council was utterly inadequate to meet the educational needs of the City.

From 1846 to 1860 the school system of the Province was administered by a Superintendent of Education who promoted the organization of school municipalities and the establishment of schools, and distributed the grants provided by the Legislature. During this period 24 school inspectors were appointed one for each section of the Province, Roman Catholic Inspectors for the Roman Catholic sections and Protestant Inspectors for the Protestant sections. In the city of Montreal one Inspector was appointed for the schools under the Roman Catholic board and a second inspector for the schools under the Protestant board.

It was also arranged at this time that the amount voted by the Legislature for the encouragement of institutions of Superior Education should first be divided into two funds, in proportion to the Roman Catholic and Protestant population of the Province and then these amounts should be distributed amongst the institutions according to their needs, efficiency, etc.

In 1857 three Normal schools were established, two Roman Catholic, one in Quebec and one in Montreal, and one Protestant Normal school in affiliation with McGill University. Boards of examiners were also established for conducting examinations and issuing certificates to teachers. Two boards of examiners, one Roman Catholic and one Protestant, were provided for Montreal, and the board of examiners provided for other districts

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of the province could be organized in two sections as circumstances required. In 1860 a Council of Public Instruction was provided consisting of fifteen members, eleven Roman Catholics and four Protestants, with power to co-operate with the Superintendent of Education in framing regulations, etc.

No separate school tax was yet provided for the city of Montreal, but the city treasurer was bound to pay over to the school boards annually, twice as much as the Government grant received by these Boards for the purposes of elementary education.

Among the discussions leading up to the Confederation of the Provinces in 1867, the question of safeguarding the educational privileges of minorities occupied a very prominent place.

Sir A. T. Galt, the member for Sherbrooke, took a very prominent part in regulating the educational questions in connection with the Confederation of the Provinces, and eventually resigned his position as a member of the Government as a protest against what he considered to be unfair treatment of the religious minority in the Province of Quebec.

Section 93, of the British North American Act passed by the Parliament of the United Kingdom, and which became effective on July 1st, 1867, placed the subject of education wholly under the jurisdiction of the several provincial legislatures, subject, however, to limitations expressed in 4 provisions of that section. The first of these provisions limited the powers of the Provincial Legislatures as follows:—"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."

The writer has enumerated in some detail the rights and privileges under which the Protestant schools of the Province were functioning during the years preceding Confederation, in order to bring out quite clearly the rights and privileges with respect to denominational schools which the Protestant minority enjoyed by law in this Province at the time of the Union, and which were specially safe-guarded from interference by the Provincial Legislature after the coming into force of the Confederation Act.

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In 1869 the Provincial Legislature took up seriously the whole question of Provincial education and passed an act which greatly improved the educational status of the Province. Among its various provisions the following are important for our present discussion:— It was provided that the Council of Public Instruction should consist of 24 members, 16 of whom should be Roman Catholics and 8 should be Protestants, and this Council was to function in two committees, one charged with the duty of looking after the interests of Roman Catholic schools, the other the interests of Protestant schools. This act also provided that the boards of school commissioners for the city of Montreal should consist of six members, three of whom should be appointed by the Government and three by the City Council.

The Act also provided that a school tax, equal to three times the share of the common school fund allotted to the City of Montreal, should be levied annually by an assessment on real estate in the City, and should be known as the "City School Tax." For this purpose it was ordered that the assessment roll of the City should be divided into four distinct panel's, first, Roman Catholic; second, Protestant; third, Corporations, Incorporated Companies, non-Roman Catholic, non-Protestant, etc., and fourth, real estate exempt from taxation. This is the first point in our educational history where the neutral panel appears, and in this first neutral panel, or No. 3, all non-Roman Catholic, non-Protestant rate-payers and all rate-payers whose religious faith is unknown, and all real estate belonging partly to Roman Catholics and partly to Protestants, and all rate-payers who have declared in writing their desire to have their property inscribed on this said panel, and all firms and commercial partners who have not expressed a desire to be placed on the first or second panel, were included.

This is the first legislation providing for Hebrew rate-payers in the municipality of the city of Montreal, and by this legislation the Hebrew rate-payers were included in the Third or Neutral Panel.

In the following year, 1870, further amendments to the Education Act were provided in which the City

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school tax for the City of Montreal was fixed at one fifth of a cent in the Dollar, and the following clause was inserted concerning Jewish rate-payers:—"Notwithstanding anything to the contrary contained in section 29 of the Act 32nd Victoria, chapter 16, any person belonging to the Jewish persuasion and owning real estate in either of the cities of Quebec or Montreal, shall be entitled, upon his delivering to the City Treasurer a request in writing, to that effect, to have his real property inscribed, at his option, upon either of the panels, No. 1 or No. 2 mentioned in the said section." This is the only legislation concerning educational matters directly affecting the Hebrew rate-payers in the City of Montreal during the next thirty-three years.

It would appear from the provisions of this section that a Hebrew rate-payer would remain in the third or neutral panel so far as the city school tax is concerned unless he gave notice in writing that he desired to be included in one of the other two panels, No. 1 or No. 2.

The practical working out of this provision of the school law presents some interesting features. Wealthy Jewish rate-payers found it possible to arrange with the Roman Catholic school board to collect the school taxes from the Jewish rate-payers and after deducting a commission for their trouble to pay over the whole of these taxes to the authorities of one of the Synagogues of the City for the purpose of maintaining a school for the instruction of the Jewish children in their religious faith. In the mean time the general Jewish population preferred the course of instruction given in the Protestant schools and accordingly sent their children to the Protestant schools for their education. In course of time these facts came under the notice of the Protestant Board of School Commissioners who took exception to a scheme by which they were to provide the cost of educating the children of Jewish parents while the school taxes of Jewish proprietors were being paid into the Roman Catholic board. The result of this agitation was to secure to the Protestant Board of School Commissioners the school taxes of the Hebrew rate-payers of the City.

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The Protestant Committee

While these matters were under discussion in Montreal, new developments were taking place in the education department at Quebec. In 1876 a new Education Act was adopted by the Legislature, giving increased powers to the Protestant Committee, and in 1882 a change took place in the staff of the Education Department which facilitated the development of the system of Protestant education under the Protestant Committee.

One of the questions that engaged the attention of the Protestant Committee was the method of division of education grants between the Roman Catholic and Protestant institutions of the Province. According to the Act of 1869 the Government grant for superior education was divided into two sections, in proportion to the Roman Catholic and Protestant population of the Province, before the grants were distributed to the several institutions. In working out this division the Roman Catholics held that the grant should first be arranged in three amounts in proportion to the Roman Catholic population, the Protestant population and the non-Roman and non-Protestant group, and then the amount allotted to the non-Roman and non-Protestant group should be divided between the Roman Catholic group and the Protestant group according to population. The Protestants took the ground that as the children of the non-Roman and non-Protestant population looked to the Protestant schools for their education, this neutral group should be classed with the Protestants for the purpose of division of Government grants.

This discussion reached an acute stage in 1888 when a special meeting of the whole Council of Public Instruction was called together to consider three groups of suggested amendments to the school law; one group, proposed by the Roman Catholic Committee, one group by the Protestant Committee and one group proposed by the Superintendent of Public Instruction. This meeting of the Council was held on the 18th of April, 1888, and among the amendments proposed by the Protestant Committee was the following:—"The words, 'religious majority' and 'religious minority' mean the Roman Catholic or Protestant majority or minority, as the case

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may be, of persons whose names are entered upon the assessment roll as rate-payers, and the word 'Protestant' in this Act and in any Act affecting education in the collection and distribution of school funds, shall be held to mean all persons not professing the Roman Catholic faith."

His Eminence the late Cardinal Taschereau declared that if this resolution was submitted to the Council, he would propose in amendment that the distribution of the funds raised for the purpose of public instruction should be made according to the present population of the Catholics and Protestants in the Province, observing that by the present distribution one-third of the grants for Normal schools are now given to Protestants, whereas a distribution according to the then present population would reduce this share to one-seventh.

In view of this declaration the Protestant members of the Council asked permission to retire to an adjoining room, in order to take into consideration the position in which they would be placed by such a proposition, and after consultation, an understanding was reached according to which Mr. Heneker consented to withdraw his proposition, provided the Cardinal would not submit the one of which he spoke, to which the members of the Council unanimously agreed.

This incident created intense feeling in the Department of Public Instruction and when the Minutes of proceedings were drafted by the joint secretaries it was found impossible to reach an agreement as to the form in which the minutes should be recorded, and a special meeting of the Council of Public Instruction was called for the purpose of confirming the Minutes. The Minutes were confirmed, on division, all the Roman Catholic members voting on the one side and the Protestant members voting on the other.

At this special meeting, His Eminence, Cardinal Taschereau, introduced the following resolution, which was seconded by Judge Jetté; this resolution was adopted on the same divisions:—"That it is not expedient that any amendment should be made in the law concerning Public Instruction with regard to the mutual relations of the two committees of the Council of Public Instructions, nor concerning the collection and the

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distribution of sums provided by the Government or levied under this law."

This incident probably represents the most acute stage in the history of the Protestant Committee. The Protestant Committee was practically helpless under the circumstances because if the threatened resolution of His Eminence, Cardinal Taschereau, had actually been proposed and adopted it would have closed our Normal school which was receiving one-third of the total sum voted for the maintenance of Normal schools at that time.

In the course of the correspondence the Protestant Committee placed itself on record in reference to the school tax of joint stock companies in the following terms:—"That this Board has always been of the opinion that the school tax levied on Protestants holding stock in banks and other joint stock corporations, should be applied exclusively to Protestant education, and to this, as no more than just and right, and as is allowed to Roman Catholic stock holders in Ontario, they do still decidedly adhere.

The Protestant Board of Montreal.

During the last ten years of the Nineteenth Century there was a large increase in the Hebrew population in the City of Montreal, and the relation of the Jews to the Protestant schools became a very acute question. In order to settle some points in this dispute, action was taken by a group of the Jewish population against the Protestant Board, in reference to Jacob Pensler's claim to a Commissioner's Scholarship, and a decision was rendered by Judge Davidson in February, 1903 to the following effect.

"The annual reports of respondents, so far as put on record, disclose that the main questions now before the court in critical and litigious form have for many years been a cause of disquiet to respondents. Previous to 1886 the entire body of Jews elected to contribute to Protestant education and their children were admitted on the same terms as Protestants. Then a dispute between the different synagogues arose, in consequence of which the members of the Spanish and Portuguese Synagogue, representing \$2,116.20 out of \$2,700.00 paid in school taxes by Jewish citizens, seceded from the

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compact, which, it is fair to say, was a purely voluntary one. They forthwith transferred all their properties into the Roman Catholic panel and arranged to receive back from the board of that faith 80 per cent. of the results, which they afterwards used for a school of their own.

As a result the Protestant board in subsequent years, found itself educating 80 per cent. (174) of the Jewish children, while only in receipt of (\$600) 20 per cent. of the Jewish taxes. Neither the Government grant nor proceeds from the neutral panel were increased by reason of this attendance. The school fees are nominal. On this position of affairs warm comment was made in the annual report of 1890. It was represented to be a great injustice to the Protestant taxpayer. Harmonious relations with the synagogue were subsequently renewed. Its members undertook to place their school taxes in the Protestant panel and closed their school. In return the board received their children, appointed a teacher of Hebrew and paid \$2,000 per annum to the Baron de Hirsch Institute for educating pupils of the Jewish faith unable to pay fees. Neither 9 Vict. (C. 1846) Cap. 94, nor any other law gave this synagogue a right to represent the Jewish population. In 1899 the Jewish scholars had increased to 749. The cost of their education, beyond the net amount received from Jewish taxes and fees, represented a yearly loss of over \$10,000, which, according to the board, had, in great part, to be paid out of receipts from Protestant parents. In the scholastic year 1900-1901, according to a statement of record, the number of Jewish pupils in the schools had risen to 1,153 representing a cost of \$34,451.64. Net receipts from Jewish taxes and fees amounted to \$11,016.24. The net loss is placed at \$23,435.40.

The action of the board in 1900 in so amending their rules as to make the reception of all children save those of resident Protestants, or of actual school tax contributors, a matter of grace, instead of right, resulted from acute want of accommodation and the distressing load put upon revenue.

Serious consideration of the arguments ably presented at the bar and of some others which have suggested

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themselves to me, results in the following conclusions:

1.—All resident Protestants, whether real estate owners or not, are entitled to the benefits of respondents' schools. This right, although not written into the statutes with actual words, is of their structure and spirit. Either as the cause or as the result of its existence, the whole of the Protestant real estate in the city must go into the Protestant panel, and the whole of the Protestant population, men, women and children, is a revenue producing factor, because the more numerous it is the greater the grant out of the public funds and the payment from the neutral panel.

2. Possibly a person of the Jewish religion, who owns real estate and inscribes it in the Protestant or Roman Catholic panel acquires rights in the schools thereby adopted, although he is not beneficially counted as regards the division of the Government grant or of the proceeds from the neutral panel.

3. A resident of the Jewish religion who, although an owner of real estate, has not opted as to his school tax, or who does not own real estate, cannot claim as of right to have his children admitted to the public schools.

4. If such admission is given it is by grace and subject to whatever conditions the commissioners choose to impose, inclusive of non-eligibility for the scholarship in question.

There are now over ten thousand Jews in the city, and, besides, a great many property owning taxpayers who are neither Protestants nor Roman Catholics. These numerous and important groups of our population create problems which did not exist when the foundations of our present educational system were laid. Their solution by the Legislature, if this judgment correctly interprets the law, has become of pressing importance."

After this decision, which practically declared that the non-Roman Catholic and non-Protestant elements of the community had no rights in the Protestant schools, the Hebrew population arranged for a conference with the Protestant Board of School Commissioners. This proved to be a very important conference because of subsequent developments. The following

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extract from the Minutes of this special meeting of the Protestant Board of School Commissioners, held under date March 2nd, 1903, is at once interesting and important:—"The Commissioners, after preliminary discussion, admitted to a conference a deputation of Jewish citizens which had been appointed for the purpose at a mass meeting held on the 24th February.

Mr. Max Goldstein, who had been appointed Chairman of the deputation, stated that for the first time the whole Jewish Community of Montreal was represented by it; that it was the wish of that community to place its educational interests in the charge of the Protestant School Commissioners, and to acquire equal rights in the Protestant public schools. He, therefore, asked that in the event of this being done, provision should be made by the addition of a conscience clause to the regulations, so that no loss of marks should be sustained by Jewish pupils by reason of their absence from the devotional exercises of the schools, or from the study of Scripture, an alternative study to be substituted for that subject.

He further stated that the Jewish community, recognising the insufficient means of the Board, would be prepared to support any measure for increased taxation which might be necessary, and were also ready to remedy the difficulty occasioned through the exercise of their legal option by introducing such legislation as would place the Jewish school taxes permanently in the Protestant panel.

In the general discussion which followed, Mr Goldstein declared that the Jewish community, recognizing their position as a minority, neither asked nor desired that the Protestant Public School system should be changed, in respect to its distinctive religious character and constitution.

The other members of the deputation having signified their acceptance of the position thus defined, the draft of a resolution tentatively introduced by Rev. Dr. Shaw, was then read, and a consensus was reached by both the Board and the deputation on the following understanding:—

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1st. That the Jewish population shall, if so provided by law, be identified with the Protestant system of Montreal.

2nd. That this system shall as heretofore be distinctly Protestant, and therefore Christian.

3rd. That the Protestant School Regulations shall contain a conscience clause protecting the religious convictions of Jewish scholars.

Mr. Goldstein stated that a deputation of Jewish citizens would proceed to Quebec on Wednesday, 4th March, to meet the Premier on the following day, and asked that a Committee of the Board should be appointed to accompany it. The deputation then withdrew, after thanking the Board for the consideration shown it.

The following resolution, as recast, was then introduced to the School Board by Rev. Dr. Shaw, and carried:—"Whereas an action has recently been instituted against this Board by certain Jews, and as a result the judgment has in substance stated that by law the Jews have no rights in the public schools of this Province, either Roman Catholic or Protestant.

We hereby declare our opinion that this glaring anomaly and injustice which deprive so large and respectable an element of our population as the Hebrew people, of their rights as regards elementary education should be removed.

Further we declare our readiness to co-operate with our Jewish fellow-citizens in seeking such equitable remedial legislation as will remove this unjust inequality.

At the same time we must call the attention of our Protestant constituents to the danger there is that their rights may be imperilled while the wrongs of the Jews are being rectified. If the non-Christian elements of the community are made a charge upon the Protestant Board of School Commissioners, while the revenue from them is so small, a burden will be imposed upon us which will seriously prejudice the excellent school system that for some years we have been laboriously striving to establish.

If the enactment be proposed that all citizens who are neither Protestants nor Roman Catholics have the right to send their children to whichever system of

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schools they choose, provided always that the school taxes of such parties be distributed to the two systems, according to school attendance, we cannot object to the equity of such a remedy. At the same time the creation of such rights, while perfectly just, does not bring to this Board the relief it so urgently needs. It simply means that the financial embarrassment heretofore ~~from~~ It from this cause will continue. Indeed, it is morally certain that with Montreal as a seaport of growing importance, there will be landed here from Europe an increasing number of people of various races, necessarily of limited means, who, it is morally certain, will be to a great extent an educational charge upon this Board. In the absence of the single system of public schools which generally obtains on this continent, this constitutes an unjust inequality to our prejudice.

At the same time we hereby readily declare our willingness to educate the children of all citizens who may come to us, whatever their race or religion, provided we have the means to do so, and consider that necessary steps be taken at an early date to secure the necessary revenue for the purpose."

In accordance with this agreement the Hebrew representatives with the consent of the Protestant Board of School Commissioners secured the passage of an Act in 1903 by the Quebec Legislature (3 Ed. VII, ch. 16) which gave very important privileges to the Hebrew population for school purposes in the Province of Quebec. The main provisions of this Act are:—first, that for educational purposes all Jews are to be regarded as Protestants, second, that the school taxes of Jewish rate-payers are to be paid into the Protestant panel, third, that members of the Jewish population are to enjoy all the rights and privileges of Protestants for educational purposes, and fourth, a special conscience clause in favour of children of Jewish parents attending Protestant schools. At the same time the Protestant Board entered by resolution into agreement with the Jewish population protecting the children of Jewish parents from suffering any loss through absence from school on Jewish holidays. This Act is rightly regarded by the Jewish population as their Magna Charta for

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educational purposes, and they are very jealous of any attempt to modify the terms of this Act.

It is important to notice in this connection that the delegation which waited upon the Protestant Board of School Commissioners claimed to represent and to act for the whole Jewish population of the city of Montreal. In the second place it is important to note that it was specifically declared by Mr. Max Goldstein that the Jewish community, recognizing their position as a minority, neither asked nor desired that the Protestant Public School system should be changed in respect to its distinctive religious character and constitution, and thirdly that the Protestant Board called the attention of the Protestant constituents to the danger there is that their rights may be imperilled while the wrongs of the Jews are being rectified.

It has been said that the Protestant Board applied for the admission of the Jewish population under the Protestant school system. An examination of the preamble of the act of 1903 (3 Ed. VII., chap. 16) will show that this is an entire misapprehension of the facts of the case. Representatives of the Jewish population applied to the Protestant Board and then to the Quebec Legislature to be included under the Protestant School System. The Protestant Board gave its consent under certain conditions in order to relieve the Jewish population from the intolerable educational conditions in which they were placed according to recent judicial decisions.

Jewish Representatives on the Protestant Board.

These statements are very significant in view of the developments which followed. Notwithstanding the representation made by authorized representatives of the Jewish population in conference with the Protestant Board of School Commissioners, definite steps were taken by the Hebrew population, before three years had expired, to revolutionize the whole system of management of the Protestant schools of Montreal and to introduce Jewish representatives on the Protestant school board.

The following extracts from a circular issued by the Protestant Board of School Commissioners under date of March 6th, 1906, are very illuminating in this con-

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nexion:—"The Protestant Board of School Commissioners of Montreal considers it its duty to call the attention of the Protestant citizens to a bill which is now before the Provincial Legislature. This bill provides that in 1908 the Board, as now constituted, shall cease to exist and shall be replaced by eighteen school commissioners to be elected, one from each ward of the City. It is proposed that the new school commissioners shall be elected by the proprietors, Protestant and Jewish, who are municipal electors in each ward, and all resident proprietors, Protestant or Jewish, of the male sex, who are owners of immoveable property of the value of \$1000, are eligible for election to the office. At present the Protestant Board of School Commissioners for Montreal is composed of six members, three of whom, the Very Rev. Dean Evans, Rev. Dr. Shaw and Rev. Dr. Barclay, are appointed by the Provincial Government, the other three, Mayor Ekers, Alderman Robertson, and Alderman Stearns, being appointed by the City Council. In inviting public attention to the proposed change, the Commissioners feel themselves placed in a difficult and delicate position. While they are unwilling on the one hand to appear to urge their own retention in office, on the other they deem it their duty to call the attention of those whose interests they are appointed to represent to the proposed change, and to the serious consequence which may ensue.

The members of the present school board, though not directly elected by popular vote, receive their appointment from those who are so elected. They are, therefore, a representative body. The Provincial Government in selecting its representatives has usually appointed clergymen of the various Protestant churches, a plan which has had, among other advantages, that of securing men expert and interested in secular education, as well as in the maintenance of that religious training which, under the law, is the distinctive feature of the schools of this Province. It is the practice of the City Council to appoint as School Commissioners three of its own members who directly represent the citizens. It is for the Protestant citizens to say whether the Board so constituted has not been found effective for both scholastic and financial administration.

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Like other schools in the Province, those of Montreal are divided on the basis of religious faith. The Roman Catholic schools are administered by the Catholic School Commission, composed exclusively of Roman Catholics, and the Protestant Schools by the Protestant Board of School Commissioners, composed exclusively of Protestants. The members of other religious faiths are not eligible to serve on either Board. The bill under consideration proposes that Jews shall be eligible for election as members of the Protestant Board of School Commissioners. The immediate effect of this change would be to place the Protestant Schools under the administration of a body not distinctly Christian in its character and composition. The ultimate consequences of such a change must be both far-reaching and revolutionary. It is true that Jewish children are now admitted to the Protestant schools, under legislation largely due to the support of the Commissioners, but it is also true that before legislation was sought in this matter it was agreed between the authorized representatives of the entire Jewish community of Montreal and the School Board at a conference held on the 2nd of March, 1903, that "the school system should remain as before distinctly Protestant and therefore Christian," the Jews being guaranteed freedom from attendance at devotional exercises and allowed other specially defined privileges under a conscience clause. But apart from the question of religious instruction in the schools, the elective system of appointing school commissioners is most perilous to the best educational results.

The bill provides that the city authorities shall take the steps necessary for the election of school commissioners in the same way and at the same time as for the municipal elections, and that the expense thus incurred shall be retained from the share of the school tax accruing to the Protestant Board. The diversion of a part of the Board's income from educational purposes and the application of the money, in unknown and uncontrolled amount, to the cost of an election in each ward of the city, seems open to grave objection."

This attempt on the part of the Jewish community to re-organize the whole system of Protestant education in the city of Montreal, in their interests, through action

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of the Provincial Legislature, failed to receive the necessary support and the movement was abandoned for the time being. In 1909 these efforts were renewed in a modified form, as appears from the circular, issued to the Citizens of Montreal by the Protestant Board of School Commissioners under date March 27th, 1909.

The characteristic feature of this new movement was the proposal that the Protestant School Board of Montreal should be composed of twelve members four of whom should be appointed by the Government and eight elected by Jewish and Protestant rate-payers, Jews being eligible as members of the Board.

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HIGH SCHOOL,

197 Peel Street,

Montreal, March 27th, 1909.

Sir,

I am intrusted by the Protestant Board of School Commissioners to submit for your consideration the following representations respecting the bill now before the Legislature under which it is proposed to change the constitution of the Board by increasing the number of Commissioners from six to twelve, and by providing for their election by the Jewish and Protestant proprietors of real estate in the City. At present the Board is composed of six members, three of whom are appointed by the Lieutenant-Governor of the Province, and three by the City Council, generally from among the Protestant Aldermen. The three appointed by the Government have usually been, as they are at present clergymen of the several Protestant Churches, and so possessing a certain representative character, and bringing to their work, which in one of its sides at least, is of a technical character, the qualifications of a university training. In favour of the proposed change, it is urged that the control of public moneys should be vested in a body directly elected by the rate-payers. There does not appear to be any complaint either of the general policy or of the details of the administration of the schools, nor any general distrust of the intelligence or integrity of any of the gentlemen now serving as School Commissioners. It is not the contention of the supporters of the bill that the administration is, or has been either dishonest, extravagant, or characterized by the evils of patronage in the appointment of its servants or the making of its contracts. Without overstepping the limits of either truthfulness or modesty, the Commissioners may venture to affirm that the results of their work justify both the principles of their administration, and the method of their appointment. In particular, they may be permitted to regard with satisfaction the harmony with which the members of the various Protestant Churches, clergymen and laymen alike, have worked together in a common cause, and upon the common ground of a common Christian faith. Whether a body elected upon the lines of the City Council, and so representing sectional interests and ideas, would

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command and merit public confidence in equal degree with the present Board is a point upon which recent events would seem to justify doubt.

The admission of Jewish citizens to the electorate, and as a consequence, of Jewish representatives to the membership of the Board, would immediately involve the destruction of the Christian character of the administration. The employment of Jewish teachers would logically follow, and as a result the religious instruction of Protestant children would, in certain cases, be placed in non-Christian hands. It seems scarcely necessary to characterize such an innovation as undesirable. The proposed change in the religious character and constitution of the Board, is, besides, directly opposed to the agreement under which the Protestant Board of School Commissioners, at the urgent request of the representatives of the entire Jewish community, assumed the costly task of educating the Jewish children of the City. That agreement provided that Jewish pupils should be admitted, as of right, to the Protestant Public Schools, and that the school taxes of all Jewish proprietors should be paid into the Protestant panel. The money contribution then made was not, and probably is not now, sufficient to meet the cost of educating the Jewish children attending the Protestant Schools. The Jewish representatives then declared that they neither asked nor desired that the Protestant School system should be changed in respect to its distinctive religious character and constitution. The bill now before Parliament sets aside the principle of this agreement, and involves the destruction of the Christian character of the administration. Should the measure become law, the two school systems of the City will become much more widely separated, one, the Roman Catholic, would still remain Christian, while the other would be neither Christian nor Protestant.

The Jewish supporters of the bill cannot plead that their children are compelled to receive religious instruction from which they dissent, as they are fully protected by a conscience clause in the agreement. If they are in any way dissatisfied with their present position, the remedy would appear to be the establishment of a Jewish School Board, supported by the school taxes, of

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their own faith, a change which, however, objectionable from a national point of view, would certainly be preferred by many Protestant parents and rate-payers to that now proposed. The present method of appointing the School Board is by no means without parallel. In New York, Baltimore, Buffalo, St. Paul, San Francisco, Washington and Chicago the members of the Board of Education are appointed by the Mayor. The School Board of Philadelphia is appointed by the Judges of the Court of Common Pleas. In New Orleans, the Board, as in Montreal, is appointed in part by the City Council, and in part by the Governor.

The selection of School Commissioners by vote would prevent many men of administrative capacity and large educational experience, who are now willing to serve from entering upon a municipal campaign, while any property-owning qualification would render ineligible for office most of the Protestant clergymen of the city, besides many others eminently fitted.

The gentlemen who are now serving as School Commissioners are placed in a peculiarly difficult and delicate position. On the one hand, they are unwilling to appear to plead for their own retention in office, while on the other, they cannot but regard the proposed legislation as highly injurious to the best interests of education, both moral and intellectual. The duty of representing to their constituents the facts and circumstances of the case undoubtedly devolves upon them, and that duty they have now discharged. It rests with those citizens who may be in accord with their principles and satisfied with their past administration to signify, individually or collectively, by representations through the press and to the members of the Legislature and the Government, their wishes with regard to the proposed change. The absence of any general and immediate expression of dissent will undoubtedly be interpreted as at least passive support of the bill.

I am, Sir,

Your obedient servant,

H. J. SILVER,

Secretary-Superintendent

Protestant Board of School Commissioners
of the City of Montreal.

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The City Council and Jewish Representation.

These efforts of the Jewish population to secure representation on the Protestant Board of School Commissioners by popular election met with some support, but they were unable to convince the public and the members of the Legislature that this movement was really in the interests of education.

Having failed to secure representation through the action of the Legislature, the Jewish representatives next turned their attention to the City Council, who held the appointment of three of the six members of the Protestant Board. Having succeeded in electing one of their number as a member of the City Council, they undertook to influence the French Roman Catholic majority in the Council to over-ride the wishes of the Protestant minority, and to appoint a Jewish representative to the next vacancy on the Protestant Board. This movement took definite shape in 1916, and aroused a great deal of interest among the Protestant rate-payers of Montreal.

The Education Committee of the Anglican Diocesan Synod addressed the following resolution, with a covering letter from the Lord Bishop of the Diocese, to Mayor Martin:—"The Education Committee of the Synod of the Diocese of Montreal, representing the Church of England in Canada in Montreal respectfully prays that the vacancy in the Protestant School Commission be filled by appointing an Alderman who is a Protestant, and protests against any other than a Protestant, however well qualified in other respects he may be, and would urge the injustice to the Protestant rate-payers of the City of Montreal of any other appointment than that of a Protestant.

The Presbytery of Montreal under date May 18th, 1916, gave special attention to this subject and on the motion of the Rev. Dr. Campbell, seconded by the Rev. Dr. Dickie, it was unanimously resolved "That the Presbytery of Montreal hereby protests against the proposal that the City Council appoint to the Protestant School Board of Montreal anyone who is not a Protestant as an invasion of the rights granted by the British North America Act to both Roman Catholics and Pro-

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testants of Quebec to control their own schools."

In consultation with the representatives of the leading Protestant communions of the City, a carefully prepared letter was published in the Montreal Gazette setting forth the main features of the situation and urging the Protestant population of the City to oppose the proposed appointment by the City Council. A joint Committee representing the leading Church communions of the City waited upon the City Council and presented a four page typewritten petition setting forth in much detail the historical bearings of this question, and urging upon the City Council that in discharging the delicate and important duty of appointing members of the Protestant Board of School Commissioners of Montreal they safe-guard the Christian and Protestant character of the School Board. The petition was supported by the following signatures:—The Lord Bishop of Montreal, the Dean of Montreal, Chancellor Davidson, the Rev. Canon Rexford, the Rev. William Robinson, the Rev. J. J. Willis, the Rev. Dr. Bruce Taylor, the Rev. Dr. Campbell, the Rev. Dr. Duncan, the Rev. Dr. Rose, George Campbell, and Henry F. Armstrong. The Petition was presented and explained by Chancellor Davidson.

As a result of this opposition the efforts of the Jews to secure representation were unsuccessful and a Protestant was appointed to fill the vacancy on the Board. The following year, 1917 Alderman Weldon's term of office expired and the Jewish representatives came back with fresh determination to secure the appointment of a Jewish Alderman as their representative on the Protestant Board. In the meantime however, the Protestant community had been aroused to the importance of the whole question and the informal gatherings of representatives of the different Church communions in 1916 had been reduced to a definite organization for the purpose of studying this whole question.

Under the direction of this Joint Committee petitions were circulated in the different Protestant Churches of the city urging that ex-Alderman Weldon should be re-appointed to the Protestant Board on termination of his office on June 30th, 1917. The following outline report of the work of the Joint Committee, which was issued,

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indicates the important work done by this Committee and the satisfactory results that attended its efforts:—

"In harmony with the resolution of this Committee of April 3rd and April 13th asking for Joint Conferences with the representatives of the other Protestant Communions of the city upon the questions arising out of the relations of the Jewish population to the Protestant schools of the city, the first Joint-Meeting was held in the Synod Hall under date April 27th at which there was a fairly representative attendance of the different Protestant Communions of the city. The Rev. Dr. Rexford was called to the Chair. The action of the Chairman in convening the Conference was approved. It was unanimously agreed to recommend to the City Council that Ex-Alderman W. S. Weldon be reappointed to Office, and it was agreed to arrange for a deputation to lay matters before the City Council. It was further agreed that the Conference be held on May 18th at which the attendance of leading representatives of all the Protestant Communions should be secured.

"On May 3rd it came under our notice that immediate action was necessary as the City Council proposed to make its appointment on the following Monday, May 7th, and a very full and careful presentation of the whole case was presented to the City Council by members of the delegation. Before making the appointment the City Council referred the matter to its Law Officers for a Legal opinion and the City Council was informed that, while the appointment of a Jewish representative might be made under the Quebec Act, such appointment would be contrary to the provisions of the Confederation Act and therefore illegal. Mr. W. S. Weldon was accordingly reappointed as a member of the Protestant Board of School Commissioners.

"On May 18th, 1917 the 2nd Joint Conference was held at which there was a thoroughly representative attendance of the various Protestant Communions of the city. The whole situation created by the demands of the Jewish population for representation on the Protestant Board of School Commissioners was thoroughly discussed and as it had been suggested by the representative of the Jewish population that a Conference might be helpful it was unanimously agreed that a Committee

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of five representatives be appointed with full power to act, the Chairman and Convener to be the Rev. Dr. Rexford, and the other members, George A. Campbell, Esq., K.C., Rev. Dr. Bruce Taylor, Rev. Dr. E. I. Hart, Chancellor L. H. Davidson; that this Committee arrange a meeting with the representatives of the Jewish population to discuss, in harmony with our conversations of this afternoon the educational questions arising from the relations of the Jewish population to the Protestant Schools of Montreal. It was agreed that the Committee named should point out the following possible courses open:—

1. To go on as present.
2. To withdraw the Jewish children from the Protestant Schools and require a separate Jewish Panel for all other than Roman Catholic and Protestant children.
3. In case the Jews secured the appointment of a Jewish representative to the Protestant Board an injunction will at once be taken out against that person.

"On the evening of May 29th, 1917, a Conference was arranged with the representatives of the Jewish population and was held in the Synod Office. The Official Report of that Committee of Conference is given below:

On October 25th the third meeting of the Joint Committee was held to receive the Report of the Committee on Conference with the Jews and for other purposes. The rough draft of the Report was considered, some amendments in form suggested and the Committee adjourned to meet at the call of the Chairman. The adjourned meeting has been called for Thursday, Nov. 8th, when reports of the Conference will be considered and the best methods of putting before the public the information necessary for the formation of an intelligent opinion on this subject will be discussed."

Report of the Conference. When the Jewish representative found that their efforts to secure representation on the Protestant Board through the City Council had failed they then applied to the Joint Committee for a conference in order to consider the whole situation. A conference was accordingly arranged to be held at the Synod Hall on Tuesday evening, May 29th, 1917 at which the Joint Committee was represented by the Rev. Dr. Bruce Taylor, the Rev. Dr. E. I. Hart, George A.

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Campbell, Esq., K.C., and the Rev. Dr. Rexford, Dr. L. H. Davidson who was also a member of this Committee, was detained by illness, but submitted a letter of suggestions. The Jewish representatives were Maxwell Goldstein, Esq., K.C., and others.

"Mr. Goldstein opened the Conference with a long statement in which he expressed a preference for National Schools with religious teaching excluded, but said that under the circumstances there was no desire to disturb the Christian Character of these Schools at present. He urged that as Jews were paying taxes and providing a large portion of the children in attendance it was only British fair play that they should have a voice in the administration of the Schools. In the presence of an overwhelming French Roman Catholic majority it was desirable that Jews and Protestants should work together, perhaps they could be given equal rights in the schools, each having its own religious teaching at a common hour.

"He urged that the idea of a separate Jewish panel with separate schools for children of Jews is not in the interests of the Community nor in the interests of the Jewish population, as it is important that the Protestant and Jewish population should work together for the promotion of the non-Roman Catholic interests of the community.

"In answer to the question whether the Jewish population felt that they had any grievances as to the manner and spirit in which the Protestant Board had carried out the agreement of 1903, he admitted that their constituency was well satisfied, and that any difficulties that arose were of minor importance such as unwise remarks of teachers and the adjustment of marks in elective subjects.

"When asked what practical suggestions they had to make in view of the provisions of the Confederation Act, and the legal opinion obtained by the City Council, they suggested that these legal questions should be left in abeyance and that a Gentleman's agreement should be entered into for a period of ten years by which two Jewish representatives should be appointed on the present school Board, and that at the end of this decade,

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the question should be reconsidered in the light of then existing conditions. Upon being pressed as to the ultimate issue of the present educational condition he did not hesitate to express the conviction that in the near future Jewish representatives would issue in Jewish control and that the Protestant parents of this city would be sending their children to a system of schools administered by a Board controlled by Jewish representatives."

Your representatives replied:—

1. "That the Jewish population might rest assured that the Protestant rate-payers of the city would never consent to hand over to Jewish administration and control the splendid educational system and equipment which has been built upon the sacrifices of half a century.

2. That your representatives believed that the Protestant population were prepared to go forward under the compact of 1903 as understood by the Protestant Board.

3. That if the Jewish Population were not satisfied with the present arrangements your representatives believed that the Protestant population would be prepared to co-operate with them in securing the repeal of the Act of 1903 and the establishment of a Jewish panel for School purposes.

4. That your representatives would resist by all legitimate means any attempt to appoint Jewish representatives on the Protestant Board of School Commissioners of the City of Montreal as contrary to the specific provisions of the Confederation Act.

5. That the charge of lack of British fair play in resisting the appointment of Jewish representatives upon the Montreal Protestant Board cannot be justified in the face of the following facts:—

(a) That when the Jewish population of the city were without means to provide educational facilities for their children the Protestant Board undertook to receive the Jewish children into their schools and to provide for their education;

(b) That in providing for the Jewish children the Protestant Board granted them not only all the privileges enjoyed by the children of Protestants, but also

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special privileges because of their religious faith;

(c) That a large amount of tax from Protestant rate-payers has been employed in providing educational facilities for Jewish children which would otherwise have been used in providing facilities for Protestant children;

(d) That the introduction of a large number of Jewish children into our Protestant schools has seriously impaired the value of these schools as institutions for Protestant education and has led many Protestants to withdraw their children from these schools.

"In the light of these facts the refusal of the Protestant population to go further and by the appointment of Jewish representatives on the Protestant Board to hand over the administration of their splendid system of schools to a Board which would eventually be controlled by Jewish representatives, is no lack of British Fair Play, but a reasonable precaution in the interests of self-preservation."

After this conference with the Jewish representatives nothing further was heard of the proposal to secure Jewish representation on the Protestant Board of School Commissioners. The Joint Committee, however, continued its work, and in March, 1918 issued a small twelve page folder giving a historical sketch of Protestant education in Montreal with special reference to the Jewish problem, but without recommending any definite policy. This folder, which was signed on behalf of the Joint Committee by Robert Campbell, E. I. Hart, T. W. Davidson, M. F. McCutcheon and Elson I. Rexford, was widely circulated in the different Protestant congregations of the city.

More Recent Developments

The phenomenal growth of the Jewish population of Montreal has at length created an important crisis in the working of the Protestant School system of the city. The latest returns from the School Board show that 13,954 Jewish children are in attendance at the schools under the Protestant Board. As the annual cost of education under the Protestant Board is over \$60.00 per capita, the education of the Jewish children of the city forms an annual charge upon the budget of the Protestant Board of about \$837,240. As the taxes

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received from the Jewish rate-payers are quite inadequate to meet even half of this expenditure, it has been felt that there is an injustice in calling upon the rate-payers of the religious minority to bear the whole burden of this extra expenditure for the education of Jewish and other non-Roman and non-Protestant children. The Protestant Board therefore felt compelled to represent to the public and to the Government that while they had carried this ever-increasing burden during the past twenty years, they felt that a crisis had been reached where it was absolutely necessary that some relief should be provided for the Protestant minority.

In this connection the Chairman of the Protestant Board recommended, in an interview given to the Gazette in October, 1922, that the provisions of the act of 1903 regarding Jews be repealed, and that non-Roman and non-Protestant tax-payers pay their taxes into the neutral panel, and that all non-Roman and non-Protestant children be given rights of attendance in the Roman Catholic or Protestant schools, which they may choose, and that the cost of education of such children be the first charge on the neutral panel, and that such cost of education be based upon the actual per capita cost determined by the division of the total expenditure of the respective boards providing the education, by the total enrolment of the system. This appeared to be a satisfactory solution and it was received with general approval.

In this connection the contents of the three panels of city property for school taxes 1921 may be of interest:—

Panel	Valuation	Rate	Yield
No. 1. Roman Catholic..	289,301,992	— 7%	= \$2,025,113.94
No. 2. Protestant..	161,680,031	— 10%	= \$1,616,800.31
No. 3. Neutral .	250,554,931	— 10%	= \$2,505,549.31
	701,536,954		\$6,147,463.56

It is interesting to note that while the Protestant panel and the Neutral panel pay a school tax of 10 Mills in the Dollar, the Roman Catholic panel pays only 7 Mills in the Dollar. Because of this fact the amount

Chief Justice Lafontaine
F.D. Galt, Commissioner

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of school taxes paid by the third or Neutral panel is much greater than the school tax paid by either the Roman Catholic or the Protestant Panel.

In order to bring these facts before the attention of the Quebec Government a conference was arranged with the members of the Cabinet at the close of 1922 at which there were present representatives of the Roman Catholic Board, representatives of the Protestant Board and representatives of the Jewish population of Montreal, and representatives of the Protestant Committee. After much discussion and consultation an agreement was reached upon the main points, and Mr. Laurendeau was charged with the responsibility of drafting the Bill. In conference with Dr. Parmelee, the English Secretary of the Department of Public Instruction, the Bill was prepared—the main points of this Bill may be briefly summarized as follows:—

1. The Act of 1903 was repealed.
2. Two systems of schools were continued in the City of Montreal.
3. All non-Roman Catholic and non-Protestant rate-payers were to pay their taxes into the Third or Neutral panel at the rate fixed for the Second, or Protestant panel.
4. The children of non-Roman Catholic and non-Protestant parents may attend either system of schools subject to the payment of the prescribed school fees.
5. The cost of the education of the children of non-Roman Catholic and non-Protestant parents should be paid out of the Third or Neutral panel.

When this proposed Bill came up for consideration, the Jewish representatives approved of the new financial arrangement, but entered a most emphatic protest against the repeal of the Act of 1903, which they regarded as their educational Magna Charta. After another strenuous conference at Quebec, between the parties interested and the members of the Government, it was finally agreed that the financial arrangements suggested should be carried out; that the other clauses of the Act of 1903 should remain, that the Jewish rate-payers should be indicated by a special mark in the assessment Roll and that the Act of 1903 may be re-

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pealed by Order in Council after the first of July, 1924.

Before this second Bill reached its final form the Jewish representatives secured changes in the financial clauses in favour of their status as Protestants. The main points of this second Bill (13 Geo. V., chap. 44) may be summarized as follows:—

1. The educational status of the Jewish population is preserved as under Act 1903.

2. The taxes of Jewish rate-payers are to be paid into the Second or Protestant panel.

3. The excess cost of educating Jewish children above the taxes paid in by Jewish rate-payers is to be charged upon the Third, or Neutral panel, according to a per capita rate.

4. Other non-Roman Catholic or non-Protestant rate-payers are to pay their taxes into the Third, or Neutral panel, and they may use either system of schools, but the total cost of the education of their children is to be paid from the Third, or Neutral panel at a per capita rate.

5. The Act of 1903 may be repealed after the first of July, 1924, by an Order in Council.

The following is a statement of the school taxes for 1923 under the new act.

	Panel	Rate	Valuation	Taxes
No. 1. Roman				
Catholics.. ..	7 Mills		\$309,897,770	\$2,169,128
No. 2. Protestant....	10 "		\$167,966,976	\$1,671,473
No. 3. Neutral..	12 "		\$263,763,029	\$3,177,424

Above figures are given subject to adjustment of the taxes under the Protestant Panel, No. 2, the Jewish Proprietors contribute \$368,794 while the cost of educating the 13,954 Jewish pupils enrolled with the Protestant Board at \$60 per capita is \$837,240

Some Difficult Problems

The problems which the Jewish educational question presents for solution at the present time, are many and various. The financial problem, which was dealt with at the session of the Legislature 1922 was perhaps the most pressing.

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The school taxes of the Jewish rate-payers, provide less than half the cost of the education of their children. The religious minority has, therefore, been paying from three to four hundred thousand dollars annually in order to provide efficient schools for the Jewish population, and in order to meet these extra expenses the Protestant school tax of the City had been increased to 10 Mills in the Dollar, while the Roman Catholic school tax remained at seven Mills in the Dollar.

While the Act of the Legislature of Session 1922 compensates the school board in a large measure for this extra expenditure, it still leaves three different rates of taxation for school purposes on the rate-payers for the City of Montreal namely, 10 Mills in the Dollar for Protestant rate-payers, 12 Mills in the Dollar for Incorporated Companies, and 7 Mills in the Dollar for Roman Catholic rate-payers.

A second problem is presented by the status accorded to the Jewish population under the Act of 1903. This status is of doubtful interpretation. The Jewish population claims that under this Act members of the Jewish population enjoy the same rights and privileges as Protestants, and are, therefore, entitled to representation on the School Boards of the Province. The legal advisors of the City Council have declared this Act *ultra vires* as it contravenes the principles of the Confederation Act. In this opinion other eminent counsel concur. The legal aspects of this question have naturally attracted much attention. The act of Confederation guarantees to any class of the community that enjoyed the privilege of denominational schools at the time of Confederation the continuation of these privileges. The Protestant minority in this Province had a system of Denominational schools in operation at the time of Confederation. In 1903 the Local Legislature passed an act declaring that for educational purposes all Jews shall be regarded as Protestants and shall enjoy all the rights and privileges of Protestants under the Protestant school system.

The question arises—Does the incorporation of the large Hebrew element of the population in the Protestants Schools so impair the value of these schools as institutions for the training of children of Protestants

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as to constitute a violation of the guarantees given at Confederation to the Protestant minority for the continuation of their denominational schools? There is important legal opinion in favor of this position.

If for example the Provincial Legislature should pass an Act declaring that for educational purposes all English speaking Roman Catholics should be regarded as Protestants and should enjoy all the rights and privileges of Protestants in the Protestant school system of the Province—no one would hesitate to say that such an act was a violation of the guarantees given to the Protestant minority in this Province at Confederation. But if the incorporation of a non-Protestant, but Christian element of the population is illegal, the incorporation of a non-Protestant and Hebrew element of the population with full rights and privileges as Protestants would appear to be a greater violation of the guarantees of Confederation.

The Protestant Board of School Commissioners demands that all uncertainty in this matter shall be removed and that the absolute and exclusive control of the Protestant Schools of the City by a Board composed of Protestant members be preserved as guaranteed by the Confederation Act.

The Jews recognize that under the Act of 1903 they have secured a very remarkable concession and established an educational status which differentiates them from all other non-Roman and non-Protestant elements of the community, and they are, therefore, utterly opposed to the abrogation of this Act.

Again the fact that the Jewish element of the community provides a large percentage of the "Protestant" school population has seriously impaired the reputation of these schools as desirable institutions for the education of Protestant children, with the result that many Protestant rate-payers have felt compelled to turn to other institutions for the education of their children.

The large number of religious holidays regarded by the Jews as "*fêtes d'obligation*" seriously interferes with the working efficiency of the Protestant schools. It appears that some agreement was entered into by the Protestant Board in 1903 which guaranteed Jewish

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pupils from educational loss through absence on Jewish holidays.

Another serious problem presented by the Jewish situation is the question of employment of Jewish teachers under the Protestant Board. The present act says that the Jews should be treated in the same manner as Protestants, and that they should enjoy the same rights and privileges as Protestants. And now that the Jewish children are passing through our High Schools in large numbers and are finding their way to Macdonald College for training as teachers, the Jewish population are demanding that their young women shall be given situations as teachers under the Protestant Board.

It is said that at the present time there are about seventy Jewish teachers so employed. But the employment of such teachers is beset with many difficulties. Many of them being from a foreign population speak English imperfectly, and even Jewish parents, in bringing their children to the Protestant Schools, often ask that they shall be placed under Gentile teachers. Moreover in mixed classes it does not seem reasonable to place Christian children under direction of these Jewish teachers.

Again the question of religious instruction and character building presents serious difficulties in these Jewish-Protestant schools. The first period of each day in the elementary schools is set apart for religious instruction and character development, specially designed for Protestant pupils. It is not fitting that the Jewish pupils should receive all of this instruction, and it is most undesirable that this instruction should be given to a few Protestant pupils in the presence of a large number of Jewish pupils who are simply listeners and onlookers. Moreover a large proportion of the Jewish population profess to be very much concerned because their children are receiving no adequate religious instruction under the existing system, and they point out that the special Jewish schools conducted after school hours reach only a small percentage of the Jewish school population. They ask for special courses in the Hebrew language and literature under special teachers trained and appointed by themselves. One

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section of the Jewish representatives recommends that this teaching should be done after school hours and that the remuneration of these special Jewish teachers selected for this purpose be undertaken by the School Board.

These are some of the outstanding elements of the Jewish educational problem which face the Protestant School Board at the present time. It is not too much to say that we have reached a crisis in the Protestant educational history of the City which demands the earnest attention of well-wishers of the social life of our community.

Additional Legislation Recommended.

Another element which must be considered in connection with the Jewish educational problem is the great change that has taken place in the composition of the non-Roman and non-Protestant sections of our City population. Large numbers of members of the various Eastern Churches have been added to our population in recent years, as well as numbers from China and Japan, etc., until the non-Roman, non-Protestant elements of the community, exclusive of the Jewish population, are almost as numerous as the Jewish population in 1903, when it was considered advisable to secure special legislation in order to meet their needs. The whole situation is, therefore, changed and the Protestant Board is asking that fresh legislation be secured that shall cover all the non-Roman and non-Protestant population of the City.

The legislation that was secured at the Session (1922) was manifestly of a temporary character, and the 8th Clause of the Act provides that the Act of 1903 may be repealed by Order in Council after the first of July 1924.

In anticipation of further discussion of this important question the Protestant Committee appointed, in Sept. last 1923 a Sub-Committee to consider the questions involved, to confer with parties interested and to report to the Protestant Committee, in order that the Committee might be in a position to give advice if consulted upon this matter by the Government.

Since the first of October last (1923) numerous meetings and conferences have been held by the Protestant

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Board of School Commissioners, the Sub-Committee of the Protestant Committee and Jewish representatives, concerning the education of non-Roman Catholic and non-Protestant members of the community. The Sub-Committee of the Protestant Committee has held at least ten meetings and conferences during the past six months upon this question. During the progress of these negotiations a Bill has been prepared by the Protestant Board of Schools Commissioners and presented to the Legislature. This Bill of the Protestant Board is very similar in its main features to the first Bill agreed upon in 1922. The various conferences held between the three interested bodies have been both interesting and illuminating. The conferences with delegations from the Jewish population of the City have been remarkable for the ability and courtesy with which their representatives presented their case.

The main points which have emerged in these discussions may briefly be stated as follows:—**The Protestant Board of School Commissioners** urged., 1st, that they should have absolute and exclusive control of the Protestant School system of the City, 2ndly, that they are willing to provide educational privileges for children of the non-Roman, non-Protestant population of the City and 3rdly, that the extra cost involved in extending the privileges of their schools to this section of the population must be borne by the community at large through the Third or Neutral Panel.

The School Board is of opinion that the only satisfactory way to provide for these privileges is to repeal the Act of 1903 and provide a new Bill similar to that introduced at the session of the Legislature (1923).

The **Jewish representatives** are divided into two groups taking different attitudes towards this important question. They are both agreed that the Act of 1903 was a most generous concession on the part of the Protestant Board at the time and they are also agreed that the Protestant Board has faithfully carried out its part of the contract of 1903 and that they are grateful for what has been done in this connection. They are divided, however, as to the policy to be followed for the future. The representatives of the Uptown, West end Jewish population are in favour of continuing the

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present arrangement. They believe that the difficulties which occur from time to time in the administration can all be adjusted by conferences. Unless the Protestant Board is contemplating some radical change in the present organization they are in favour of continuing the present régime.

The other group of representatives, the East end Jewish population, desire to dissolve the present compact and establish Jewish schools under a separate Jewish panel. The presentation of the question by the representatives of this group was clear, clever and most interesting. Their leader, Mr. Fistche, pointed out that the schools under the Protestant Board are denominational schools and their character is guaranteed under the Act of Confederation. The Fathers of Confederation guaranteed the rights of religious minorities and this guarantee should be held sacred. It ill-becomes a small Jewish minority to suggest a change in the character of these schools in order to meet their peculiar requirements. Mr. Fistche stated that the Jewish children were receiving a splendid secular education in the Protestant Schools, but that they also felt the necessity for religious education for their children. He said "You Protestants are not satisfied with the working of the present scheme, and you are appealing to the Legislature; we Jews are not satisfied with the working of the present scheme and we feel that the time has come when we must ask for a separation for Jewish schools maintained under a separate Jewish Panel of taxation." He said "You Protestants have no wish to send your children to Roman Catholic schools for obvious reasons, neither are we satisfied to send our Jewish children to Protestant schools for their education. You wish your children educated as Protestants along Protestant lines; we wish our Jewish children educated in Jewish schools along Jewish lines. Your Protestant schools cannot turn out good Jews. You are restricted in your religious education for your own children by the presence of Jewish children in large numbers in your schools. We as a matter of fact, have no religious teaching for our children. Both religions are good, but no religion is bad. Our special schools for religious teaching meet the needs of only a small

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part of our population. We are an ancient people, we have a rich and extensive literature, we have traditions and a Jewish nationality, which we feel should be preserved. Our children are growing up largely ignorant of the rich inheritance that is available, and we therefore feel that we owe it to our children to see that they are provided with separate schools in which they may be made acquainted with this inheritance from their fore-fathers. Whether this frank statement was "bluff" or a play for position was difficult to determine; but it was certainly clear, clever and courteous.

In answer to further inquiry as to the real nature of the religious education which they desire for their children, Mr. Fistche said:—1st that the Jewish education that they desired would occupy at least one hour or one hour and half daily, 2nd, that it would include the language and literature of the Hebrew race together with the customs and traditions, etc., of their ancient religion. 3rd, that the ordinary Jewish class teachers now employed in these schools are not competent to do this work in the ordinary course. It cannot be carried out in school hours by the regular grade teachers as is done at present with the religious education given to Protestant children. 4th, that the religious education which they require for their children must be given by specially trained Jewish teachers who might do the work after school hours, and they indicated that if the present scheme was to be continued the expenses of these special Jewish teachers might be borne by the Protestant Board.

The attitude of this second group became less definite, however, as the discussion proceeded. They intimated that if the Protestant Board contemplated no radical change in the present order of things, the present scheme might be continued provided special provision was made for Jewish religious education.

The members of the Sub-Committee of the Protestant Committee, representing as they do the Protestant educational interests of the whole Province, naturally approach this question from a somewhat different angle. Being more intimately associated with the Government and the Legislature they are naturally more concerned with the probable reaction of the Government and the Legislature to the proposed legislation.

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The Sub-Committee of the Protestant Committee gave its general informal approval to the contents of the several sections of the proposed Bill, 1923, but suggested that an effort be made to secure these results through amendments to the present Acts rather than by a repeal of the Act of 1903. This attempt brought out into clear light the fact that the only effective way of dealing with the *ultra vires* clauses of the Act of 1903 is by repealing them, as provided by Section 8 of the Act of 1922.

It is maintained that it is impossible for the Legislature to give the Jewish population all the rights and privileges of Protestants in educational matters without destroying the Protestant denominational character of the schools of the religious minority in contravention of the principles of the Act of Confederation. The most that can be done for the Jewish population under existing conditions is to provide standard educational privileges for the children of the Jewish population under certain conditions. It is held therefore that the Act of 1903 must be repealed. Section 8 of the Act of 1922 provides a short method of doing this by Order in Council.

The Protestant Board of School Commissioners introduced a Bill at the Session of the Legislature 1923 which proposed to secure this repeal by regular action of the Legislature. Repeated conferences between the members of the Protestant Board and representatives of the Protestant Committee failed to discover any more satisfactory solution of the present situation.

During these discussions of the Jewish educational problem certain outstanding questions have arisen concerning which there has been much discussion. First, it is urged very strongly that it is unfair that the Jewish population should be taxed for the support of schools without having representation on the Board of School Commissioners. To this it may be replied that the Protestant Board of School Commissioners has no power of taxation; that it is an administrative Commission, appointed by two elective bodies, namely, the Legislature at Quebec and the City Council of Montreal; that one of these elective bodies has the power of determining the standard of taxation, and for this body the

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Jewish population has the right of voting and of representation; that the school taxes are actually levied and collected by the second elective body, the City Council, for which the Jewish population has votes and representation. The Protestant Board of School Commissioners is, therefore, an administrative Commission without power of taxation, appointed by elective bodies to do certain definite work for them. There is no case here of taxation without representation.

In the second place a separate school panel has been suggested as a solution of the present difficulties. At first sight this appears a simple solution of the situation, and would be welcomed by a large section of our Protestant population, but it would not be in the interests of the community at large, and it is probably not practicable at the present time. The Jewish population now provide about 40% of the children of the Protestant schools, while they pay only about 20% of the school tax. In other words, they would require to double their school tax in order to maintain efficient schools. Again the establishment of a separate panel for Jewish rate-payers would involve a complete organization for a Jewish system of schools from the Department of Public Instruction through the Protestant Committee, school inspectors, Normal training school and boards of school commissioners. The Government and the French Roman Catholic majority of the Province find great difficulty in managing two systems of schools for the Province under the existing law, and they would be strongly opposed to face the additional difficulties and implications involved in the organization and administration of a third system of schools.

In view of the serious difficulties involved in this suggested solution of the Jewish educational problem, some believe that we should organize at once a movement looking to the establishment of national schools and the consequent repeal of the educational provisions of the Act of Confederation. The logical force of such a recommendation naturally makes a strong appeal, but when we consider more carefully what is involved in the effort to secure National schools for this Province with the religious element eliminated and

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one language adopted as the dominant language of the schools, and when we consider the possibility of securing an amendment to the Confederation Act upon those educational questions which have proved most critical, most contentious and most bitter in the general administration of the Provinces it is a brave heart that will face these suggestions as a possible solution of our present difficulties.

In this discussion much has been made of the fact that the school taxes from Jewish rate-payers are not sufficient to cover the cost of the education of children of Jewish parents and that the excess has to be made up from the school taxes of other sections of the Community. This is not, however, a unique situation. There are many sections of the city of Montreal whose school taxes do not cover the cost of the education of their children. Our school system is based upon the principle that the real estate of the City is responsible for the cost of education of the children of the City.

The real injustice arises from the fact that the small Protestant minority in the City has been charged with the financial responsibility of providing educational facilities for the children of a rapidly increasing Jewish population whose school taxes are inadequate to meet the cost of their education. If this cost of Jewish education were distributed over all the real estate of the City all injustice would be removed. The new provision of the Act of 1922 which makes the Third or Neutral Panel responsible for this excess of school expenditure has in some measure removed this injustice.

We might reasonably expect, however that as the school taxes from Jewish rate-payers are quite inadequate to meet the cost of the education of the Jewish children that the Jewish population would be moderate in their demands upon the Protestant Board. As a matter of fact, however, they are asking for their children greater privileges than those enjoyed by Protestant children. For example, they claim that the grade teachers of the Jewish faith cannot give satisfactory religious instruction to their Jewish pupils. Such instruction must be given by specially trained teachers prepared and appointed by the Jewish authorities, but paid by the Protestant Board, whereas the best that

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we are able to do for Protestant children is to provide them with such moral and religious instruction as the regular grade teachers are able to impart.

We have apparently reached a crisis in the educational history of the Province which deserves the most careful consideration of all who are interested in the development of our social life.

The Bills submitted to the Legislature by the Protestant Board of School Commissioners present a well defined policy.

First—The Protestant Board asks to be placed in full and undivided control of the Protestant Schools of Montreal as guaranteed by the Confederation Act.

Secondly—They ask that the Act of 1903 be repealed, as it is intolerable that a School Board conducting large financial transactions should be operating under an act that has been declared *ultra vires* by eminent jurists.

Thirdly—They are prepared to provide for Jewish children an education in respect to efficiency and quality equivalent to that provided for Protestant children.

Fourthly—That in order to protect the interests of Protestant children in relation to Jewish holidays and moral and religious instruction it is necessary to arrange that certain classes and certain schools shall be exclusively Protestant or exclusively Jewish.

Fifthly—That the excess cost of the education of all non-Roman Catholic, non-Protestant children shall be a first charge upon the Third or Neutral Panel.

This programme has received very general approval as a generous and effective solution of a somewhat acute and complicated situation. In the Conferences of 1922 it received the support of representatives of the Roman Catholic Board of School Commissioners, of the Protestant Board of School Commissioners, of representatives of the Protestant Committee, and of several representatives of the Jewish population.

The sub-Committee of the Protestant Committee appointed in 1923, expressed informally its general approval of the main provisions of the Bill, but out of respect for strong representations attempted to secure the same results by Amendments to the existing Acts.

When the matter came before the Protestant Committee no action was taken upon the merits of the pro-

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posed legislation, but in view of the wide difference of opinion, both within and without the Committee, the Protestant Committee recommended that no action be taken on this question at the then current session of the Legislature. Unless the Jewish population are prepared to avail themselves of these generous proposals of the Protestant Board there appears to be no practical alternative but the establishment of a third or Jewish system of schools in this Province, to the great disadvantage, not only of the Jewish population, but of the whole community.



