Separate Schools in the New Provinces

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SEPARATE SCHOOLS

Introduction of the Dual System into Eastern Canada and its Subsequent Extension to the West

— By —

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PREFACE.

The prevalent erroneous and false ideas relative to the separate school question in the new provinces of the West; the persistent efforts of certain people to mislead the citizens of Canada with reference to it, and the evident reluctance of both political parties to boldly and fearlessly face the issue with the only effective remedy, are among the reasons which induced the author to lay the facts concerning this subject, which in importance far transcends all others of a provincial character, briefly before the public. It is his earnest hope that this little work may be the means of at least contributing to the dispersion of the mists emanating from misrepresentation, party expediency and political serfdom, which at present obscures the vision of our people, and bringing about the final overthrow of an educational system founded upon the principle of special privileges, which fosters disunion and disintegration, and must inevitably lead to national disaster.

The control of education has been taken away from the Roman Church by every progressive and enterprising nation on earth, with most desirable and beneficial results, but in Canada we seem to be moving in the very opposite direction, and as time passes, we are handing over to the hierarchy of Rome some special privilege to interfere with our primary schools and the education of the youth of our land. Lord Macaulay thus writes with regard to Rome's history in educational affairs: "From the time when the barbarians overran the Western Empire to the time of the revival of letters, the influence of the Church of Rome had been generally favorable to science, to civilization, and to good government. But during the last three centuries, to stunt the growth of the human mind has been her chief object. Throughout Christendom, wherever advance has been made in knowledge, in freedom, in

wealth, and in the arts of life, it has been made in spite of her, and has everywhere been in inverse proportion to her power. The loveliest and most fertile provinces of Europe have, under her rule, sunk in poverty, in political servitude, and in intellectual torpor, while Protestant countries, once proverbial for sterility and barbarism, have been turned by skill and industry into gardens, and can boast of a long list of heroes and statesmen, philosophers and poets. Whoever, knowing what Italy and Scotland naturally are, and what nearly four hundred years ago they actually were, shall now compare the country round Rome with the country round Edinburgh, will be able to form some judgment as to the tendency of Papal domination. The descent of Spain, once the first among monarchies, to the lowest depths of degradation; the elevation of Holland, in spite of many disadvantages, to a position such as no commonwealth so small ever reached, teach the same lesson. Whoever passes in Germany from a Roman Catholic to a Protestant principality, in Switzerland from a Roman Catholic to a Protestant canton; in Ireland from a Roman Catholic to a Protestant county, finds that he has passed from a lower to a higher grade of civilization. On the other side of the Atlantic the same law prevails. The Protestants of the United States have left far behind them the Roman Catholics of Mexico, Peru, and Brazil. The Roman Catholics of Canada remain inert, while the whole continent round them is in a ferment with Protestant activity and enterprise."*

Japan, about the middle of the last century, adopted a system of public non-sectarian schools, and has since displayed a progressiveness and a readiness to avail herself of modern civilization, in marked contrast to the rest of Asia, which has rested in the most sluggish conservatism, sleeping while Europe and America were actively moving;

* History of England, vol. 1, p. 48.

content with its ancient knowledge while the people of the West were pursuing new learning into its most secret lurking places. The United States of America, a nation almost solely the outgrowth of the last century, with a history full of great steps of progress, illuminated by a hundred events of the highest prominence and significance, stands to-day, with the British Empire, as a beacon light of national progress and human liberty to the world. And with its expansion and growth, and the amelioration in the conditions of life, the earnest problems of government have been brought home to the people by the teachers in its national schools and colleges. On the other hand, in countries such as Spain, Austria, Mexico, Italy, and the South American Republics, where the Roman hierarchy have had the control of education for centuries, those sleeping nations show little signs of waking up to the fact that the world is moving around them, some of them swamped under the tide of inertness and barbarism, and existing only in their ruins.

The system which the leading nations of the world abolished as a curse and a hindrance to their progress and their freedom, is now being foisted upon Saskatchewan and Alberta. This is the situation confronting us to-day. Here in this new land which should be the home of liberty and enlightenment, we are evidently destined to engage in a struggle between an arrogant hierarchy, supported by the wealth, influence and pomp of papal power, regaled in almost mediaeval magnificence, on the one hand, and the nation's love of civil and religious freedom and the enlightenment that comes from popular education, on the other. Happily, Canadians are already awakening to a realization of the folly and wickedness of the ancient pretensions of Rome, which Europe has cast off forever.

It is a great mistake to think, as many people do, that the doctrine of Christ demands at all times, for the sake of peace, love, and harmony, yielding com-

pliance and constant concession. These three things are, of course, very desirable, but they should never be bought at the price of a vital principle, and at times when great principles are at stake, duty demands that we take a firm stand in order that the world may clearly know where our allegiance lies.

Every care has been taken to insert nothing in these chapters but that which can be amply verified. This has necessarily involved, on the part of the author, a great deal of investigation, as well as personal visits to various localities in Saskatchewan, Manitoba, Quebec and Ontario. His efforts will be sufficiently rewarded, however, if a perusal of the facts, herein contained, assists in dispelling the false notions of well-meaning people with regard to the subject treated. Particular pains have been taken to show, in Chapters II. and III., by quotations from various recognized legal authorities, that separate schools were illegally forced upon Saskatchewan and Alberta by the autonomy legislation of 1905. But, notwithstanding the restrictions then imposed, the Legislature of either of the provinces mentioned, can, at any time, bring about their total abolition, as was done by Manitoba in 1890.

THE AUTHOR.

Saskatoon, Sask., March 2nd, 1918.

CHAPTER I.

The Introduction of Separate Schools Into Canada.

A legislative union, in the year 1841, was effected between the provinces of Ontario and Quebec, then known as Upper and Lower Canada. This union was suggested by Lord Durham as a means of assimilating and unifying the citizens of both colonies under one code of laws and a common language. The plan was well conceived, and, in all probability, would have served the purpose for which it was intended, had the lust for place and power not overmastered the majority of the members of the United Parliament, and caused them to sacrifice every consideration except that of holding office. The Lafontaine-Baldwin administration, in 1848, secured the repeal of the section in the Act of Union which made English the official language, and, some time afterwards, the Macdonald-Cartier Government went into office on the understanding that no measure affecting Quebec should become law unless supported by a majority of the representatives from that province. At each succeeding session of the Legislature, it became more evident that the objects for which the union had been brought about were not to be realized, and as a remedy for the evils it was designed to eliminate, it proved a complete failure.

From the date on which the first parliament met until 1867, when the union was dissolved, the Roman hierarchy lost no opportunity of advancing the interests of Catholicism, and bringing about the predominance of Quebec, to the detriment of civil and religious freedom, and the subversion of British law and Protestant institutions in the United Provinces.

The Canada Act, passed in 1774, during the reign of William IV., defined the parish system as applic-

able to the seigniories only, where land was held in fief. Wherever lands were held in free and common soccage, neither priest or bishop had any jurisdiction, and could neither tax nor tithe. But the bishops in Quebec obtained from the United Parliament whatever civil authority they now possess for levying tithes on lands other than those held by seigniorial tenure. Conventual and monastic orders, for the first time in Canada, received acts of incorporation, as well as grants of land and money from the public treasury, on the grounds of charitable and spiritual benefits they affected to bestow upon the State. Encouraged by past success, the bishops now launched an agitation for separate schools in Upper Canada. In 1863, the late Hon. R. W. Scott, who constituted himself the champion of the Roman Catholic minority in that Province, and who was a member of the United Parliament, succeeded in getting a bill passed through the House in accordance with their wishes. This bill, known as the "R. W. Scott Separate School Act," has proved to be the greatest incubus that has ever fallen upon Ontario or any other Canadian province. The circumstances attendant upon the passage of this Act were, perhaps, the most disgraceful in the history of any self-governing British country. It was a bill that exclusively concerned Ontario, and a majority of the representatives from Ontario voted against it. It was the established usage that members were to determine as to bills affecting their respective provinces, and when such a bill did not have the support of a majority of the members representing the province concerned, it was to be withdrawn, although a majority of the united house may be in favor of it. This separate school bill became law, however, by the solid vote of the Quebec members, and a minority of the representatives from Ontario.

The Act was accepted as a finality by the priests, but no sooner was it on the statute books than they began agitating for amendments of the most radical

and far-reaching character. This went on for years, with unceasing persistency, with the result that the present separate school law of Ontario has hardly any resemblance to the original Act of 1863. It illustrates, in its present form, the old fable of the camel which first got its head into the house, and succeeded in finally forcing the owner out. Between the years 1841 and 1867, the members from Ontario in the United Parliament had many opportunities of furthering and vindicating the great principles upon which freedom rests, but, owing to party divisions, and for the purpose of gaining either personal or party advantage, many of them proved recreant to their trust and betrayed their principles to gain the support of the Quebec members who held their mandate from their priests. When Canada was ceded to Britain, the Church of Rome became an institution existing on sufferance. Step by step, with the assistance of weak-kneed Protestants and time-serving politicians, she has attained to a position of supremacy. In the Province of Quebec she enjoys privileges and immunities unknown in purely Roman Catholic countries.* Here, on British soil and under a Protestant sovereign, she is not only autonomous and unrestricted by civil law in carrying out her spiritual undertakings, which is only right and proper, but she arrogates to herself many of the prerogatives and powers which belong only to the State. Taxes are levied for erecting and maintaining churches and residences for the priests, their payment being enforced by process of law. All real property belonging to the Church is exempted from taxation, and a great deal of this property is also made inalienable by mortmain. The control of education is in the hands of the bishops, and no change in the educational system of the province, or in the distribution of Government grants for educational purposes is possible without their consent. While the

* See "The Tragedy of Quebec," by Robert Sellar.

Provincial civil power is thus made subservient to the ecclesiastical authorities, the hierarchy resents and repudiates even the appearance of the supremacy of the crown, by ignoring the proclamations of the Federal Government for fasts or thanksgiving. It is not many years ago since a citizen was taken before the courts and fined in Montreal because he dared to cross a public street of that city during the progress of a eucharistic procession. In another part of the province, about the same time, a like penalty was inflicted upon a Protestant, because he refused, on the occasion of a St. Jean Baptiste procession, to take off his hat to the host. In a word, this church, whose laws and decrees are made at the capital of a foreign nation, sits as a queen in Quebec, panoplied in her assumptions by law, receiving from the Government everything she demands, and dominating the Province as the most important interest to be served or considered.

To those who advance the argument that since the Protestant minority were given the right to have a system of separate schools in Quebec, the same privilege could not be denied to the Roman Catholic minority in Ontario, it is necessary to point out that, before Confederation, no public schools existed in Lower Canada as in Ontario. In Upper Canada, the schools were non-sectarian and open alike to Protestant and Catholic. In Lower Canada the schools were strictly Roman Catholic, devoted to teaching Roman Catholic dogma, and under the practical control of the Roman Catholic hierarchy. In Upper Canada, if a school only contained a single Roman Catholic child, it could attend the public school without impediment or embarrassment; while in Lower Canada there were, and still are, whole counties where absolutely no provision exists for the education of isolated Protestant families.* Considering

* The people of the English-speaking provinces are kept in the dark regarding these historical facts, because of the reluctance of those who have hitherto written on the separate school question, to make known the truth.

these circumstances, can it be wondered that the Protestants of Lower Canada requested that their educational rights be protected by a provision in the Imperial Act of Confederation; and have the Roman Catholics of Quebec shown such an inordinate degree of toleration and generosity, as some people would have us believe, in permitting Protestants to enjoy that which is solemnly guaranteed to them by the constitution? It might disabuse the minds of some people regarding the alleged generosity of the Roman Catholic majority in Quebec, to know that by their iniquitous system of apportioning the taxes, known as the "Neutral Panel," a million dollars of Protestant money is annually diverted to the support of Roman Catholic schools in that province.

CHAPTER II.

The Canadian Provinces United by the British North America Act with a Provision for Separate Schools in Ontario and Quebec.

While the English-speaking population, during the existence of the union between Upper and Lower Canada, were divided by the old English party lines, the French-Canadians, united by local interests, race and religion, were able to hold the balance of power whenever the two British parties divided on points of sufficient importance to preclude a compromise. Thus, while the advantages of soil and climate, the industry, and the consequent wealth of Upper Canada, enabled it to contribute an ever-increasing proportion of the revenue of the United Provinces, it often received a very partial share in their distribution. It was also frequently outvoted on questions in which both local feeling and local interests were largely involved. This condition of things was turned to account in the party contests of the time with an ever-increasing variation and sense of wrong on the part of the people of Upper Canada, until a common feeling overrode party lines, and matters were brought practically to a deadlock.

This state of affairs led to the idea of a union between the various British American colonies, while reserving to each the control of its own local affairs. Accordingly, representatives of the different provinces, after mature deliberation, agreed to the principles of the proposed Confederation. The Constitution, known generally as "The British North America Act, 1867," was passed by the Imperial Parliament. It provided for the voluntary union of the whole of British North America into one Dominion.

The Act came into operation on the 1st of July, 1867, at which date the provinces of Ontario and Quebec were united to the maritime provinces of Nova Scotia and New Brunswick. Under the 146th section of the British North America Act, the province of Manitoba, in 1870, British Columbia, in 1871, and Prince Edward Island, in 1872, were successively admitted into the Confederation. This section provided for the admission of other provinces upon a joint address of their Legislature and of the Parliament of Canada, and is as follows:

"It shall be lawful for the Queen, by and with the advice of Her Majesty's most honorable Privy Council, on addresses from the Houses of the Parliament of Canada and from the Houses of the respective Legislatures of the colonies or provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those colonies or provinces, or any of them, into the union, and on address from the House of Parliament of Canada, to admit Rupert's Land and the north-western territory, or either of them, into the union on such terms and conditions in each case as are in the addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act;* and the provisions of any Order-in-Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland."

Under this provision the Territories became part of Canada on July 15th, 1870, under an order of Her Majesty in Council passed upon two addresses from the Parliament of Canada. Manitoba was also included in the territory which became part of Canada under that Order-in-Council. Manitoba's position was somewhat peculiar. An act was passed, in anticipation of the Order-in-Council, on May 12th,

..* Special stress should be laid on the words "subject to the provisions of this Act," since they are to be construed with section 2 of the British North America Act of 1871.

1870, a little over two months before the Territories became part of the Dominion, and, therefore, Manitoba was established as a province at the very moment it became part of the Confederation. So doubtful was the Government of that day of the validity of the Act creating Manitoba into a province, that the Parliament of Great Britain was appealed to, and the provisions of the Manitoba Act were validated by "The British North America Act, 1871." The preamble of this Act is as follows:

"Whereas doubts have been entertained respecting the powers of the Parliament of Canada to establish provinces in territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such provinces in the said Parliament, and it is expedient to remove such doubts and vest such powers in the said Parliament. . . ."

Section 2 provides that:

"The Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province and for its representation in the said Parliament."

Another Imperial statute, assented to by the Queen on the 25th June, 1886, and known as "The British North America Act, 1886," provides that the three Acts are to be **construed together**, and may be cited together as "The British North America Acts, 1867 to 1886."

It has been mentioned in the preceding chapter that Roman Catholic separate schools were established, **by law**, in Ontario at the time of the union between that province and Quebec. The Protestant minority in Quebec, at the date of Confederation, were in possession of a system of separate non-

denominational schools, and requested that these schools, which, hitherto, had no legal standing, and only existed **in practice**, be safeguarded by the Confederation Act. In this proposal the Church of Rome saw her opportunity, and her representatives at the Quebec conference demanded* that, if the request of the Quebec Protestants were acceded to, equal security should be granted the Roman Catholic minority in Ontario. There was absolutely no parallel between the two systems. The Quebec minority schools were **public** schools, and the schools of the minority in Ontario were the **schools of a church**, yet the demand to place them on an equality was granted. Because the English-speaking people of Quebec sought protection against the possibility of having their free, open, and non-sectarian schools changed into confessional schools, the price that had to be paid by the people of Ontario was that they had fastened upon them, for all time, the Roman Catholic separate schools which were, in the first place, forced upon them by the united vote of the Roman Catholic members of the old United Parliament. This is provided for by section 93 of the Act of Confederation, sub-section 1 of which is as follows:

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

"I. 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."

Sub-section 3 reads:—

"3. Where in any province a system of separate or dissentient schools exists by law at the union, or is thereafter established by the Legislature of the province, an appeal shall lie to the Governor-General-in-Council from any Act or decision of any provin-

* See sub-article 6 of article 43 of the Quebec Resolutions, page 36.

cial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

Of all the provinces forming the Dominion of Canada, Quebec and Ontario alone had separate schools, existing only in practice in the former, and established by law in the latter, at the date of the union.* Therefore, these were the only provinces to which section 93 could apply. It was inserted in the Act to preserve rights or privileges created by the provinces when they were separate sovereignties, the one before, and the other after the union. With regard to Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia, no restrictions or conditions were imposed. Therefore, these provinces remain free to legislate regarding education as they may deem proper. The peculiar position of Manitoba, and the way that province was admitted into the union, has already been pointed out. Manitoba was not an independent province, with a constitution and Legislature of its own, but formed part of the vast territories which belonged to the Hudson Bay Company, and were administered by their officers or agents. The territory out of which Saskatchewan and Alberta were carved, was acquired also from the Hudson Bay Company in the year 1870, but as it was uninhabited by white men at the time it became part of the public domain of Canada, no provision was made for its government until five years afterwards, when the "North-west Territories Act" was passed. The legislative powers conferred upon the Territories by this Act were temporary, tentative, and entirely subject to the control and guidance, as well as supervision, of the Dominion Parliament. As a matter of fact, most of the powers of the Territorial Government were to be given in the discretion of the Governor-General-in-Council, from time to

* The Legislative Assembly of Quebec, in 1869, in accordance with an understanding arrived at by the Quebec conference, passed a statute providing for Protestant minority separate schools.

time, and withdrawn when and as he thought fit. In other words, the powers of the Territorial Council were delegated and not plenary, and all ordinances passed were to be subject to, and not inconsistent with, Dominion legislation especially relating to the Territories.

"The Northwest Territories Act" was introduced by the Hon. Alexander Mackenzie, the then Prime Minister of Canada, in 1875. Hon. Edward Blake called attention to the fact that no provision had been made in the bill for separate schools, and suggested that it be amended by inserting a section to remedy this so-called defect. Accordingly, section 11 was added to the measure, which was passed almost unanimously by the House, and a dual system of schools was thus fastened upon the Territories, without the consent of the 500 inhabitants thereof, who alone were concerned, but were unrepresented in Parliament, and, consequently, had no voice in the matter.

At the session of 1894, the late Mr. Dalton McCarthy, the representative for North Simcoe, introduced a resolution in the House of Commons to repeal section 11 of the Northwest Territories Act. His idea was that with such a law on the statute book of Canada, when new provinces came to be erected in the Territories, separate schools would become a part of their constitution; or, rather, it might afford the Dominion Government an excuse for their perpetuation under section 2 of the British North America Act, 1871. In the debate which took place on Mr. McCarthy's resolution, Sir John Thompson, who was then the Premier, and recognized as a great constitutional authority, said:

"What the constitution of the future provinces shall be, in view of the pledges which have been referred to, or in view of any other set of circumstances, will be for Parliament to decide when it decides to create those provinces."

Another gentleman, who devoted himself for many

years to the consideration of the constitution of Canada, and was rewarded at a later date with an appointment to the Supreme Court of Canada, namely, the Hon. David Mills, in speaking on the same question, used this language:

"When the people of the Territories, or any portion of the Territories, are sufficiently numerous to constitute a province, when, in fact, they attain their majority in regard to local matters, and when they propose to set up for themselves, this Parliament has no right to exercise control over them, no right to exercise any authority; it can give good advice, but it has no right to give commands. But we are not dealing with the future. When the Territories have a sufficient population to entitle them to become a province they must decide for themselves whether they will have separate schools or not. When you look at the subject of education prior to the union you will find not that any system was expressly imposed upon the province, not that the principle of separate schools was virtually established, but the rule was established that where separate schools were established and had been established before the union, they should remain, and where they were not established, the province should retain control over the subject to introduce them or prevent their introduction as seemed proper to the people. We have a practical illustration of this fact in the position of things in the maritime provinces and the provinces of Ontario and Quebec. So far as the Territories were concerned—I do not at all admit that the introduction of separate schools there stands upon the same footing as the introduction of separate schools in the province of Ontario, or of dissentient schools in the province of Quebec. In these provinces they were protected under the constitution; they cannot be interfered with by the local Legislature. But in the Northwest Territories, as the Hon. Minister has said, it has been a matter not of right, not of guarantee to any particular class of the population, but a

matter of policy. They were introduced with the view of preventing conflict in this House upon the subject of separate schools, and for the reason that they were introduced there they should be maintained as long as these Territories are under the control of this Parliament. When this Parliament has discharged its duties and the people of the Territories have received the population to entitle them to enter the union, they must assume the responsibility for deciding for themselves under the British North America Act how far they should maintain the principle of separate schools or maintain the non-denominational system. Any attempt on our part, whatever our inclinations or feelings may be, to anticipate what ought to be done in that particular, by the province after its autonomy is established, instead of being a source of security to its institutions would be a source of great danger."

Mr. McCarthy, who had previously differed from Mr. Mills, speaking in the same debate, said:

"It may be that the view of the hon. gentleman from Bothwell is right in that respect, and that clause two of the Act of 1871 does not give to this Parliament the power, in creating a province, to confer any constitutional rights other and different from those mentioned in the British North America Act, 1867."

To the same effect is the opinion of Sir Louis Davies, a gentleman who was elevated to the Canadian Supreme Court because he had been for many years a student of constitutional law, and a recognized authority on that subject. In 1891, Sir Louis Davies, in the course of a speech in the House of Commons, said:

"My opinion is now and has been for years that when that time comes you cannot withhold from the provinces so erected the right to determine for themselves the question of education one way or the other. I would be the last to favor this Parliament imposing upon the people there any system of

education, either free or separate. I only claim that when a bill is introduced to erect those Territories into provinces that bill should contain a provision enabling the people of the different provinces so created to decide what system of education they shall have. I only express this view lest I might be supposed by my silence to give assent to some extreme doctrines which hon. gentlemen have propounded. In view of the remarks which have been made, I thought it necessary to disclaim that, in assenting to the passing of this bill, I bound myself for all time on this question of education. I do not. Although we are giving powers almost equal to those conferred upon local Legislatures, we are not erecting the Territories into separate provinces. When that is done I suppose it will be done by the Queen in Council under the 146th section of the British North America Act, and I simply claim the right when that time comes to determine for myself. In accordance with the view I have always held and hold now, I have no hesitation in expressing, respectfully, that the people of those new provinces should have the right to determine what system of education they shall have."

In view of these opinions, expressed by gentlemen of the highest legal attainment in Parliament at the time, Mr. McCarthy's resolution was voted down, and the Northwest Territories Act remained unchanged as far as section 11 was concerned, until the establishment of the new provinces in 1905. Had the section been repealed at that time it is quite probable that to-day there would be no separate schools in either Alberta or Saskatchewan.*

We were saved to some extent from the sectarian and clerically controlled school, such as exists in Ontario, by the action of the Territorial Assembly,

* Because separate schools existed in the Territories in 1905, the Laurier Government pretended that Parliament was bound to perpetuate them in accordance with section 93 of the British North America Act, 1867.

in 1892, making a new school law more in keeping with the requirements of the people, and regardless of the provisions of the Northwest Territories Act of 1875. This school law is generally known as "The Haultain School Ordinances." It defined, accurately and in no uncertain way, what the privileges of the minority were to be in respect to separate schools. Indeed, the changes were so drastic and far-reaching in character, that the Roman Catholic minority claimed their rights were impaired, and appealed against them to the Federal Government. Sir John Thompson, who was then Minister of Justice, declined to interfere,† however, and the ordinances remained as the law relating to education in the Territories. All schools, both public and separate, were brought under the control of the Government from 9 o'clock in the morning till 3.30 in the afternoon. Section 6 of the Ordinance provided as follows:—

"The commissioner, with the approval of the Lieutenant-Governor-in-Council, shall have power:

1. To make regulations of the department—

(a) For the classification, organization, government, examination and inspection of all schools hereinbefore mentioned;

(b) For the construction, furnishing and care of school buildings and the arrangement of school premises;

(c) For the examination, licensing and grading of teachers, and for the examination of persons who may desire to enter professions or who may wish certificates of having completed courses of study in any school;

(d) For a teachers' reading course and teachers' institutes and conventions;

2. To authorize text and reference books for the

† Sir John Thompson took the position that, in the event of the courts deciding that the Act was intra vires, it should not be disallowed by the Dominion Government, but the question of enacting remedial legislation might then be considered; whereas, if the Act were declared by the provincial judicial tribunal to be ultra vires, it would not require to be disallowed.

use of the pupils and teachers in all schools hereinbefore mentioned, as well as maps, globes, charts and other apparatus or equipment as may be required for giving proper instruction in such schools;

3. To prepare a list of books suitable for school libraries, and to make regulations for the management of such libraries;

4. To make due provision for the training of teachers."

Section 45 provided:—

"After the establishment of a separate school district under the provisions of this ordinance such separate school district and the board thereof shall possess and exercise all rights, powers, privileges, and be subject to the same liabilities and method of government as is herein provided in respect of public school districts."

The teaching of religion was restricted by clause 137 to one-half hour per day, commencing one-half hour previous to the closing of the school. The sanction of the Board was made necessary before this instruction could be given, and section 138 provided that any child could have the privilege of leaving the school room, or of remaining without taking part in religious instruction, according to the desire of the parents or guardians of such children. No teacher, school trustees or inspector was to attempt in any way to deprive such a child of any advantage that it might derive from the ordinary education, on penalty of being disqualified for and voidance of the office held by him.

It will thus be seen that the Legislative Assembly of the Territories brought all the schools under Government control, and came as near to forming one national non-sectarian system as it was possible to do, short of openly violating the Northwest Territories Act of 1875, and having its legislation disallowed by the Dominion Parliament. For it must be remembered that, as has already been pointed out,

the Territories did not enjoy full autonomy, but only such legislative authority as was delegated to them by the Act of 1875. The Federal Parliament could have revoked at any time the power conferred first upon the Territorial Council, and, afterwards, upon the Territorial Legislature, and the people of the Territories simply tolerated separate schools because they were imposed upon them by the Act of 1875, and had to remain until such time as provincial autonomy was granted.

Between the date of the acquirement of Rupert's Land and the Northwest Territories by Canada, and the creation of the Provinces of Saskatchewan and Alberta, in 1905, a memorable struggle for national schools was waged in Manitoba. This fight was eventually carried to the remotest corner of the Dominion, during the general election of 1896, and the overwhelming defeat of the Tupper Government on that occasion was hailed with satisfaction by friends of liberty and the upholders of national schools in all parts of Canada. It also proved that Canadians will not tolerate any interference with the rights of a province, even though it may be within the terms of the constitution. The part the Orange Association took, and the service the Order rendered to the one national school principle and the cause of provincial rights, on that occasion, will always live in the annals of the Dominion. Led by their Grand Master, the Hon. N. Clark Wallace, who resigned his position in the Government as Controller of Customs, rather than betray his principles, the members of the Association contributed largely to the defeat of the party that tried to force Roman Catholic separate schools on Manitoba. Orangemen have often been accused of servility to a certain political party, but their record in connection with the Manitoba school question is alone a sufficient refutation of such an assertion.

The Greenway-Martin Government of Manitoba in

1890, passed an Act abolishing separate schools.* The Act is known as the "Manitoba School Act of 1890." The Roman Catholics appealed to the Dominion Government to disallow the law as being unconstitutional. Instead of doing so, however, the Government referred it to the courts to determine as to its validity. On February 22nd, 1891, the Court of Queen's Bench of Manitoba declared it intra vires. In October, 1891, the Supreme Court of Canada declared it ultra vires of the Provincial Legislature. In July, 1892, the Judicial Committee of the Imperial Privy Council, the highest court in the Empire, upheld the decision of the Manitoba court, declared the Act within the competence of the Legislative Assembly and quashed the judgment of the Canadian Supreme Court.† An agitation was then begun for an appeal to the Federal Government for remedial legislation, under sub-sections 3 and 4 of section 93 of the British North America Act, and sub-section (2) of section 22 of the Manitoba Act. On February 26th, 1894, the Supreme Court of Canada held that the minority had no ground on which to appeal for Dominion interference. From this judgment an appeal was carried to the Imperial Privy Council, and, in January, 1895, a decision was given, declaring that the Dominion Government, under the Confederation Act, had power to make a remedial order, and, if necessary, enact remedial legislation.‡

* When Manitoba became a province of Canada in the year 1870, no "right or privilege with respect to denominational schools" existed "by law" in the area out of which the new province was composed. In 1871 the Legislature of the province passed an Act providing for the establishment of a system of schools similar to that created in the Northwest Territories in 1884. The Manitoba School Act of 1890, therefore, only abolished the system which had been established by the Legislature of the province nineteen years previously.

† For the Privy Council's decision see Appendix I.

‡ This decision is given in Appendix II. Owing to misrepresentation by those who have written and spoken on this question, most people believe that the second judgment of the Privy Council ordered the restoration of separate schools in Manitoba. It did nothing of the kind, as a perusal of the decision will indicate.

From the day on which the judgment of the Privy Council was received at Ottawa, the controversy grew more critical in its various aspects. The French-Canadian members of the Cabinet demanded remedial legislation, while a number of the English-speaking members opposed it. Sir Mackenzie Bowell was then the Prime Minister, and was understood to favor the issuing of a remedial order to the Manitoba Government to restore separate schools. This course was finally decided upon in March, 1885, after which the Hon. N. Clark Wallace, Controller of Customs, immediately resigned his office in protest. The order for the restoration of all educational rights taken away from the minority by the Act of 1890, was duly sent to the Manitoba Government. Within a very short time, an answer was returned to the effect that Manitoba absolutely declined to obey it, and would have nothing to do with the re-establishment of separate schools within the province. Shortly after this message was despatched to Ottawa, Mr. Greenway dissolved the Provincial Legislature and appealed to the people. The elections were held in January, 1896, and the Government was returned to power by a sweeping majority. On February 27th the new Legislature, by thirty-one votes to seven, protested against any Dominion interference with the educational affairs of the province, and definitely and distinctly gave the Federal authorities to understand that their remedial law would be ignored.

A remedial bill, ordering Manitoba to restore Roman Catholic separate schools, was then introduced into Parliament, and, notwithstanding the strongest opposition from Mr. (now Rt. Hon. Sir) Wilfred Laurier, and most of the Liberal party in the Commons, as well as from such influential Conservative members as Hon. N. Clark Wallace, Dr. T. S. Sproule, Colonel (now General the Hon. Sir) Sam Hughes, Dalton McCarthy, Alexander MacNeil, Colonel O'Brien, etc., who declined to support their

party when it involved the sacrifice of a vital principle, the coercion measure passed the second reading. Had it not been for the defection of the French ultramontane Liberal members from Quebec, who voted with the Government, the bill would have been given the "six months hoist." When it reached the committee stage, the Government decided to hold night and day sessions of the House in order to get it on to the statute book before Parliament would have to be dissolved, as it was rapidly approaching the end of the period for which it had been elected. The opponents of the bill, among the most uncompromising of which were those whose names are already given, were just as determined that it should not become law, and, following the example of the Government, also arranged night and day shifts. The debate went on, night and day, for weeks, until the expiration of the parliamentary term compelled the Government to give up the fight. It was announced from the Treasury benches that the election would be fought on the remedial policy of the Government, and the battle would be transferred from Parliament to the country. The challenge was accepted by the Opposition, and the result of the contest was that the policy of coercion was decisively defeated and the Government hurled from power.

In November, 1896, an arrangement was arrived at between the new Liberal Government of Canada and that of Manitoba. The party in power termed this a successful compromise, and the Opposition described it as a veritable farce. This arrangement provided that the non-sectarian character of the schools should be maintained, while bilingual teaching and Roman Catholic religious instruction, within certain limits, was permissible. After twenty years' experience with this compromise, the people of Manitoba found that it worked out so unsatisfactorily, and was fraught with such danger to the future of the province, that they owed it as a duty

to themselves, and to posterity, to demand its abrogation. What is known, therefore, as the "Laurier-Greenway Settlement" was repealed by the Norris Government of Manitoba in 1916. Amendments to the school law, known as the "Coldwell Amendments," which, in the opinion of a great many people, permitted the reintroduction of separate schools into the province, and which brought about the defeat of the Roblin Government in 1914, have also been repealed by the Government of Mr. Norris. The people of Manitoba have, therefore, after a long and arduous struggle, secured the right to pursue their educational policy, untrammelled and unhindered by forces which have too long been allowed to dominate and control the destinies of Canada, while they have been found wanting in every national emergency. The Province of Manitoba asserted, secured, and has maintained its right to establish such a system of schools as is best adapted for the needs of the people. Saskatchewan and Alberta, if they so desire, can do likewise.*

* See Appendix III. for a legal opinion on the power of the Legislative Assembly of Saskatchewan to abolish separate schools.

CHAPTER III.

The Provinces of Saskatchewan and Alberta Created with a Constitutional Provision that Separate Schools Were to be Perpetuated Therein.

The Legislative Assembly of the Northwest Territories, on May 2nd, 1900, voted an address to the Governor-General-in-Council, praying that a new province be erected in the Territories. On several subsequent occasions, the Premier of the Territories, Hon. Mr. Haultain, brought the matter to the attention of the Dominion Government, but the Roman Catholic hierarchy of Quebec and the late Archbishop Langevin, of St. Boniface, insisted that, in conferring provincial autonomy on the Territories, and extending the boundaries of Manitoba, provision should be made for separate schools.* These secret intrigues lasted for five years, and it was not until the beginning of the first session of the new Parliament, in 1905, that Sir Wilfrid Laurier introduced two bills into the House of Commons providing for the erection of two new provinces in the Northwest Territories. These bills, entitled, "The Saskatchewan Act," and "The Alberta Act," were drafted by the Minister of Justice, Sir Charles Fitzpatrick, and are believed to have been submitted to the Papal Ablegate, the representative of the Pope at Ottawa, before their introduction into Parliament. Mr. Haul-

* When the Autonomy Bills were being considered in the House of Commons, Hon. Robt. Rogers and Hon. Mr. Campbell, Minister of Public Works and Attorney-General, respectively, in the Manitoba Government, went to Ottawa to urge the extension of Manitoba's boundaries westward and northward, when the Papal Ablegate sent for them and suggested that if they would agree to the re-establishment of separate schools in the province, the difficulty regarding the boundary question would be removed.

tain, who was the duly accredited representative of the people of the West, with some of his colleagues, went to Ottawa to consult with Sir Wilfrid Laurier's Government, and assist in arranging the autonomy terms, but, although the Pope's representative, an Italian, and not even a citizen of Canada, was taken into the confidence of the Government, the First Minister of the Territories was shamefully ignored and only received a type-written copy of the educational clause (17) at 12 o'clock on the very day on which it was introduced into the House by the Prime Minister. The provisions of section 17, as amended,† were never at any time submitted to Mr. Haultain, nor was he consulted with regard to them prior to their introduction.

The educational clauses of the Saskatchewan Act, as finally passed into law, are as follows:

"3. The provision of the British North America Acts, 1867 to 1886, shall apply to the Province of Saskatchewan in the same way, and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said Province of Saskatchewan had been one of the provinces originally united, EXCEPT IN SO FAR AS VARIED BY THIS ACT, and except such provisions as are in terms made, or by reasonable intendment may be held to be, especially applicable to or only to affect one or more, and not the whole of the said provinces."

"17. Section 93 of the British North America Act, 1867, shall apply to the said province, WITH THE SUBSTITUTION FOR PARAGRAPH I. OF THE SAID SECTION 93, OF THE FOLLOWING PARAGRAPH:

† This section as originally drafted imposed the system of schools established in 1884. But owing to the opposition of the people in all the English-speaking provinces, and the resignation of Hon. Clifford Sifton from the Cabinet, the Government amended it to provide for the imposition of the system established by Chapters 29 and 30 of the School Ordinance of the Territories, passed in the year 1901.

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the DATE OF THE PASSING OF THIS ACT, UNDER THE TERMS OF CHAPTERS 29 AND 30 OF THE ORDINANCES OF THE NORTHWEST TERRITORIES, PASSED IN THE YEAR 1901; OR WITH RESPECT TO RELIGIOUS INSTRUCTION IN ANY PUBLIC OR SEPARATE SCHOOL, AS PROVIDED FOR IN THE SAID ORDINANCES.

"(2) IN THE APPROPRIATION BY THE LEGISLATURE OR DISTRIBUTION BY THE GOVERNMENT OF THE PROVINCE OF ANY MONEYS FOR THE SUPPORT OF SCHOOLS ORGANIZED AND CARRIED ON IN ACCORDANCE WITH THE SAID CHAPTER 29, OR ANY ACT PASSED IN AMENDMENT THEREOF OR IN SUBSTITUTION THEREFOR, THERE SHALL BE NO DISCRIMINATION AGAINST SCHOOLS OF ANY CLASS DESCRIBED IN THE SAID CHAPTER 29.

"(3) Where the expression 'by law' is employed in paragraph (3) of the said section 93, it shall be held to mean THE LAW AS SET OUT IN THE SAID CHAPTERS 29 AND 30; AND WHERE THE EXPRESSION 'AT THE UNION' IS EMPLOYED IN THE SAID PARAGRAPH (3), IT SHALL BE HELD TO MEAN THE DATE AT WHICH THIS ACT COMES INTO FORCE."

This is, in effect, an amendment to the British North America Act, 1867, as it inserts certain ordinances passed by the Assembly of the Northwest Territories in 1901, under a delegated authority from the Parliament of Canada. Sir Wilfrid Laurier, in introducing the bill, and also during his speech on the second reading, said it was his intention solely and absolutely to apply to the Northwest Territories of Canada the provisions of that constitution under which all Canadians live. It will be noticed, how-

ever, in the sections just quoted, that the provisions of the constitution, in express terms, are departed from, and are only to apply "except in so far as varied by this Act." Sub-section 1 of section 93 of the constitution is abolished, and one more to the liking of the Papal Ablegate is substituted therefor, and the third sub-section is amended by placing upon it an interpretation which it could not otherwise bear. If the expression, "**in the province at the union,**" really means the date of the establishment of the new provinces, no amendment was required for Sir Wilfrid's purpose. If it does not bear that meaning, why and by what authority did he change it?* The British North America Act is an Imperial statute, and, therefore, it is obvious that it cannot be altered by the Parliament of Canada. Yet the Government of Sir Wilfrid Laurier, in order to force separate schools on the new provinces, amended some provisions, misconstrued others, and interpolated entirely new sections into a constitution which it had no more power to change than had the Sultan of Turkey. If the British North America Act empowered the Dominion Government to circumscribe the powers and to restrict the constitutional rights of the new provinces, why was it necessary to distort, amend, alter its language, or interpret its provisions?

Sir Wilfrid Laurier, in his speech on the first reading of the bill, made use of this language:

"Sir, whenever a province comes here knocking at this door asking to be admitted into Confederation. if in that province there exists a system of separate schools, the British North America Act has provided that the same guarantee we gave to the minority in Quebec and Ontario shall also be given to the minority in that province. If we were in the year 1867, and not in the year 1905, and if we had to introduce

* The words "at the union" do not mean the date on which full autonomy was conferred on the Territories in 1905, but, naturally, the date of their becoming part of Canada in 1870, three years after Confederation.

into this Dominion the Provinces of Alberta and Saskatchewan, would my hon. friend tell me that these provinces would not have the same rights and privileges in regard to separate schools as were granted to Ontario and Quebec?"

Why did Sir Wilfrid Laurier resort to this misuse of words? No provinces were knocking at the door of Parliament asking for admission into Confederation. He was introducing a measure into Parliament under which two new provinces were to be created in territory which was already a part of Canada, but in order to give a semblance of support to a bill depriving them of their educational rights, he treated them as if they had established their own system of separate schools while existing as sovereign entities. While arguing in favor of withholding from the new provinces control of their land, in the same speech, he inadvertently made a very strong argument against the educational provisions of his bill. He said:

"When the provinces which I have named (referring to the original provinces which came into the union) came into Confederation, they were already sovereignties. I use that term, because, barring their dependence as colonies, they were sovereignties in the sense of having the management of their affairs, but the case of these new provinces is not at all similar."

This was Sir Wilfrid's argument when he withheld from the people of Alberta and Saskatchewan the control of their natural resources; but when he deprived them of the control of their educational affairs, they were to be regarded as sovereign, and exactly in the same position as the four provinces that originally entered Confederation. The restrictions placed upon Ontario and Quebec by the constitution was a matter of compact. Legislative sovereignty had already established certain rights, and these were not to be prejudiced after union had taken place. In the case of the Northwest Terri-

tories, however, the people had never acted. They did not freely establish separate schools by their own independent sovereign action, but these were established under the terms of the Northwest Territories Act, passed in 1875, when there were only 500 white people in the Territories, and in the framing of which statute they had no voice, for they had no representation in Parliament at the time. They established separate schools because that Act imposed upon them the duty of doing so, if they established any schools at all, and, as good loyal subjects, they were absolutely obedient to it so long as they were in a territorial position, especially as they had been told, time after time, that when full provincial autonomy was granted to them, they should have the right to determine for themselves as to what system of schools they should have.

In defending the educational clauses of the Autonomy Bills, on the 21st February, 1905, the date of their introduction into the House, Sir Wilfrid Laurier made the assertion that, within the four corners of the British North America Act, 1867 to 1886, he found justification for imposing upon the people of the Northwest Territories these restrictions. He went further and said that the terms of the British North America Act obliged the Government to make the system of schools, imposed by the Act of 1875, perpetual. The fact of the matter is, that neither in the negotiations and resolutions which led up to the British North America Act, 1867, nor within the four corners of that Act, and of the Acts in amendment thereto, can any provision be found which obliged, or even justified, the Government in imposing separate schools upon the new provinces. Let us examine the negotiations upon which the Act was passed, and in doing so, let us not forget that the intention was to include in the Confederation the very territories out of which the provinces of Saskatchewan and Alberta were carved. In order to judge whether, outside the

strict letter of the law and within the spirit of the constitution, within the lines of the negotiations which resulted in its formation, there was anything to justify the Parliament of Canada in forcing separate schools upon the new provinces, let us quote the article bearing on the question of education. The 43rd article enumerates subjects within the exclusive power of the Provincial Legislatures, and the 6th sub-article is as follows:

"Education, saving the rights and privileges which the Protestant or Catholic minority in both the Canadas* may possess as to their denominational schools, at the time when the union goes into operation."

Not a word about Nova Scotia, New Brunswick, Prince Edward Island, or the Northwest Territories. Not a single syllable. But in construing that article we must not neglect to read in connection with it article 10 of the same resolutions, which is as follows:

"The Northwest Territories, British Columbia, and Vancouver, shall be admitted into the union on such terms and conditions as the Parliament of the federated provinces shall deem equitable, and as shall receive the assent of Her Majesty; and in the case of the provinces of British Columbia or Vancouver as shall be agreed to by the Legislature of such province."

It will thus be noted that, at the Quebec conference, there were resolutions passed with regard to the union of certain provinces, the 10th article of those resolutions contemplated the bringing into the Confederation of the Northwest Territories, and when the question of education was dealt with under article 43, sub-article 6, of the resolutions, no restriction was placed upon the powers of provinces which might be created in the future in the Territories.

* The Provinces of Ontario and Quebec.

The Manitoba Act was validated by the Parliament of Great Britain in 1871. Therefore, any question which might otherwise have arisen when the case was before the Privy Council, whether or not the Canadian Parliament was justified in inserting certain provisions in that Act* became immaterial and never could arise after the passing of the British North America Act, 1871. Having regard to all the circumstances, it is quite evident that no constitutional obligation rested upon the Government to perpetuate separate school privileges in the new provinces, and no constitutional authority can be found for the educational clauses of the Saskatchewan Act. If Sir Wilfrid Laurier and his Government were correct in their contention that they were observing not only the letter but the spirit of the constitution, why is it that they inserted in section 17 provisions which purport to incorporate, but which do more than that, which amend and change the terms of the British North America Act? These provisions do not preserve any rights which existed at the time of the union in 1870, because no separate schools were "**established by law**" at that time in the Territories, but were designed to perpetuate privileges which were created by the Parliament of Canada itself in 1875. Hence the insertion in subsection 3 of section 17 of the Saskatchewan Act of an interpretation of the words "at the union," to the following effect:

"Where the expression 'at the union' is employed in the said paragraph (3), it shall be held to mean the date at which this Act comes into force."

If this is the meaning of the constitution, why did

* At the time of Manitoba's admission into the union, separate schools in the territory out of which the province was created only existed in "practice," and not "by law." Hence sub-section (1) of section 22 of the Manitoba Act contains the words "or practice," after the word "law." These two words were interpolated into sub-section (1) of the B. N. A. Act, to which it is otherwise identical, for the purpose of perpetuating the separate schools which were not established by law in the province.

Sir Wilfrid Laurier and his henchmen not let it be construed and acted upon without any attempt by Parliament to override or change its provisions?

Hon. Edward Blake, a great constitutional authority, said in 1869:

"It is perfectly clear on great and obvious principles that the basis of union settled by the British North America Act is not capable of alteration by Parliament."

Mr. Clement, in the second edition of his work on "The Canadian Constitution," page 352, gives an opinion to the same effect. He says:

"Can a new province be established with a smaller sphere of authority than that occupied by the provinces named in the British North America Act, 1867? By the British North America Act, 1886, the three Acts are to be read together and may be cited as the British North America Acts, 1867 to 1886. And by section 6 of the British North America Act, 1871, a Dominion Act establishing a province becomes, in effect, an Imperial Act—at all events, an Act which cannot be altered by anything short of Imperial legislation. It is submitted, therefore, that any new province created under this section must be given full provincial autonomy and powers as defined in the original British North America Act, 1867."

On March 22nd, 1905, on the occasion of the second reading of the Autonomy Bills in the House of Commons, Sir Robert L. Borden said:

"Analyze the British North America Act so far as analysis is necessary for the purpose of considering this question, and what do you find? In the first place you find the establishment of a Federal Parliament and a Federal Executive; in the next place you find the establishment of Provincial Legislatures and Provincial Executives; in the next place you find the distribution of executive power between the Federal Executive and the Provincial

Executive, and lastly you find the distribution of legislative power between the Dominion Parliament and the Provincial Legislatures. This analysis is not exhaustive, but it covers all that is necessary for the present purpose. I submit, Sir, that the basis established by this distribution of legislative and executive power cannot be altered either under section 146 of the British North America Act or under section 2 of the British North America Act 1871. In establishing a new province, can this Parliament, wholly or partially, alter the basis of Confederation; can it change the distribution of legislative power? That, I submit, can only be done by the Imperial Parliament. Surely it cannot be contended that in giving to a new province the constitutional rights conferred by the British North America Act, we can reverse the scheme framed by the Fathers of Confederation and embodied in an Imperial statute. Yet, that is what the right hon. gentleman seeks to do to-day by the provisions contained in section 17 of the bill. In creating a new province under the British North America Act, can this Parliament so amend section 92 as to transfer to Federal jurisdiction nine-tenths of the powers which by express terms of that section are to be exercised exclusively by the provinces? Can this Parliament transfer to such a province any of the powers which under the provisions of section 91 come within the exclusive jurisdiction of the Federal Parliament? If we can transfer any, why not all, and thus completely transpose and reverse the entire scheme and compact of Confederation. I submit that we have no duty, nay, we have no right or power to shatter the foundations then laid, or to rewrite the compact into which we then entered."

When the "Saskatchewan Act" was being considered by Parliament, the Orange Association obtained an opinion as to its constitutionality from the late Mr. Christopher Robinson, K.C., who was recognized as one of the greatest authorities on the Cana-

dian constitution in the Dominion. This opinion is as follows:

"The right of the Dominion Parliament to impose restrictions upon the provinces about to be formed in dealing with the subject of education and separate schools, is, I think, not beyond question. This would require more consideration than I have been able to give it, and must ultimately be settled by judicial decision. I am asked, however, whether Parliament is constitutionally bound to impose any such restriction or whether it exists otherwise, and I am of opinion in the negative. It must be borne in mind that I am concerned only with the question of legal obligation. What the Parliament ought to do or should do in the exercise of any power which they may possess, is not within the province of counsel.

"Such a restriction, I apprehend, must exist or may be imposed, if at all, under the provisions of section 93 of the British North America Act, 1867, and on the ground of their application to the provinces now to be formed. If that section applies, it would seem to require no enactment of our Parliament to give it effect, and if not, no such enactment, as far as I am aware, is otherwise made necessary. Upon the whole I am of opinion that section 93 does not apply to the provinces now about to be established. Its provisions would appear to me to be intended for, and confined to, the then province, and to the union formed in 1867. There is not in any part of the Northwest Territories as a province any right or privilege with respect to denominational schools possessed by any class of persons, created by the province, or existing at such union; and a right subsequently established by the Dominion in the part now about to be made a province, does not appear to me to come within the enactment."

It appears as clear as noon-day, even to a layman, that the first sub-section of section 93 of the British North America Act, which affords the key to all the

sub-sections, is only applicable to Ontario and Quebec, which were provinces already formed and existing as separate sovereignties. The words of the section are, "in the **province** at the union," contemplating laws which had come into existence by the sovereign will of the people before they entered the union, and not laws imposed upon 500 people in 1875, at a time when their voice could not be heard in Parliament because they had no representative there.

When the Saskatchewan Act was before the House there was not a single petition sent in from the Northwest Territories, even from Roman Catholics, in its favor. At least, there is no record of such. However, just before the general election which preceded its introduction, a gathering of priests and bishops took place at Three Rivers, in the Province of Quebec. It was said afterwards, by those in a position to know, that a bargain was then made to the effect that the Government was to provide for separate schools in the new provinces, and, in return, was to receive the solid support of Quebec. It is, at all events, a historical fact that at the election, held a few weeks after the Three Rivers convention, only eleven members out of sixty-five were elected from Quebec in opposition to the Government of Sir Wilfrid Laurier. At the first session of Parliament, succeeding the election, the Autonomy Bills were introduced and forced through by a united Quebec, against the protests of the people concerned, and in violation of the constitution of Canada. As usual, the Protestant representatives were divided on the old party lines, while the Roman Catholics, with one solitary exception, voted unanimously to force upon the people of the West an educational system shaped and fashioned, as far as possible, according to the Quebec model. The eleven members from Quebec who had been elected as opponents of the Government, when an opportunity of benefiting their Church occurred, joined forces

with their co-religionists of the opposite party, in order to compel the new provinces of the West to adopt the obsolete and antiquated educational system of the most backward and illiterate province in Confederation.* A province that in 1912, authorized for use in the Roman Catholic schools a text book from which the following translated extract is taken:

"Chapter VI. Geographic Description of the Present Possessions of the English in America.

"The English possess all the north of America under the name of New Britain. That immense country is divided into seven parts: Labrador, New Brunswick, Nova Scotia, to the northeast, Canada in the centre, New Wales to the west of the Hudson Bay, the region of lakes to the west of New Wales and Canada, and finally New Caledonia west of the region of lakes. The coasts of New Caledonia have received the names of New Cornwall and New Hanover. Labrador is a very cold country inhabited by Esquimaux, who live on fish. Nova Scotia is an important peninsula to the south of the Gulf of St. Lawrence. Halifax in the southeast is its capital and does a large trade in furs. New Brunswick, situated northwest of Nova Scotia, has Fredericktown as its capital, but St. John is its most important city. Canada, north of the United States, is divided into two parts, Upper and Lower Canada. The principal cities of the first are York, on Lake Ontario and Kingston on the River St. Lawrence; the second includes Montreal on the island formed by the same river, and Quebec, capital of all Canada

* Sir Robert L. Borden moved an amendment to the bill as follows: "Upon the establishment of a province in the Northwest Territories of Canada as provided by Bill (No. 69), the Legislature of such province, subject to and in accordance with, the provisions of the British North America Acts, 1867 to 1886, is entitled to, and should enjoy, full powers of provincial self-government, including the power to exclusively make laws in relation to education." This amendment was defeated by the Roman Catholic Conservatives uniting with the Liberal members, including those from the Territories, who voted to restrict the legislative rights of their own province.

and the residence of the Governor of Canada. New Wales and New Caledonia are two regions of which little is yet known. They have no importance except for the furs that are taken there."

The text book from which the above very interesting information is taken, is a copy of the fortieth edition, approved by the council of public instruction, the 15th May, 1912. The book states that Quebec is the capital of Canada. Toronto, as the extract shows, still figures as York, but Winnipeg does not even figure as Fort Garry—it does not figure at all. Manitoba, Saskatchewan, Alberta and British Columbia are regions unknown under those names; they are all comprised under the designation "New Caledonia, a wild region, which is of no importance, except for its furs, and whose coast is divided into New Cornwall and New Hanover."

"L'Authoritie," a Montreal French weekly newspaper, in January, 1918, in supporting Dr. J. T. Finnie, M.P.P., in his campaign in favor of compulsory education in the Province of Quebec, claimed that 50 per cent. of the people of the province are scarcely able to sign their names. According to this publication, in communities such as Berthier, Joliette, Rimouski and Fraserville, the proportion of illiterates is only exceeded in Bulgaria, Russia and Spain. And yet these people have been permitted, because of the political divisions among the English-speaking people of Canada, to dictate to these new, progressive and sturdy provinces as to the kind of schools they must maintain therein with their own money. Surely this state of affairs calls for a remedy, and no citizen who has the faintest conception of what freedom means, should ever relax his or her efforts until the laws made for us by the benighted Province of Quebec; or, rather, inspired by its representatives in the Federal Parliament, be substituted by those of our own volition, and more in keeping with the ideas and opinions of the age. Notwithstanding the autonomy legislation of 1905,

and the restrictions placed upon our legislative rights under the Canadian constitution, we have it yet within our power to abolish the separate school system, thus illegally forced upon us, and have it sustained by the highest judicial tribunal in the Empire.* Politicians may, and no doubt will, contend that this cannot be, but the time is fast approaching when the people can no longer be hoodwinked, and will demand that the principle of one flag, one language and one school system be adopted or they will know the reason why. Ever since our constitutional rights were abridged by the Laurier Government in 1905, certain people, who have now nearly all received their reward for betraying the interests of their country, have been using every means to create the absolutely false impression that separate schools in Saskatchewan and Alberta were established by virtue of the British North America Act, and, therefore, can never be abolished by the Provincial Legislatures. It is owing to this erroneous impression that separate schools have been tolerated so long, and that there has not arisen such a manifestation of public indignation, especially because of the despicable methods resorted to by those who foisted them upon us, as would bring about their total abolition and the defeat of any political party that would dare to defend them. Professional politicians, imbued with contemptible selfish motives, have ever and anon, sought to suppress the popular clamor for one system of public non-sectarian schools by putting forth the bogey of constitutional impediment. It must be apparent, however, to every citizen who is at all conversant with the meaning of passing events, as looked at in the light of the past, that the common national school principle will, in the not far-distant future, be universally adopted, and it would be about as sensible to try to prevent it as it would be to stop the motion of the tide with a pitchfork.

* See Appendix III. for legal opinion as to the power of the Legislature of the province to establish one national system of non-sectarian schools.

CHAPTER IV.

School Conditions in Saskatchewan Resulting From the Dual System.

Up till the year 1905, when the Province of Saskatchewan was created, there were only two Roman Catholic, and two Protestant separate schools, established within its boundaries. The Roman Catholic separate schools, which then existed, were No. 6, Prince Albert, erected in 1887, and No. 13, located at Regina, formed in 1889. In 1890, two Protestant separate schools were established—one at Duck Lake and the other near the present town of Esterhazy. In 1914, a third Protestant separate school district was erected at Forget. And, between the years 1905 and 1917, or during the period between the creation of the province and the present date, 17 more Roman Catholic separate schools have been organized, and were in existence at the end of 1917. There are, therefore, 19 Roman Catholic, and 3 Protestant, separate schools, at the present time, in Saskatchewan. There are also 22 Roman Catholic public schools, recognized as such by the Department of Education, in the Province.

The reader may, perchance, conclude that the advocates of one national school system, in order to be consistent, should never have erected or operated separate schools, and may be under the impression that the dual system cannot be so faulty after all, since Protestants have taken advantage of it to form separate schools in three different localities. It is, therefore, necessary to explain that the Roman Catholic "public" schools, for which there is no provision in the statutes, have compelled Pro-

testants to form these schools in order that their children may have the opportunity of receiving an elementary education in their own language, and free from the practices, teaching and influence, of the Roman Church. In most of these so-called Roman Catholic public schools, nuns, who in a great many cases speak English very imperfectly, and wear their religious garb, are the teachers. The teaching of religion takes up a great part of the time, and the schools are generally managed by the local Roman Catholic priest, the trustees being mere figure-heads, elected at his behest (see appendix 6). When the writer visited Duck Lake, in the summer of 1912, he was informed by the Mayor of the town, Paul Ashby, a French Roman Catholic, although bearing an English name, that religious instruction was held in the school there for three weeks at a time, to the exclusion of every other subject. His children were told, by the nuns who taught in the school, that the Masonic Order belonged to the devil, and no person could be a member of that fraternity and at the same time be in communion with the Church. This was more than Mr Ashby could stand, as he was proud of his connection with Masonry, and his children, thereafter, were sent to the Protestant separate school, although this meant that he was, ipso facto, excommunicated by the priest. These were the conditions which compelled the Protestants of Duck Lake to organize a separate school district. They are now under the necessity of sending their children to Rosthern, a distance of eleven miles, to attend the high school, while if there were only one public school at Duck Lake, they could have a high school at their doors, and with no more cost than at present. This is another of the evils resulting from separate schools, of which the general public hear or know very little about.

The conditions which brought the Protestant separate school into existence at Forget were of a somewhat similar nature to those at Duck Lake, but,

in some respects, a great deal worse for the Protestant minority. The public school at Forget was erected in 1905, and attended by both Protestant and Catholic children, all being educated together and learning to know and respect each other's religious convictions. About three years after the opening of the school, a priest, who is said to have been expelled from France for refusing to obey the laws of the Republic when the Government took the control of education away from the Church, arrived in the community, and at once commenced to interfere in the affairs of the school. The board of trustees in due course became wholly Catholic, and the teaching staff, in a comparatively short space of time, also changed. Two nuns, in religious garb, one of whom was French and spoke with a pronounced French accent, took charge. A crucifix in due course was erected over each blackboard, and the priest made frequent visits to the school. Some person, or persons, whether Protestant or Catholic, no one knew, committed the sacrilegious offence of tearing down and breaking both crucifixes. The priest grew very wrothy at this, and took it upon himself to detect the culprit. Accordingly, he entered the school one day during school hours, and started to cross-examine, harangue and terrify the children, but failed to discover, or get any trace of the criminal.

Is it to be wondered at that the Protestant ratepayers objected to their children attending a school pervaded by such a Roman Catholic atmosphere? It is quite true, the Protestant youngsters were not compelled to bow to the crucifixes or to the nuns, but how could they resist the temptation to imitate their Roman Catholic playmates? Example, it is often said, is more forceful than precept, and in proof of this, the Protestant children were known to cross themselves regularly whilst at prayers with the Roman Catholics. Several residents of the community are ready and willing to testify as to the truth of this. Surely such an insidious method of

proselytizing is nothing short of pernicious, and is incompatible with the accepted ideas of a public school.

After suffering this intolerable state of affairs for several years, during which the Education Department was more than once appealed to for a remedy in vain, the project of a Protestant separate school was broached and a petition,* praying that a separate school district be erected, as well as setting forth the school conditions in the neighborhood, was sent to the Minister of Education. In due time, the third Protestant separate school in Saskatchewan was established and commenced operations. The outstanding facts in connection with the establishment of this school are given to show the people of the province how the law is being ignored in Roman Catholic communities, and the deplorable conditions which have forced Protestants to establish separate schools at Duck Lake, Esterhazy and Forget.

It should be borne in mind, however, that these Protestant separate schools are purely non-sectarian in character, and do not differ in any respect from the other public schools of the province. If the laws of the land were only enforced in localities where Protestants are outnumbered by Roman Catholics, who are turning the public schools into denominational schools, where the dogmas of Rome are being taught, Romish emblems displayed in the school buildings, and nuns teach in their religious garb, and, in some cases, as at Forget, the pupils paraded to the church to hear mass on feast and holy days, during school hours, there would not be a Protestant separate school in Saskatchewan. The number of Roman Catholic "public" schools, furnished the writer by the Department of Education, is given as 21. This number does not include the school at Forget, regarding which part of the story has been related, nor those at Gravelburg, High Region No. 3112, Marcelin No. 1658, and doubtless many other

* See Appendix IV. for this petition.

places where nuns teach in their religious garb, and the same conditions obtain as set forth in the petition of the Protestants of Forget.

Marcelin School District was established on November 2nd, 1906, and is still regarded by the Department of Education as a public school district. After the building had been erected, inspected and reported upon by an official of the Government, the words "public school," written in French, were placed on the arch over the main entrance, and an altar, or shrine, was erected, and still adorns each of the rooms. At the present time (February, 1918) four nuns, who wear their religious garb, compose the teaching staff, and the school is opened daily with prayers in the French language. On occasions when only a few children are in attendance, but on such occasions only, the Lord's Prayer is said in English. In addition to the library sanctioned by the Department of Education, another, composed of Roman Catholic books, has a place in the school. These books, as a rule, are issued only to Roman Catholics, but, occasionally, they find their way into the homes of Protestant families, through the wilful, or pretended, mistakes of the nuns in charge. For the first time, in 1917, the Union Jack was hoisted on May 21st, following the flying of the papal flag on the 17th, 18th and 19th of the same month. It flew at intervals after that date until one day, when the school was closed during the summer holidays, a stranger stepped off the train, sawed down the flag-pole, and with much ceremony and great solemnity, drew a revolver from his pocket and fired five shots into it.

At St. Louis, Laflech, Willow Bunch, and other places, the schools are even held in the convents. At the place last mentioned, in 1915, the public school was removed from the building erected for school purposes and transferred to a convent, the old school house now standing vacant and desolate. Yet, notwithstanding these conditions, it has been said, over

and over again, that all the schools of Saskatchewan are strictly national and non-sectarian. Ex-Premier Scott, who also held the office of Minister of Education, when a deputation of which the writer was a member, in 1916, urged him to abolish all separate schools and establish one national system, was very emphatic in saying that we had such a system already. His successor has often repeated the assertion, but those who believe that all our schools are national and free from sectarianism, are living in a fool's paradise, and, some day, they will have a rude awakening.

The Roman Catholic separate school districts are here given, with the number, name, location, and date of erection:

No.	Name.	Location Tp.	Rge.	Mer.	Date of Erection
1.	St. Mark's	19	27 & 28	West	2nd June 25, 1912
4.	Grayson	20	5	"	2nd July 24, 1913
5.	St. Henry's	22	6 & 7	"	2nd Dec. 27, 1913
6.	Prince Albert	48 & 49	26	"	2nd Mar. 23, 1887
7.	Mathieu	8 & 9	4 & 5	"	3rd Jan. 3, 1916
8.	St. Charles	13 & 14	2 & 3	"	3rd Nov. 23, 1916
13.	Graton	17	19 & 20	"	2nd Feb. 24, 1899
14.	St. Ann's	16 & 17	9 & 10	"	2nd Aug. 5, 1906
15.	Humboldt	37	22 & 23	"	2nd Jan. 22, 1907
16.	N. Battleford	44	16 & 17	"	3rd Feb. 21, 1907
17.	Weissenberg	20	9	"	2nd May 7, 1907
18.	Vonda	38 & 39	1	"	3rd May 6, 1909
19.	Sacred Heart	36 & 37	18	West	2nd Mar. 24, 1910
20.	St. Paul's	36 & 37	5	"	3rd June 30, 1911
21.	St. Pius	13 & 14	6	"	2nd Mar. 14, 1912
22.	St. Agnes	16 & 17	26 & 27 *	"	2nd Apr. 23, 1912

It will be noticed that, with the exception of two, all these separate schools came into existence since the date on which Saskatchewan became a province in 1905. This indicates that the priests regarded separate schools as insecure prior to the time the

* As School "districts" only are given, instead of "Schools," it is necessary to explain that No. 13 Graton (Regina), contains three, and No. 20, St. Paul's (Saskatoon), two separate schools, thus accounting for the 19.

Saskatchewan Act came into force. Just as soon as the autonomy legislation became effective, and separate schools were foisted upon the province by a united Quebec, they commenced to spring up like the noxious weeds they are. It must be said, to the credit of the Roman Catholic people themselves, that, in most cases, they did not want any separate schools. As a matter of fact, they protested against them being forced upon the province when the Saskatchewan and Alberta Acts were being considered by Parliament, and it is a matter of common knowledge that the clergy have organized these separate schools, since 1905, in opposition to the wishes of the Roman Catholic laity.

Reference has already been made to the 22 Roman Catholic "public" schools, and it may be as well to give here their number, name, location, and date of erection, which is as follows:

No.	Name.	Location Tp.	Rge.	Mer.	Date of Erection
1.	St. Antoine	43	1	West	3rd July 4, 1887
8.	Stobart	43 & 44	2	"	3rd May 5, 1885
11.	St. Vital of B'td	43	16 & 17	"	3rd May 26, 1886
12.	Lebret	20 & 21	12 & 13	"	2nd Feb. 7, 1887
14.	St. Louis de Langevin	45	27	"	2nd Nov. 9, 1886
15.	St. Jos. de Dauphinais	24 & 25	12	"	2nd Feb. 7, 1887
17.	St. Joseph	17 & 18	16 & 17	West	2nd Dec. 23, 1887
23.	Sitkala	5	27 & 28	"	2nd Nov. 28, 1888
24.	Fourmond	43, 33, 45	1	"	3rd Jan. 18, 1889
27.	St. Jean Baptiste	45	3 & 4	"	3rd Jan. 24, 1890
28.	Esterhaz	18, 19a, 19	1 & 2	"	2nd Oct. 5, 1888
30.	Landshut	21	31 & 32	"	1st Feb. 7, 1890
31.	St. Istvan	18, 19a, 19	1	"	2nd Dec. 30, 1890
33.	Bellevue	43 & 44	27 & 28	"	2nd Feb. 19, 1891
37.	Charlebois	57	2 & 3	"	2nd Dec. 10, 1892
38.	St. Pascal	61	10	"	3rd Apr. 18, 1893
40.	St. Michael	48	17	"	3rd Dec. 18, 1894
43.	Tache	16	15	"	2nd Mar. 4, 1895
46	St. Johannes	15 & 16	17 & 18	"	2nd Apr. 13, 1896
48.	Kronsberg	21 & 22	14 & 15	"	2nd Aug. 13, 1898
50.	Bellegarde	6 & 7	30 & 31	"	1st Sept. 26, 1899
13, 20.	Forget	8	7	"	2nd 1905

Most of these Roman Catholic so-called public schools were erected as real public schools, with the co-operation of Protestants and the assistance of Protestant taxes, and, in all probability, would have continued as such, if the priests had permitted their people to decide the matter for themselves.* It has ever been the function of the Roman Catholic clergy, instead of confining their activities to ecclesiastical affairs, to interfere in questions of education and force their will, by threatening their adherents with the torments of a future state. To this improper and unjustifiable meddling with the educational rights of the people, the whole history of Canada and of Europe bears witness.

A public school was erected at Marquis in 1903, and continued to be attended by the children of all nationalities and all creeds, until nine years later, when a priest arrived in the neighborhood. He was not very long in the locality before he had a separate school district formed, although there is only a sufficient population in the community to maintain efficiently one good school. In 1916, the year after the separate school was put into operation, the assessed value of the rural portion of the public school district was $105,028.00, and the assessed value of the same part of the separate school district was $163,220.00. The village portion of the public school district was assessed for $82,348, while the village assessment for the separate school was $9,487.00. In the following year, 1917, the assessed value of the land in the public school district was $201,220.00, and the separate school portion was $235,348.00 During the year 1916, a number of Roman Catholics purchased land from the Protestant farmers in the district, the Church, it is said, advancing the money. The public school supporters, apprehending approaching disaster for their school, succeeded in having nine and three-quarter sections

* See conditions set forth by the Protestants of Forget in Appendix IV. Also letter from a Roman Catholic on pages 64 and 65.

of land added to the district, five and three-quarters of which were assessed to the public, and four to the separate school district, so that the assessment for 1918 is as follows: Fifteen and one-quarter sections for public school purposes, and fourteen and three-quarter sections for separate school purposes. The public school district conducts a yearly school, with a teacher holding a first-class certificate, while the separate school district only holds a six months' school with the teacher hold a permit.

Several pupils of the Marquis public school, who have passed the eighth grade, are at the present time attending the Moose Jaw High School, twenty-two miles distant, whereas, if only one public school existed in the community, they could have a graded school where the pupils could take the higher work without being under the necessity of going away from home, and with no higher taxation than at present.

The facts to be noted in connection with the Marquis school case, which is but a repetition of what has occurred in many other parts of the province, are these: The citizens of all classes and creeds were thoroughly satisfied with the public school, which is admittedly the greatest human agency for eliminating the differences which prevent concerted action. A Roman Catholic priest arrives upon the scene, and, under the provisions of the Saskatchewan Act, succeeds in establishing a separating institution, which meant certain destruction to the uniting agency, and the infliction of a hardship upon both Catholics and Protestants.

The blame for this state of affairs at Marquis should attach to those time-serving politicians who who forced upon the people, firstly, the Northwest Territories Act, and, secondly, the Saskatchewan Act, with their provisions for separate schools. The priest simply took advantage of the law to accomplish that which threats of the flames of purgatory might not have been so effective. What the Church

may not have been able to do alone, the Church and the Government together were successful in accomplishing.

Unity and not separation is surely essential to this new country, if we are to be successful in building up a great homogeneous nation. There are surely enough elements making for separation without the separate school, and it should be the endeavor of the Governments of the Dominion and the various provinces, to wipe out these differences, rather than accentuate and perpetuate them. The most iniquitous thing a Government could be guilty of, is to separate the people into racial and religious divisions, thereby preventing the mingling and fusion which is so necessary to our future welfare. It has ever been the function of the hierarchy of Rome to build walls of separation between citizens, and one of the greatest sins against this great country of the West was to cut off its boys and girls from fellowship with one another in our schools. A law which prevents children from studying and playing together, and forming friendships and mutual understandings which make community and co-operative life possible in the future, is a thing that should not be tolerated a day longer than is absolutely necessary by the free citizens of these provinces. We have heard and read much discussion, during the past three years, relative to educational reforms needed in Saskatchewan. The curriculum can be changed and improved, we are told, and more closely related to our environment; the school should be made a social centre, where citizens could discuss local and national problems, and games and recreation should receive more recognition. These proposed reforms are, no doubt, all commendable, but they are merely the nouns and adjectives in the grammar of our educational reform. The verb is the total abolition of separate schools and the throwing down of the walls of separation, so cunningly

erected by the hierarchy of Rome and buttressed by the laws of the State

Victor Hugo, the most eminent and brilliant of the many illustrious sons of France, wrote the following terrible indictment of the Roman Catholic hierarchy, when the Church was seeking the control of education in that country:

"Ah, we know you. We know the clerical party; it is an old party. This it is which has found for the truth those two marvellous supporters, ignorance and error. This it is which forbids to science and genius the going beyond the missal, and which wishes to cloister thought in dogmas. Every step which the intelligence of Europe has taken has been in spite of it. This it is which caused Prinelli to be scourged for having said that the stars would not fall. This it is which put Campanella seven times to torture for saying that the number of worlds was infinite and for having caught a glimpse of the secret of creation. This it is which persecuted Harvey for having proved the circulation of the blood. In the name of Jesus it shut up Galileo. In the name of St. Paul it imprisoned Christopher Columbus. To discover a law of the heavens was an impiety, to find a world was a heresy. This it is which anathematized Pascal in the name of morality. Moliere in the name of both morality and religion. You claim the liberty of teaching. Stop; be sincere; let us understand the liberty which you claim. Is it the liberty of not teaching? You wish us to give you the people to instruct. Very well. Let us see your pupils. What have you done for Italy? What have you done for Spain? For centuries you have kept in your hands, at your discretion, at your school, those two great nations, illustrious among the illustrious. What have you done for them? I shall tell you. Thanks to you, Italy, whose name no man who thinks can any longer pronounce without inexpressible filial emotions. Italy, mother of genius and of nations, which has spread over all the universe all the

most brilliant marvels of poetry and the arts. Italy, which has taught mankind to read, now knows not how to read. Spain, magnificently endowed Spain, which received from the Romans her first civilization; from the Arabs her second civilization; from Providence and in spite of you, a world, America; Spain, thanks to you, a yoke of stupor which is a yoke of degradation and decay; Spain has lost this secret power which it had from the Romans; this world which it had from God, and in exchange for all you have made it lose, it has received from you the Inquisition, the Inquisition which certain men of the party try to-day to re-establish; which has burned on the funeral pile millions of men; the Inquisition which disinterred the dead to burn them as heretics; which declared the children of heretics infamous and incapable of any public honors, except only those who shall have denounced their fathers; the Inquisition, which, while I speak, still holds in the papal library the manuscripts of Galileo sealed under the papal signet. These are your masterpieces. This fire which we call Italy, you have extinguished. This colossus that you call Spain you have undermined—the one in ashes, the other in ruins. This is what you have done for two great nations. What do you wish to do for France? Stop. You have just come from Rome. I congratulate you, you have had a fine success there. You came from gagging the Roman people and now you wish to gag the French people. I understand. This attempt is still more fine, but take care, it is dangerous. France is a lion and is still alive."

France, thirteen years ago, conscious of her disadvantage, as compared with the superior educational facilities of other European states, at an enormous expenditure, secularized her schools and gave the Clerical Orders, which furnished the teachers, the option of conforming to the law or quitting her shores. The concordat, made between Pope Pius VII. and the first Napoleon, was, at the same time,

abolished, thus completing the separation of the Church from the State. Would France have taken this action had she not been thoroughly convinced that such a course was absolutely essential to her retention of a leading place among the nations? Yet some of those same monks and nuns, expelled from France as a curse and a detriment to the interests of the Republic, are to be found to-day teaching in the schools of Canada, and distributing their virus against great Britain and the entente cause in the Province of Quebec.* France, Belgium, Italy, the Commonwealth of Australia, and the United States of America, as well as Portugal, and Japan, have all found it expedient to bring education under the control of the State, but in Canada we have been acting on the opposite principle. The Federal Government at Ottawa, influenced by the Roman Catholic bishops fastens upon the new Provinces of Saskatchewan and Alberta a system of separate schools, in opposition to the wishes of the people and in violation of the constitution of Canada. This much accomplished, the Legislature of the province, under the same influence, passes amendments, from time to time, to the School Act, which have the effect of strengthening and fortifying the separate school, and of weakening and rendering less efficient, to a corresponding extent, the public school. It is invariably the case that these amendments pass into law without proper consideration by the people. Indeed, some of the most important and far-reaching changes in our educational laws have been effected, unknown to the general public until they were placed upon the statute book. This deplorable state of affairs has been made possible by the public press, and public men, giving space and thought to

* General the Hon. Sir Sam Hughes, in the House of Commons, on April 5th, 1918, stated that, while he was Minister of Militia, eight Roman Catholic priests were caught busily engaged in circulating German propaganda through the Province of Quebec. Some of these clergymen, the General said, were expatriated from France for violation of the French law.

the trivial and evanescent questions, while keeping the public in the dark regarding issues that are really vital.

A public school was established at Vonda in 1905, Protestants and Roman Catholics uniting for the purpose, and vieing with each other in their efforts to possess a school lacking in nothing essential to the proper education and general well-being of the children of the community. All went well for four years, the children of all creeds studying, playing, mingling with each other, and forgetting their religious differences. These very natural and happy conditions, however, were not satisfactory to the local Roman Catholic priest, and in 1909, he succeeded in breaking up the ties of friendship between the people by forming a separate school. Not only was the principle of separation and division introduced into a community, where formerly amity and unity prevailed, but in the establishment of this separate school, a grievous injustice was inflicted upon the Roman Catholic children almost amounting to a crime. So inadequately and inefficiently was the school equipped for performing its functions, that during the first seven years of its existence, not a single pupil passed the entrance examinations. The classes sent up made 100 per cent. failure, and many Roman Catholic parents, ignoring the commands of Father Bernhe, continued to send their children to the public school. Dr. Morean then, on instructions from the priest, proceeded to appeal to the law against the conduct of seven Frenchmen and ten Ruthenians who refused to accept dictation from the Church of Rome regarding which school they should support with their taxes. The case came before His Honor Judge McLorg, of Saskatoon, in 1911, when he delivered judgment* dismissing the appeal with costs.

This judgment upheld the liberty of the people, irrespective of religious convictions, to support by

* For the McLorg decision see Appendix V.

their taxes the school of their choice. Its announcement, it is hardly necessary to say, was not only a disappointment to the Vonda priest, but caused perturbation to the Roman Catholic hierarchy from one end of Saskatchewan to the other. When they had somewhat recovered from this subitaneous frustration of their well-laid scheme of legal compulsion, the priests demanded that the School Act be changed forthwith, to meet their requirements. The Roman Catholic ratepayers of Vonda wanted to continue sending their children to the public school, where superior facilities were offered for fitting them for future citizenship and the battle of life. Judge McLorg decided that they had the right to do so. It surely was the duty of the Government to take the side of the public school and the people. But instead of this, the Legislature, with all possible alacrity, went boldly to the defence of the separate school and the priest.

On January 11th, 1913, the School Act was amended as follows:

"Sub-section (2) of section 45 of the said Act is amended by adding thereto the following proviso:

"Provided that in the case of any separate school district having heretofore been or hereafter being established within which a separate school is maintained in operation the ratepayers of the religious faith of the minority supporting it shall hereafter be assessable for separate school purposes only, and the ratepayers of the religious faith of the majority constituting the public school district within which such separate school district is established shall be assessable for public school purposes only."

The original section, said (sub-section 2):

"Any person who is legally assessed or assessable for a public school shall not be liable to assessment for any separate school established therein."

It will be noticed that no question as to the religious faith of the ratepayer was raised previous to this amendment, which, of course, since it has now

been repealed, is only of historic interest. If he belonged to the minority the onus rested with him of so declaring himself, and he was free to exercise his right as to whether he should support the public or the separate school. Since the section was amended, however, the question no longer is, "What school do you support?" but "What faith do you profess?"

The School Assessment Act was, at the same time, amended by inserting a new section (93a) providing as follows:

"93a.* In the event of any company failing to give notice as provided in section 93 hereof the board of trustees of the separate school district may give to the company a notice in writing in the following form or to the like effect, that is to say:

"The board of trustees of ..... separate school district No. ..... of Saskatchewan hereby give notice as provided by section 93 of the School Assessment Act the school taxes payable by your company in respect of assessable property lying within the limits of the ..... school district No. ..... of Saskatchewan (naming the public school district in relation to which the separate school is established) will be divided between the said public school district and the said separate school district in shares corresponding with the total assessed value of assessable property assessed to persons other than corporations for public school purposes, and the total assessed value of the assessable property assessed to persons other than corporations for separate school purposes respectively.

"This notice is given in pursuance of section 93a of the School Assessment Act as amended."

"(2) Unless and until any company to which notice has been given as aforesaid gives a notice as provided in section 93 hereof the value of the assessable property of such company lying within the limits of the public school district shall be entered, rated and assessed upon the assessment roll

* Section 43, cap. 25, Revised Statutes of Saskatchewan, 1915.

for the public school district and all taxes so assessed shall be collected as taxes payable for the said public school district, and when so collected such taxes shall be divided between the said public school district and the said separate school district in the proportion and manner and according to the provisions set out in the notice in the next preceding sub-section mentioned."

These amendments were intended to compel both individual Roman Catholics, and those owning stock in corporations, to support the separate school, and are, in the opinion of all honorable and unbiased men, the most iniquitous pieces of legislation ever enacted by any British assembly.† They, nevertheless, found their way on to the statute book of Saskatchewan, without a single vote being recorded against them, and the people knew absolutely nothing concerning them until they had passed into law. The element of uncertainty had previously made it somewhat difficult for the Church of Rome to perpetuate and extend the separate school system. The provision for it, embodied in the Saskatchewan Act, was not a sufficient guarantee for its future permanence, so the Government took what they considered to be sufficient steps to abolish the risks of liberty by the certainty of a law of coercion.

It is rather significant that, immediately before the enactment of this reactionary legislation, Archbishop Langevin, late Archbishop of St. Boniface, in a pastoral letter to the members of his diocese, said:

"We have received a normal school at St. Boniface, and three Catholic inspectors for the French-English schools. We have kept the crucifix on the walls of our schools, and we have always refused to sacrifice needlessly, to an ignorant and unjust fanaticism, the religious dress, which is the symbol

† Alberta passed a similar amendment to the School Assessment Act in 1910. As a matter of fact the Saskatchewan amendment was copied from the Alberta statute. See subsections (5) and (6), section 9, cap. 105, Consolidation of the N. W. T. Ordinances in force in Alberta.

of virtue and science, the unblemished standard that we will not lower before the enemy. WE HAVE TREATED WITH THE HEADS OF THE TWO POLITICAL PARTIES IN MANITOBA AND SASKATCHEWAN, AND WE HAVE OBTAINED ADVANTAGEOUS CONCESSIONS."

In another pastoral, issued in May, 1913, four months after the amendments were passed, His Grace of St. Boniface, after declaring uncompromising hostility to national schools, a state university and compulsory education, expressed "his heartfelt thanks to the Roblin Government for the Coldwell amendments, and to the Government of Saskatchewan for appreciable services."

In the summer of 1914, a Polish convention was held in Regina, when Father Pander, in addressing the gathering, said:

"The school is the backbone of the Church, and if your children do not get good principles in the schools it is useless for your priests to try and complete their education. So, Polish fathers, use your votes, elect your trustees, and be masters of the education of your children. The school is the eye of faith and the eye must be protected."

Three resolutions were passed at this convention. The first expressed fidelity to the Catholic faith, the second to the Polish tongue, and the third to Catholic education. Needless to say, the Roman Catholic Church was officially represented at this Polish convention.

The congress of L'Association Catholique Franco-Canadienne De La Saskatchewan, held their annual meeting in Regina in July, 1913, with 500 delegates present. Many dignitaries of the Church of Rome addressed this convention, including Bishop Mathieu, Mgr. Belleveau of St. Boniface, Rev. Father Millard and Adjutor Rivard of Quebec. Archbishops Legal and Langevin were also interested spectators of the proceedings. Adjutor Rivard is reported to have said:

"I believe the time will come when the centre of French Canadianism and Catholicism will be in the West. Group yourselves together and you will make the West the centre of French Canadianism and Catholicism in Canada."

Two of the resolutions passed at the convention are worthy of record. They are as follows:

"That this convention believes it to be necessary for the conservation of the faith and glory of the Church and the greatness of the country, that the French language, which was the first to evangelize Canadian territory, should continue to be spoken by us and ours, and that nothing be lost of the character and qualities of our race."

"That the French language be always for the French-Canadians of Saskatchewan the first language, the language of the family, the language of social intercourse among them, and that they utilize all the means that the law provides to conserve and extend, wherever it is possible, the teaching of French in the schools."

The President of the German Association brought the greetings of the German organization, and expressed their readiness to join with them in the commendable enterprise of overthrowing the national school system, and establishing separate schools throughout the length and breadth of the Province. Here were Ruthenians, Poles, Germans and French, all jockeying for position, and all passing resolutions opposed to the national school and determined to make use of the educational system of the province for the propagation of their own sectarian ends. The Roman Catholic Church bestowed its blessing upon all these conventions and became a party to their disintegrating resolutions; the Government of the province also being represented at some of them. Not a word of protest emanated from either the Government, the press, or our representatives in the Legislative Assembly, regarding these vile ambitions and wicked designs on

cur system of public schools. But, when any institution, or individual, questioned the amendments of 1913 to the School Act, and the School Assessment Act, which on the admission of the then Premier, were intended to strengthen the separate school and thus further these designs, they were denounced as "disturbers of the peace."

The effects of the amendments were that the Roman Catholics of Vonda were whipped into line, their taxes diverted to the support of the Roman Catholic separate school through the compulsion of the Legislature, and the attendance at this sectarian institution, which the people had in effect said they did not want, had, in a short time, increased to the extent of fifty per cent., over that of the public school. Several separate school districts had been organized prior to the date on which the amendments became effective, but could not commence operations because the priests were unable to coerce a sufficient number of the minority ratepayers into supporting them, and they had a nominal existence only. As soon, however, as the vivifying breath of the Legislature blew upon them, they at once awoke to life and action. Of the nineteen Roman Catholic separate schools now in the Province, only nine were in operation at the date the amendments were passed. In other words, the increase during the past five years is greater than that of the previous thirty-eight years, and the average attendance has increased in practically the same proportion.

The unfortunate position of Roman Catholics who desired to send their children to public schools, and support them with their taxes, is expressed in the following letter written by a citizen of Saskatoon:

"Saskatoon, May 27th, 1914.

"Mr. M. L. G. Armstrong,
"Deputy Grand Master of the Orange Order,
"Saskatoon, Sask.:

"Dear Sir,—I take this opportunity, now that

your Grand Lodge is in session, of giving you a reminder of the recent piece of legislation passed by the Provincial Government, re Roman Catholic taxpayers, compelling them by law to pay their school taxes to the separate schools, or declare before the courts that they are non-Catholics. If you can imagine a Roman Catholic who does not favor being compelled to support the principle of separate schools, and who is compelled to declare before the courts that he has ceased to be a Catholic, in order to escape the payment of his taxes to the separate school, well, that is my position. There are too many things involved to take this step, especially when a person can be a Roman Catholic and still be quite free and independent at this day, thanks to your Order and Protestantism in general. This law certainly makes me sore, but as a person who finds it is not expedient to leave the Roman Catholic faith, it leaves one helpless. Though a Roman Catholic dare not speak very openly, I am sure that if a vote were taken on this issue, it would be pretty well divided for and against amongst Roman Catholics. This latter point I haven't a doubt of.

"Now, your Order is the champion openly of our national public schools, which is the only policy for a united Canada, and I ask you, because of these reasons, to help us as free Canadians to rid the statute book of this damnable legislation in this fair Province of Saskatchewan.

"To wind up, I regret to say, for safety's sake, I cannot sign my name in order to show you that I am genuine in my declarations above. I think you will understand this feeling where Roman Catholics are concerned, and so much prejudice amongst certain ones.

"Can we hope the entertainment of the thought of the day that this rotten law will be wiped off the statute book of our province?

"Enclosed you will find the letter I received in

regard to my property. Am I not right on this evidence of the tyranny that would be exercised?

"(Signed),

"A ROMAN CATHOLIC."

The letter referred to by this Roman Catholic, who was anxious to contribute his taxes to the public schools, is a copy of a circular sent out by the secretary of the Saskatoon Separate School Board to all Roman Catholics who were continuing to support the public schools regardless of the School Act amendments. It is similar in substance to letters issued by separate school boards in all parts of the province after the amendments had passed into law, and is as follows:

"St. Paul's R. C. Separate School District No. 20.

"Office:

"T. Smithwick, Secretary. "207 Cahill Block,

"Phone 3317. "Second Avenue.

"Saskatoon, Sask., 22nd January, 1914.

"Dear Sir,—I understand you are a Roman Catholic, and the owner of considerable property in the city of Saskatoon, Saskatchewan.

"Under the school laws of this Province Catholics are obliged to pay their school taxes to the support of separate schools only.

"Will you, therefore, please give a description of your property on the enclosed form, and I will see that your property is assessed for separate school purposes? You will thereby help Catholic education in this province.

"Thanking you in anticipation,

"Yours truly,

"T. SMITHWICK,

"Secretary-Treasurer,

"Per E. J. OcM."

Thus did the tyranny, introduced into Saskatchewan by the autonomy legislation of 1905, bear fruit

in the abridgment of civil rights. The Saskatchewan Act deprived the people of the province of the right to formulate their own educational policy. The amendments of 1913 have had the effect of depriving a large portion of them of the right to support the school they desire, and many Roman Catholic parents are to-day paying a double tax, in the city of Saskatoon, and, no doubt, other places, in order that their children may have the advantage of the superior educational facilities of the public schools. This, surely, is a strange situation, especially to the American settler, who, coming from a country that happily has but one system of primary schools, finds on arrival in the two great provinces of the Middle West, not only a dual system, but also a law that makes creed, and not volition, the determinent as to whether he supports a public or a separate school. The School Act amendment was repealed by the Government, on February 24th, 1916, owing to the strong public feeling aroused against it by the Orange Association, and such fearless champions of the people's rights as the Rev. Dr. MacKinnon of Regina, Rev. Angus A. Graham, Principal of the Moose Jaw Presbyterian College, and others. The Government, however, maintains that, according to the law, and the interpretation placed upon it, for over twenty years, by the Education Department, ratepayers, who belong to the religious faith of the minority, must support the separate school, if a separate school exists in the district. That the amendment was only declaratory, or explanatory of law already existing, and that no change was made. If this be the case, although the author of the amendment, in urging the support of the Alberta and Saskatchewan Acts, in 1905, led the people to believe that a citizen had the right to choose his own school, regardless of religion, surely the Government should protect the public school by establishing the freedom of the ratepayer to support it, instead of acting as if holding a brief for the Roman Catholic separate

school. The public school board of Regina is at the present time, on behalf of several Roman Catholics of that city, carrying a case to the Imperial Privy Council which, when a decision is rendered, will determine as to the rights of ratepayers to support either a public or a separate school, but the only satisfactory adjustment of our educational difficulties is the complete abolition of all separate schools within the province.

The amendment to the School Assessment Act still remains as the law of Saskatchewan, although the Supreme Court of Canada, on February 2nd, 1915, with two Roman Catholic judges dissenting, sustained the contention of the Regina Public School Board that the law was defective. Mr. Justice Idington, in rendering judgment, went so far as to say that it was ultra vires, or beyond the power of the Legislature to enact, and his judgment was based upon this finding. But, by the enactment of subsequent legislation, section 93 (b), and the making of other changes in the Act, without even the sanction of the Legislature,* the Government appears to have overcome the effect of the Supreme Court decision, and unless a company practically takes a religious census of its shareholders, its taxes are divided and a portion of them goes automatically to the separate school, where formerly all went to the public school. (See sections 42, 43 and 44 of the School Assessment Act, 1915.)

In Ontario, where the law is the same as it was in Saskatchewan, prior to the amendment of 1913, recent decisions of the courts have declared that the onus to take the initiative in getting a religious

* In the original section 93 (a) of the amendments of 1913 the words "failing to give a notice" are found. The corresponding section of the statute (section 43, cap. 25, R.S.S., 1915), contains the substitution "in the event of any company not giving the notice." When the importance attached to the meaning of the word "failing" by the judges of both the Saskatchewan and Canadian Supreme Courts in the Regina case, is considered, the inevitable conclusion is that the wording was designedly altered to meet the objections of the courts.

census of companies, is on the separate school. If this be not done, the taxes go to the public school. It is a lamentable state of affairs, however, that, in Saskatchewan, the law courts and private institutions have to come to the rescue of our public schools from the disintegrating and sectarian laws of our own Legislature.

In Alberta, at the present time, there are in operation twelve Roman Catholic, but no Protestant, separate schools. One was established at Morinville in 1910, but has not been in operation during the last five years. Starting with exactly the same constitutions and the same legislation, as well as with similar problems to solve, Alberta and Saskatchewan have followed, in their educational policy, very divergent courses. To the credit of the former province, be it said, the right of the State to control the education of the child has been asserted, with the result that there are no private, or parochial, schools in the foreign settlement of "Sunny Alberta." Many schools were established in the German settlements, a number of years ago, but they were all closed prior to January 1st, 1914. The Seventh Day Adventists have just started to operate one or two private schools, but as soon as this came to the notice of the Education Department, the Chief Inspector was sent into the district to make investigations. His report had not been received by the Minister of Education at the time of writing, but, if the standard of work done in these schools is found not to be of as high a grade as that done in the public schools, the parents of the pupils who attend them will be proceeded against, under the School Attendance Act, which provides for a penalty of fine or imprisonment, with the onus of proof that the school is efficient resting with those responsible for it. A similar enactment by the Legislative Assembly of Saskatchewan, would very speedily put an end to the parochial schools, which are nothing short of a menace to the country's future welfare. Intrusting the work of Canadianizing the

children of foreign birth to such institutions, is tampering with forces whose power no man can sufficiently estimate. But, notwithstanding this approaching danger, public men, for the sake of gaining party advantage, are found willing to permit in Saskatchewan, not only parochial and private schools, but also the perpetuation of foreign languages and foreign ideals through the public school system, which, instead of a modern Babel, should be the bulwark of our nationhood.

There are now in Saskatchewan nineteen Roman Catholic separate schools, and at least twenty-two Roman Catholic public schools, all clerical in character. Where the Roman Catholics are in the minority, they have a "separate" school, and in localities where they are in the majority they have a "Roman Catholic" public school. The lay teachers in most of them have been either turned out, or frozen out, and women dressed in religious garb have taken their places. The clerical school, banished from Europe as inimical to the welfare of the people, and a hindrance to the progress of the State, is rapidly being fastened upon Saskatchewan and used to further and perpetuate un-British ideals which it should be the duty of educationists and statesmen to eliminate. These schools are inflicting upon thousands of English-speaking Roman Catholics and their children, the general inefficiency for which they are noted as well as higher taxation, and, with their further extension and encroachment, will prevent forever the welding into one united nation of the divers elements of our component parts. With the fifty-five parochial separate schools in the foreign settlements, existing totally independent of the Government, they are a detriment and a menace to the future of the province. These parochial schools are never supervised or inspected except by Church officials, and the buildings and equipment are nothing short of disgraceful. The curriculum, and educational methods used, all bear

trace of the standards of southern Europe in the Middle Ages, and the English language is never heard within their walls. We have thus, within the Province, not less than one hundred separate or dissentient schools of one kind or another, all sowing the seeds of disunion and disintegration among the children of to-day, who are to be the men and women of to-morrow. No less than four different kinds of text books are authorized by the Department of Education to be used in the public and separate schools. These include: (1) Alexandra Readers; (2) Canadian Catholic Readers; (3) Bilingual Series of Readers; (4) Electic Series of Germans Readers. In the parochial or foreign separate schools any kind of text books can be used, as the Government takes no cognizance of them whatever. Under such circumstances, what chance has Canadianism to gain ground, or what hope is possible for the upbuilding of a free commonwealth in this Canada of ours?

It was estimated that there were in Saskatchewan, at the census of 1911, 23,251 French, 68,628 Germans, and 41,651 Austrians, among the settlers speaking languages other than English as their mother tongue. Without doubt, the greatest problem to be solved in this Western country is to mould out of this heterogeneous population a strong, united people. Differences of race and creed must be overcome; differences of customs, environment and ideals, must be transcended in one common patriotic citizenship, and for this great national enterprise, the most potent and powerful agency is the national non-sectarian school. The Roman Catholic is surely as much entitled to the privileges of freedom as the Protestant, and why should the bondage of ecclesiastical domination, which he left the land of his nativity to escape, be again forced upon him in this the land of his adoption? He came to our shores to enjoy the blessings of religious and civil freedom, but, in Saskatchewan, he

finds the most vicious and abominable school law on the North American continent. The priests of Rome were unable to compel their people to maintain with their taxes the separate school, so the Legislature of the province becomes a whip in the hands of the priesthood to line up unwilling and delinquent Roman Catholic laymen.

It was alleged by those who favored the forcing of separate schools upon Saskatchewan and Alberta, by the Autonomy Bills of 1905, and it has been repeated by politicians ever since, that immigrants were influenced to settle in the Northwest Territories because of the knowledge that there were separate schools therein in connection with the Churches to which they belonged. We are also told that any interference with these separate schools, or the language used in them, would be a great injustice, a breach of faith, and would probably retard future immigration. If these assertions were as true as they are absolutely false, would there be sufficient justification for allowing present deplorable conditions to continue in these provinces? No person, who has any thought for the future of the nation, would dare to answer in the affirmative. But these allegations have been fully and carefully investigated, and there is not even a shadow of foundation for making them. No such document can be found in the immigration literature issued by the Dominion Government, and no authentic evidence is obtainable that settlers were brought here by the Government of Canada under any such agreement. On the contrary, pamphlets have been distributed by authority of the Government, in Europe, as well as in the United States, giving as an inducement to immigrants the information that the schools in Western Canada were undenominational. One of these issues, entitled "Farms and Farmers in Western Canada," printed and distributed by authority of the Hon. Sir Clifford Sifton, when Minister of the Interior, in addition to informing intending settlers

that the "Schools are non-sectarian and national in character," says that "a certain portion of land is set apart for the support of national schools, and the State provides for their support and maintenance."

The reasons most generally put forward by the advocates of separate schools are that Roman Catholics are justly entitled to a portion of the taxes, and that their conscientious convictions demand a religious, as well as a secular education, for their children. The first reason assumes that the taxes of the State are collected on the basis of sectarianism, and that separate chests in the treasury of the province are provided for each religious denomination represented within its boundary. How could the affairs of a province be carried on on such a principle as this? Would it be possible for the Government to have the revenue of the country credited according to the religious faith of those who pay it, and have it expended on the same basis? Taxes are levied for public purposes, to be used for the needs of the people collectively, and not to breed strife and foster sectarianism. It would be absolutely impracticable to keep a separate account for every religious sect, yet the Anglican, the Presbyterian, the Baptist, the Methodist, the Jew and the Infidel, has exactly the same right as the Roman Catholic to make such a demand. For the Romish hierarchy to say "our standing is superior to all others, they are only pretended Churches, ours is the only true Church," is to raise a question with which a Government should have no interference.

With regard to the second reason advanced, that Roman Catholics have convictions that religion should be taught in the schools, it is hard to conceive any justification for such a demand. No reason can be given why the Roman Church should be singled out from among all others and endowed with authority to teach and propagate its own particular doctrines in the national schools. It is surely absurd for the Roman Catholic to say that his conscientious con-

victions require that the teaching of his Church should be grafted upon the educational system of the State. The claim is essentially one of special privilege, and in refusing to accede to it, no moral right is denied and no natural justice is refused. Until we are shown that there is nothing ludicrous in their "conscientious conviction," that they should have a privilege enjoyed by no one else, especially as part of a system which is complete without anything of the kind, we should pay little attention to the alleged deprivation of natural or moral rights in the abolition of separate schools. As a matter of fact, fairness itself implies the refusal of all special privileges, on account of race, religion, or any other consideration. But what kind of religion do the priests claim should be taught in the primary schools? Is it to instil in the youthful mind a love for the Creator and benevolence towards all mankind, as taught by the meek and lowly Nazarene? No. On the contrary, the religious teaching of the separate school is to make the children believe that all who are not members of the Church of Rome are outside the pale of salvation. The following questions and answers are taken from Butler's Catechism, adopted and published by order of the First Council of Quebec, and taught in the separate schools of Canada:

"LESSON X.

"On the True Church."

"Q. What do you mean by the True Church?

"A. The congregation of all the faithful, who, being baptized, profess the same doctrine, partake of the same sacraments, and are governed by their lawful pastors, under one visible head on earth.

"Q. How do you call the True Church?

"A. The Holy Catholic Church.

"Q. Is there any other True Church, besides the Holy Catholic Church?

"A. No; as there is but one Lord, one faith, one baptism, one God and Father of all; there is but one True Church.

"Q. Are all obliged to be of the True Church?

"A. Yes; none can be saved out of it; and 'he that believeth not shall be condemned.' "

In "Miller's Catechism," page 97, we find the following:

"Q. Now, do you think God the Father will admit into Heaven those (Protestants) who thus make liars of His son Jesus Christ, of the Holy Ghost and the apostles?

"A. No; He will let them have their portion with Lucifer in hell, who first rebelled against Christ, and who is the father of liars.

"Q. Have Protestants any faith in Christ?

"A. They never had.

"Q. Why not?

"A. Because there never lived such a Christ as they imagine and believe in."

Here are some other quotations from the same book:

"Q. Are Protestants willing to confess their sins to a Catholic bishop or priest, who alone has power from Christ to forgive sins? 'Whose sins you shall forgive they are forgiven them.'

"A. No, for they generally have an utter aversion to confession, and therefore their sins will not be forgiven throughout all eternity.

"Q. What follows from this?

"A. That they die in their sins and are damned.

"Q. Do Protestants love the Mother of God and the Saints?

"A. They do not, or they would not ridicule and blaspheme the Mother of God and the Saints.

"Q. What follows from this?

"A. That Protestants will never be admitted into the company of the Saints in heaven, whom they have ridiculed and blasphemed on earth."

What do Protestants think of their taxes, in annual grants by the Government, going to the support of an institution which propagates such a damnable doctrine as this? It will be seen that the so-called religion, taught in clerical schools, does not tend to broaden the mind or imbue the rising generation with true Christian ideas and a proper conception of earthly duties. Instead, every possible effort is made to cramp the intellect, annihilate the natural aspirations and affections, and incite in the pupil an abhorrence of Protestantism, in order to insure for life an unwavering attachment to papal dogma. There is an urgent call to the free and liberty-loving people of this great Western land to rise with might and main and overthrow a system so inimical to the future welfare and happiness of a united nation, and so subversive of our common citizenship.

There are numerous objections to separate schools altogether apart from the question of special privilege, but most of them are too obvious to dwell upon. It cannot be conducive to our national interests to bring up the two great sections of our population in hostile camps. Separation results in ignorance, ignorance begets suspicion, and religious and race jealousies are the inevitable result. The whole tendency of our separate educational system is to breed strife and keep our people asunder. If it had been devised for the express purpose of preventing bonds of sympathy, of avoiding the possibility of common national desires and aspirations, it could not have been much more cunningly planned. The ruin of Ireland, by priestly domination of its schools, has been exposed by Mr. Hugh O'Donnell, himself a Roman Catholic. And Father Crowley, in

his book, "The Parochial School a Curse to the Church and a Menace to the Nation," shows the noxious results of clerical schools, even in the United States of America. No free commonwealth can possibly maintain its liberty, or even its intelligence, if the control of education be left in the hands of Rome. Let us, then, with unwavering loyalty to our great empire, and imbued with that spirit which has ever characterized the men of our race, turn our attention to this most important problem of laying a sure foundation for the Canada of the future. The flower of our manhood, in tens of thousands, have eagerly gone forth and died in order that freedom, justice and civilization might live; and it may be necessary for thousands more to offer up their lives, to the end that this ideal may finally triumph. The deeds of unparalleled heroism performed by Canada's sons during the past three years on the blood-stained fields of Europe, have brought forth the applause and admiration of the world. But, are we who are not privileged to participate in this tremendous struggle for universal liberty and the world's emancipation, going to stand aloof while a foreign and alien power takes advantage of political divisions and the nation's difficulties, to enslave our people at home? If we are to continue as part and parcel of that great and mighty nation to which we are all so proud to belong; if we are to protect and perpetuate the priceless heritage of civil and religious liberty, bequeathed to us by our ancestors, and if we are going to continue to cherish the ideals for which our heroes have willingly died, it is absolutely necessary that the fundamental principles of nation-building be carefully outlined and strictly adhered to. The three great essentials in the building of a nation are One School, One Language, and One Flag, and at this most critical period, which occurs in the life of every nation, let us, as Canadians, not forget or neglect our sacred duty.

If we, as free citizens of the realm, are agreed that the law of our fathers should not supplement the discipline of the Romish Church; if we are agreed that the civil law should not be made subservient to ecclesiastical domination, and that individual liberty and justice should not be subordinated to the designs of the prelate; if we are satisfied that the separate school is not only a detriment but a curse to this our native or adopted home, let us act the part of patriotic citizens and, in the name of Him who controls the universe and guides the destiny of nations, hew down the upas tree, root and branch.

APPENDIX I.

Judgment of the Imperial Privy Council in the case of Barrett versus City of Winnipeg, 1892, App. Cas. P. 445.

After a lengthy review of the case, Lord MacNaughten, who delivered the judgment, said: "Such being the main provisions of the Public School Act of 1890, their Lordships have to determine whether that Act prejudicially affects any right or privilege with respect to denominational schools which any class of persons had by law or practice in the province at the union. Notwithstanding the Public Schools Act, 1890, Roman Catholics and members of every other religious body in Manitoba are free to establish schools throughout the province; they are free to maintain their schools by school fees or voluntary subscriptions; they are free to conduct their schools according to their own religious tenets without molestation or interference. No child is compelled to attend a public school. No special advantage other than the advantage of a free education in schools conducted under public management is held out to those who do attend. But, then, it is said that it is impossible for Roman Catholics, or for members of the Church of England (if their views are correctly represented by the Bishop of Rupert's Land, who has given evidence in Logan's case), to send their children to public schools where the education is not superintended and directed by the authorities of their Church, and that, therefore, Roman Catholics and members of the Church of England, who are taxed for public schools, and at the same time feel themselves compelled to support

their own schools, are in a less favorable position than those who can take advantage of the free education provided by the Act of 1890. That may be so. But what right or privilege is violated or prejudicially affected by the law? It is not the law that is at fault; it is owing to religious convictions, which everybody must respect, and to the teaching of their Church, that Roman Catholics and members of the Church of England find themselves unable to partake of the advantages which the law offers to all alike. Their Lordships are sensible of the weight which must attach to the unanimous decision of the (Canadian) Supreme Court. They have anxiously considered the able and elaborate judgments by which that decision has been supported. But they are unable to agree with the opinion which the learned judges of the Supreme Court have expressed as to the rights of Roman Catholics in Manitoba at the time of the union. They doubt whether it is permissible to refer to the course of legislation between 1871 and 1890, as a means of throwing light on the previous practice or on the construction of the saving clause in the Manitoba Act. They cannot assent to the view, which seems to be indicated by one of the members of the Supreme Court, that public schools under the Act of 1890 are in reality Protestant schools. The Legislature has declared in so many words that the public schools shall be entirely unsectarian, and that principle is carried out throughout the Act. With the policy of the Act of 1890 their Lordships are not concerned. But they cannot help observing that, if the views of the respondents were to prevail, it would be extremely difficult for the Provincial Legislature, which has been entrusted with the exclusive power of making laws relating to education, to provide for the educational wants of the more sparsely inhabited districts of a country almost as large as Great Britain, and that the powers of the Legislature, which, on the face of the Act appear so large,

would be limited to the useful but somewhat humble office of making regulations for the sanitary condition of school houses, imposing rates for the support of denominational schools, enforcing the compulsory attendance of scholars, and matters of that sort. In the result their Lordships will humbly advise Her Majesty that these appeals ought to be allowed, with costs. In the City of Winnipeg v. Barrett, it will be proper to reverse the order of the Supreme Court with costs and to restore the judgment of the Court of Queen's Bench for Manitoba. In the City of Winnipeg v. Logan, the order will be to reverse the judgment of the Court of Queen's Bench and to dismiss Mr. Logan's application and discharge the rule nisi and the rule absolute, with costs."

APPENDIX II.

Judgment of the Imperial Privy Council in the Case of Brophy and others v. the Attorney-General of Manitoba. (1895 App. Cas. p. 222.)

Memorials and petitions having been presented to the Governor-General of Canada in Council on behalf of the Roman Catholic minority, alleging that their rights and privileges had been prejudicially affected by the Act of 1890, and the Dominion Government, doubting its competence to hear the appeal and grant the remedial legislation asked for, referred the questions to the Canadian Supreme Court, which by a majority decision held that no appeal lay. From this decision an appeal was taken to the Privy Council which decided that the appeal to the Governor-General-in-Council was admissible, and that the Federal Government had jurisdiction in the premises.

Lord Halsbury, the Lord Chancellor, in giving judgment, said: "The appeal to the Governor-General-in-Council, was founded upon the 22nd section of the Manitoba Act, 1870, and the 93rd section of the British North America Act, 1867. By the former of these statutes (which was confirmed and declared to be valid and effectual by an Imperial statute), Manitoba was created a province of the Dominion. . . . It appears to their Lordships impossible to come to any other conclusion than that the 22nd section of the Manitoba Act was intended to be a substitute for the 93rd section of the British North America Act. . . . In their Lordships opinion, therefore, it is the 22nd section of the Manitoba Act which has to be construed in the present case

. . . In Barrett's case the sole question raised was whether the Public Schools Act of 1890 prejudicially affected any right or privilege which the Roman Catholics by law or practice had in the province at the union. Their Lordships arrived at the conclusion that this question must be answered in the negative. The only right or privilege which the Roman Catholics then possessed, either by law or practice, was the right or privilege of establishing and maintaining for the use of the members of their own Church such schools as they pleased. It appeared to their Lordships that this right or privilege remained untouched, and, therefore, could not be said to be affected by the legislation of 1890. It was not doubted that the object of the first sub-section of section 22 was to afford protection to the denominational schools, or that it was proper to have regard to the intent of the Legislature and the surrounding circumstances in interpreting the enactment. But the question that had to be determined was the true construction of the language used. The function of a tribunal is limited to construing the words employed; it is not justified in forcing into them a meaning which they cannot reasonably bear. Its duty is to interpret, not to enact. It is true that the construction put by this board upon the first sub-section, reduced within very narrow limits the protection afforded by that sub-section in respect to denominational schools. It may be that those who were acting on behalf of the Roman Catholic community in Manitoba, and those who either framed or assented to the wording of that enactment, were under the impression that its scope was wider, and that it afforded protection greater than their Lordships held to be the case. But such considerations cannot possibly influence the judgment of those who have judicially to interpret a statute. . . . If, upon the natural construction of the language used, it should appear that an appeal was permitted under circumstances involving

a fetter upon the power of a Provincial Legislature to repeal its own enactments, their Lordships see no justification for a leaning against that construction, nor do they think it makes any difference whether the fetter is imposed by express words or by necessary implication. In truth, however, to determine that an appeal lies to the Governor-General-in-Council in such a case the present does not involve the proposition that the Provincial Legislature was unable to repeal the laws which it had passed. The validity of the repealing Act is not now in question, nor that it was effectual. **If the decision be favorable to the appellants the consequence, as will be pointed out presently, will by no means necessarily be the repeal of the Acts of 1890 or the re-enactment of the prior legislation.** . . .

"Taking it then to be established that the 2nd subsection of section 22 of the Manitoba Act extends to rights and privileges of the Roman Catholic minority acquired by legislation in the province after the union, the next question is whether any such right or privilege has been affected by the Act of 1890? . . . Their Lordships are unable to see how this question can receive any but an affirmative answer. . . . For the reasons which have been given their Lordships are of opinion that the second sub-division of section 22 of the Manitoba Act is the governing enactment, and that the appeal to the Governor-General-in-Council was admissible by virtue of that enactment, on the ground set forth in the memorials and petitions, in so much as the Act of 1890 affected rights or privileges of the Roman Catholic minority in relation to education within the meaning of that sub-section. The further question is submitted whether the Governor-General-in-Council has jurisdiction in the premises. Their Lordships have decided that the Governor-General-in-Council has jurisdiction, and that the appeal is well founded, but the particular course to be pursued must be determined by the authorities to whom it

has been committed by the statute. **It is not for this tribunal to intimate the precise steps to be taken.** Their general character is sufficiently defined by the third sub-section of section 22 of the Manitoba Act. **It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these statutes should again be made law.** The system of education embodied in the Act of 1890 no doubt commends itself to, and adequately supplies, the wants of the great majority of the inhabitants of the province. **All legitimate ground of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded, and were modified so far as might be necessary to give effect to these provisions.**

"Their Lordships will humbly advise Her Majesty that the question submitted should be answered in the manner indicated by the views which they have expressed.

"There will be no costs of this appeal."

APPENDIX III.

Legal Opinion as to the Competence of the Legislative Assembly of Saskatchewan to Abolish Separate Schools.

"Toronto, January 7th, 1916.

"Our opinion is asked upon the following questions: Can the Legislative Assembly of the Province of Saskatchewan—

"(1) Abolish Separate Schools? or

"(2) Eliminate any privileges conferred upon minorities by the Autonomy Legislation of 1905?

" . . . Having given the whole subject most careful consideration we have concluded that the right of the Dominion Parliament to impose restrictions upon the province in dealing with the subject of education and separate schools was not authorized by law, and so far as restrictions in reference thereto have been imposed by 'The Saskatchewan Act' is ultra vires.

"Adopting the remarks of Lord MacNaughten in the case of Barrett v. Winnipeg, we think

"It would be extremely difficult for the Provincial Legislature (Saskatchewan) which has been entrusted (under the 'Saskatchewan Act' and 'The British North America Acts, 1867 to 1886) with the exclusive power of making laws relating to education to provide for the educational wants of the more sparsely inhabited districts of a country almost as large as Great Britain, and that the powers of the Legislature, which on the face of (those acts) appear so large, would be limited to the useful but somewhat humble office of making regulations for

the sanitary conditions of school houses, enforcing the compulsory attendance of scholars, and matters of that sort.'

"Section 2 of 'The Colonial Laws Validity Act, 1865,' an Imperial statute enacted by 28-29 Victoria, Chapter 63, will also require special consideration for the purpose of this opinion, and is as follows:

"2. Any Colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, and shall be read subject to such Act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative!"

"In our opinion the authority possessed by the Parliament of Canada in relation to the establishment of the Province of Saskatchewan over the area delimited in 'The Saskatchewan Act,' was and is confined to the establishment of the province as a province within the meaning of that word in 'The British North America Act, 1867, as same is to be construed in that Act, and 'The British North America Acts, 1871 and 1886,' and that the Legislative Assembly of the Province of Saskatchewan is legally competent to repeal all legislation enacted by it since its establishment, and to substitute therefor if deemed advisable legislation of the nature and character contained in the two Acts of the Province of Manitoba hereinbefore referred to, or otherwise as it may deem advisable in the interests of the Province of Saskatchewan without reference to and in disregard of the provisions of the Acts of the Parliament of Canada referred to in Chapters 29 and 30 of the Ordinances of the Northwest Territories referred to in Section 17 of 'The Saskatchewan Act,' which we think in some of its essential provisions is repugnant (within the meaning of 'The Colonial

Laws Validity Act, 1865') to the scheme of legislation designed and enacted by 'The British North America Acts, 1867 to 1886,' and which on that account ceased to be effective in law either when 'The Saskatchewan Act' was assented to on 20th July, 1905, or at any rate when 'The School Act' of the Province of Saskatchewan became law therein, and which, in terms, again became effective thereafter only by virtue of their re-enactment in whole or in part by the Legislative Assembly of the Province of Saskatchewan.

"Upon the specific questions upon which our opinion is asked we are, therefore, of opinion that the Legislative Assembly of the Province of Saskatchewan can

"(1) Abolish separate schools; or

"(2) Eliminate any privileges conferred upon minorities by the re-enactment by itself in whole or in part of the privileges, so-called, and which by the question are assumed to have preserved to minorities by the Autonomy Legislation of 1905, as hereinbefore referred to.

"WM. DAVID McPHERSON.
"E. T. ESSERY.
"EVAN H. McLEAN."

APPENDIX IV.

Petition for a Separate School by the Protestant Ratepayers of Forget.

"To the Minister of Education, Regina, Sask.:

"Dear Sir,—We, the undersigned committee, enclose our petition for your consideration in forming a Protestant Separate School district here in Forget village.

"When the proposition of erecting a public school was first mentioned, the Roman Catholics were divided about the idea, some wishing to use the convent, others in favor of the public school. The latter helped the Protestant vote to carry the scheme. The school was built, and after the first set of trustees, who were in sympathy with the school being run on public school lines, were defeated at the poll with the open ballot, and, under the direction of the priests, the Catholics secured control and have held it for years, and have stated that they have no idea of giving the Protestants any voice in the management.

"The existing conditions are so foreign to the Protestant ratepayers' way of wishing their children educated, that it has prompted them in this departure for the following reasons:

"1. That the Roman Catholics have so manipulated the voters' list that it is impossible to elect a Protestant representative. The methods used are as follows in almost every instance: A married Roman Catholic puts his wife's name on the voters' list and has her assessed for part of his property. In one instance a Roman Catholic farmer divided his one hundred and sixty acres and had his wife assessed

for eighty acres, while he himself held the remaining eighty acres.

"2. The school now, according to Bishop Mathieu's statement at Regina, is recognized by the Roman Catholic hierarchy as a Roman Catholic public school, and they have erected crucifixes over the blackboard in each room.

"3. The teachers are nuns from France, who have held their position for three years. They have a very strong French accent and the English children are subjected to ruinous teaching in the English language.

"4. The senior teacher is supposed to have a second-class certificate, but, being a nun, is very much averse to attending any teachers' convention which to the Protestant way of thinking is very beneficial and has a tendency to make the teachers more fit for their work. N.B.—Since this petition the senior nun has attended one convention.)

"5. Last season cut of the five pupils belonging to the public school who tried their Grade VIII. examination, only two were successful. Of these two, one had tried three times previously.

"6. That the senior teacher, from what information we can gather locally, has no certificate whatever.

"7. That the discipline is very bad—children move around the school without asking permission. They are not attentive, are impudent and not under the restraint expected in a well-conducted school."

APPENDIX V.

Decision of Judge McLorg in the Appeal of the Town of Vonda from the Court of Revision.

"The grounds taken in this appeal are very broad indeed, they are to the effect that the various parties assessed being by religion Roman Catholics must of necessity be supporters of the separate school. Mr. Mundi for the appellant admitted that there was no direct legislation on the point, but he relied on section 279 of the Town Act which is as follows:

" 'If any person named in the said roll thinks that he or any other person has been assessed too low or too high, or that his name or the name of any other person has been wrongly inserted in, or omitted, from the roll, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or vice versa, he may, within the time limited, etc.' . . .

"I cannot bring my mind to the conclusion that this section has any such result. It gives a right of appeal, and one of the grounds that may be taken is that set forth in the latter part of the section, but by section 203, sub-section (4) 'the assessor shall accept the statement of any ratepayer, or a statement made on behalf of any ratepayer by his written authority that he is a supporter of the public schools or separate schools as the case may be, and such statement shall be prima faci evidence for entering opposite the name of such person, the letters P.S.S. or S.S.S., etc." . . .

"Now this section appears to me to contemplate that the option of supporting either school rests

with the ratepayer, and the latter portion of the section, that is, if no statement has been made by the ratepayer and the assessor assesses him to the separate school, he may invoke the provisions of section 279 to show that he is a supporter of the public schools or vice versa. It would have been the easiest thing in the world had the Legislature intended to make a provision that Roman Catholics should be assessed to the separate schools and Protestants to the public schools or vice versa. It could have been expressed in a few words, and I think were I to give effect to the appellant's contention I should be simply legislating, and legislating in a most drastic manner; I can conceive numberless reasons why the ratepayer should be entitled to choose the support of his school quite independently of any religious connection, distance, teaching, and so on.

"The use of the word 'supporter' in the section confirms me in my opinion. . . . The appeal will be dismissed with costs.

"Vonda, Sask., Sept. 14th, 1911.

"(Judge McLorg)."

APPENDIX VI.

"Amaranth School District No. 479.

"E. S. Carroll, Secretary-Treasurer.

"Asor, Sask., Feb. 26th, 1918.

"Miss N. M. Stephens,

"Saskatoon, Sask.

"Dear Madam:

"Understand a teacher has been engaged for our School.

"May say that the selection of a teacher for this school does not lie with the Board of Trustees, nor does it follow the usual channels.

"Apply to Father Beiler, Asor, or Salvador.

"Very truly yours,

"E. S. CARROLL."