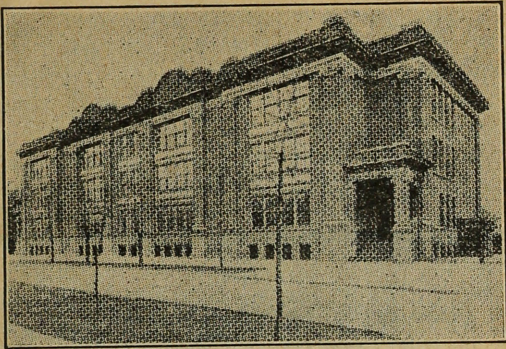




THE CASE FOR THE PUBLIC SCHOOL

SEPARATE SCHOOL DEMANDS FOR
LARGER SHARE OF CORPORATION
TAXES NOT JUSTIFIED.

*Issued by the Legislation Committee of
the R.W. Grand Orange Lodges of Ontario
East and Ontario West.*

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THE picture on the cover of this pamphlet represents Ogden School (Public), in the City of Toronto. It is the educational centre of the youth of a cosmopolitan downtown area, such as is found in all large cities.

It has a total enrolment of 1,086 pupils, representing two races other than "white"; 14 nationalities other than Anglo-Saxon, or 19 nationalities in all.

Every creed known to that district, inclusive of Roman Catholic, has its representatives on the roll of this school, which is neither Protestant, Hebrew nor Roman Catholic, but is, in the truest sense, a non-sectarian, Common, or Public School, and, besides fitting its pupils for useful careers in their adult future, it is assimilating these dissimilar races and nationalities into our common citizenship, and is inculcating in the hearts and minds of these former subjects of alien governments a love and respect for the common flag of our far-flung Empire—the Union Jack.

Ogden School is, in its chief characteristics, typical of the Public School system of Ontario. It is named "Public" because it was designed for the common use of the general public (all the people) without regard to race, caste, creed or color distinctions.

It is as free and common to all as is the King's Highway throughout our Province,, therefore its claim to public funds for its maintenance is paramount and takes precedence over any competing sectarian system for similar support.

The Case for the Public Schools

FOR the last ten years the Roman Catholic bishops of Ontario have maintained an intensive agitation to get the Government and Legislature to make changes in the Assessment Act which would secure to the Roman Catholic Church Separate Schools concessions that they tried in vain to secure from the Fathers of Confederation.

They are demanding amendments to the Assessment Act that would provide for the division of all school taxes of incorporated companies and public utilities between the Public and Separate Schools on the basis of population, and not on the taxable property held by Roman Catholics and Protestants. That would violate the fundamental principle of the Separate School Act of 1863, and put into effect what the Parliament of Upper and Lower Canada specifically and repeatedly rejected from 1854 to 1863. From the time that the two provinces were united in 1840 till Confederation was accomplished in 1867, the Papal bishops waged war with the Governments to force from Parliament the very thing that they are now demanding. They did not succeed then, and their demands must not be conceded now.

Settlement of 1863

In the "Final Settlement" of 1863 the members of the Government and Legislature of the Province of Canada jealously guarded the Public School and individual rights. They provided that no citizen should be compelled to support separate sectarian schools except by his own free will and deliberate choice.

The bishops would in an arbitrary manner divide the taxpayers of Ontario into two sectarian groups and deprive Roman Catholics of the right or liberty to support Public Schools. They would also compel Protestant taxpayers to support Roman Catholic schools. That is the principle involved in the bishops' proposal to divide the taxes of all corporations and public utilities on a population basis. It is exactly the same principle which the Roman Catholic bishops desired to have adopted and enforced on a larger scale in 1855, 1858, 1860-61-62 and 1863.

The proposal of the Roman Catholic bishops at that time to legislate away the rights of Roman Catholic citizens and compel them all to support church schools was denounced by Dr. Ryerson as a "monstrous proposition" and it was rejected by

the Government and Parliament of Canada.

The Roman Catholic bishops of Toronto, Kingston and Ottawa drafted a Separate School Act in 1854-55 which they submitted to the Government, declaring that "nothing short" of its adoption in full would "satisfy the conscientious convictions of the Roman Catholics of this province." Clause six of the Bishops' School Bill reads as follows:

"VI. That the said Trustees (i.e., Roman Catholic School Trustees), shall be entitled to receive from their said special Superintendent, on a report such as required by him, such sums out of the Government grant, out of all the taxes for school and library purposes, and out of any Provincial or municipal school funds, as *proportionate to the population they represent, according to the last official census* (so in Lower Canada, 9th Vict., Chap. 27, Section 26; 12th Vict., Chap. 50, Section 18), provided that those sums shall be expended for school purposes; provided also, that should any municipal corporation refuse to pay any portion of those sums, either the Chief Superintendent shall deduct a sum, equal to the deficiency, from the apportionment

of the current and following years, until full payment, or the Secretary of the Board shall refer the case to the Superior Court, who will judge it and shall order the payment by all legal means.”

Demands Exposed

In a letter to Attorney-General Hon. John A. Macdonald, dated April 2, 1855, Dr. Ryerson completely exposed the demands of the bishops. Commenting on section six of the Separate School Bill, drafted by the three bishops, Dr. Ryerson wrote :

“The 6th section of the draft of Bill requires all taxes for school and library purposes, as well as any provincial and municipal funds, to be paid to the trustees of Separate Schools in proportion to the population they represent, according to the last official census.

“Thus, whatever might be done by any parties for the erection of Public School-houses, or the support of Public Schools, they could not raise a penny by taxes, even from themselves, without dividing it with the trustees of Separate Schools, who are not subject to corresponding obligations,—who may do nothing whatever,—and who

are to receive, not in proportion to their taxable property, but in proportion to population, though the ratio of that population may be three times that of the taxes they pay, as is the case even in the city of Toronto.”

As a result of the just criticism of the Bishops' Bill by Dr. Ryerson, and others, it was not submitted to the Legislature by Hon. John A. Macdonald. The bishops, however, submitted their Bill to the Government again in 1858 and placed copies of it in the hands of every member of the Legislature, but it was again rejected. The same “monstrous proposition” to define all Roman Catholics by law as Separate School supporters and deprive them of the liberty to support Public Schools, by dividing all school taxes on a sectarian population basis, was contained in the original drafts of the Bills submitted on behalf of the Roman Catholic hierarchy by R. W. Scott, in 1860, 1861 and 1862, and these were all rejected by Parliament for that very reason.

The same objectionable feature was included in the original draft of R. W. Scott's Bill of 1863. The Government and members of the Legislature again objected

to the proposal to legislate away the liberty of Roman Catholics by dividing the taxes in proportion to population.

R. W. Scott, representing the Roman Catholic Church, consented to delete the objectionable features, because, he said, he wanted the Bill "to be a finality," and his Bill was amended accordingly and adopted by the House with the understanding that it was "a final settlement of the sectarian controversy."

No Legal Claim

Archbishop McNeil admits that he has no legal claim for any more than he is getting, otherwise he would appeal to the Governor-General or the civil courts, as the law provides. *What moral right has he to demand that the principle that was deleted from the settlement of 1863, with the consent of representatives of his church, should now be introduced into the educational policy of Ontario?* The Archbishop asks us to read into the "Finality" Act of 1863, which was confirmed by the B.N.A. Act of 1867, a principle which the Government and Parliament of Canada deliberately deleted from it.

So much for the contention that the Roman Catholic Separate Schools are being

denied anything that was granted to them in 1863, which the representative bishops, Hon. R. W. Scott (the author of the Bill), Hon. D'Arcy McGee (Roman Catholic), Hon. George Brown, Dr. Egerton Ryerson, and other authorities all accepted as a FINAL SETTLEMENT of the claims of the Roman Catholics with respect to their schools.

But a further concession was made by the Ontario Legislature in 1886 when the Separate Schools Act was amended to permit incorporated companies to apportion their school taxes between the Public and Separate Schools in proportion to the stock held by Protestant and Roman Catholic shareholders, if the latter so desired, and made application to the Board of Directors to have their shares so assessed.

At the present time, therefore, the directors of companies can by resolution direct that their school taxes be divided between Public and Separate Schools in proportion to the stock owned in the respective companies by Protestants and Roman Catholics, and that is being done in every part of the Province. That is as far as the Legislature can go in dealing with the school taxes of corporations, in justice to

the Public Schools. The present proposal of the bishops to divide such taxes between the State (Public) Schools and the sectarian Separate Schools is what Dr. Ryerson called a "monstrous proposition."

Open to All Creeds

The Province of Ontario in 1863 created, and has ever since maintained, a system of Public Schools for the use and benefit of all classes and creeds in the province. It was designed as much for Roman Catholics as for Protestants. The law compels the Public School trustees to provide accommodation for every child seeking admittance. There is no similar obligation laid upon Separate School trustees. Then there was granted to Roman Catholics the "special privilege" of carrying on Separate Schools, the chief purpose of which is to teach the Roman Catholic religion. But the Public Schools being available for Roman Catholics, they are **REQUIRED TO SHOW** that they desire to be exempt from paying rates to the Public Schools before they can have their taxes diverted to the sectarian schools. They have the same right to send their children to the Public Schools as Protestants have. And the law rates them as Public School supporters unless

and until they make a declaration to the clerk of the municipality that (1) they are the owners of the property assessed; (2) that they are Roman Catholics, and (3) that they want to be Separate School supporters.

The same principle applies in the allocation of the taxes of corporations. The Roman Catholic shareholders must show (1) that they own a certain number of shares; (2) that they are Roman Catholics; and (3) that they desire to support Separate Schools. The only way their ownership can be shown is by resolutions of the directors of the respective companies. If the directors are unable to show that any Roman Catholics are shareholders then their entire taxes go to the Public Schools. As all Roman Catholics are *prima facie* Public School supporters, it is eminently fair that the Public Schools should get the benefit of any doubt that may exist. But because some large corporations like the C.P.R. (whose shares are constantly changing hands) cannot tell the faith of their numerous stockholders, the bishops contend that the school taxes of the company should be divided. They ignore the provisions of the Separate Schools Act that make it necessary for Roman Catholics to

show that they are the owners of such shares, and that they desire to support Separate Schools, which are fundamental requisites of the Act.

Would Subsidize R. C. Church

As to the school taxes of public utility corporations, the bishops argue that as these are publicly owned, the Separate Schools should get a share of the school taxes they pay. That is a very specious plea, but it will not bear examination. Such utilities are State institutions. There are no shareholders who can be individually assessed. And it is fully in accord with the "Final settlement" Act of 1863, that the school taxes paid should go for the support of that other highly important State institution—the Public School. If any part of the taxes of utilities were applied for Separate School support it would be a subsidy by the State for the teaching of the Roman Catholic religion. In this province, where the separation of church and State is acknowledged as sound policy, it would be intolerable for any one church to receive a subsidy from the State for the teaching of its peculiar doctrines. Yet that is what the bishops are demanding from the Government.

In the Public Schools there is no instruction in the distinctive doctrines of any church. There is the repetition of the Lord's Prayer, and in some few cases the reading of verses of Scripture, without comment. But in the Separate Schools the teaching of the Roman Catholic catechism is the chief subject of instruction. In fact, Archbishop McNeil has stated publicly that the only difference between the Separate and Public Schools is the teaching of religion in the former. That being the case, it follows that State funds allocated for the support of Separate Schools is in fact a subsidy for the teaching of Roman Catholicism. No Protestant denomination receives, or asks for, money from the State to teach its catechism or its distinctive doctrines. To supply funds for the Roman Catholic Church to teach its catechism is patently a violation of the principle of the separation of church and state.

Exemption is Conditional

The bishops say, in their papers and pamphlets, that the Act of 1863 exempts Roman Catholics from the payment of Public School rates. The exemption granted is conditional. It must be repeated that the school law of Ontario classes every rate-

payer as a Public School supporter. That is because the Public Schools are the schools of the State, equally available for Roman Catholics as for Protestants and Jews. It is a right that is highly valued by thousands of Roman Catholic ratepayers who prefer to send their children to the Public Schools. There is said to be two thousand of them in Toronto, and fifteen hundred in Ottawa, and many thousands in other municipalities who refuse to avail themselves of their right to send their children, and pay their taxes, to the Separate School system. That being the case, how can the directors of a corporation tell whether their Roman Catholic shareholders desire to support Separate Schools unless they signify their preference? If they do that the directors are empowered to notify the clerk of the municipality and have the taxes paid according to the preference of the Roman Catholic shareholders. There is no other fair method by which that end can be accomplished.

The right to divert their taxes to the Separate Schools was one given to individuals, not to their church, nor to the Separate School trustees. The fourteenth clause of the Separate Schools Act shows this clearly. It reads as follows:

“XIV. Every person paying rates, whether as proprietor or tenant, who by himself or his agent, on or before the first day of March in any year, gives, or who on or before the first day of March of the present year, has given to the clerk of the municipality notice, in writing, that he is a Roman Catholic, and a supporter of a Separate School situated in the said municipality, or in a municipality contiguous thereto, SHALL BE EXEMPTED FROM THE PAYMENT OF ALL RATES IMPOSED FOR THE SUPPORT OF COMMON (PUBLIC) SCHOOLS.

R. C.s Have Right of Choice

This clause preserves to Roman Catholics the right to pay their taxes, and send their children, to the Public Schools. And, as stated, many thousands of Roman Catholic parents now exercise that right. It is clear, therefore, that the Separate Schools occupy, before the law, an inferior position. All parents in Ontario are required, under serious penalties, to send their children to school. If they are Roman Catholics they have the right to choose to which system they may send their children. But if they do not exercise their option to use the Separate School they must send their

children to the Public School. So it is a "special service" for the people of one faith, and not to be compared with the State Public system.

The State also provides a system of Public secondary Schools in our High Schools and Collegiate Institutes, but does not permit public money to be appropriated for the maintenance of secondary Roman Catholic Schools. If Roman Catholic parents desire secondary education for their children they must send them to the non-sectarian secondary schools, or to private schools of that grade maintained by the Roman Catholic church, and for which they must pay extra fees. The bishops consider that a grievance, and carried an appeal for State aid for their secondary schools to the Privy Council in an effort to establish their claim for such financial support. The judgment was against their contention.

Not satisfied with the splendid secondary schools provided in Toronto and other centres, the Roman bishops conduct secondary schools for the advanced pupils of that faith. While they complain bitterly of the poverty of their religious primary schools, they are able to obtain large sums of money

to carry on their secondary schools. Recently they bought a thirteen-acre property in the heart of the City of Toronto at a cost of \$350,000 for a secondary Roman Catholic school. That is only one of several such colleges in Toronto.

If they can find money for that class of schools, why do they not use it to relieve the poverty of their legalized primary system?

It is to be noted, however, that the poverty of the Separate Schools is due to the unwillingness of so many Roman Catholics to use their religious schools, and consequently pay their taxes to the Public Schools.

Why S. S. Taxes are Higher

In a pamphlet issued by the Archbishop of Toronto he complains that Public School teachers in twenty-five cities of Ontario are paid salaries averaging \$1,665.82 a year, while the average for Separate School teachers is only \$767.50. The explanation is that so many Roman Catholics will not contribute their taxes to what they consider inferior schools. He quotes the higher tax rates for Separate Schools in eight cities. One of those is Sault Ste. Marie, where the rate is 10.2 mills higher than

the Public Schools. In that place there is a distinct preference for the Public School. The McFadden Public School has nearly 500 Roman Catholic pupils. It was built on a petition by Roman Catholic rate-payers and has been twice enlarged. There are rooms in other Public Schools in the town filled with Roman Catholic children. It is not surprising therefore that it costs more to operate the Separate Schools in the Sault, and that the teachers are paid lower salaries. The same applies to all the other cities named.

It must be remembered, also, that Public and Separate School teachers have very different needs. In the one case they are nearly all nuns and Christian Brothers. They are under vows of poverty. Whatever they earn must go to the religious communities to which they belong. The cost of feeding and clothing those sisters and brothers is but a fraction of what it costs a free Public School teacher to live. In many cases they have to support other members of their families, while the nuns and brothers are themselves kept by their church. Such a comparison as the Archbishop makes is not based on a comparative cost of living. Any excess of maintenance costs that the nuns earn goes to their

church. If it were possible to make a comparison of the cost of living it would be found that the nuns and brothers earn a greater excess than Public School teachers.

In view of the foregoing the cry of poverty of the Separate Schools is sheer hypocrisy.

The Archbishop's pamphlet shows how impossible it is to segregate the school taxes of banks, trust companies, and corporations. But to adopt his plan would work a serious injustice to all supporters of Public Schools—both Romanists and Protestants. It would certainly increase substantially their rate of taxation, or their schools would lose in efficiency. If the Public Schools taught religion Roman Catholics would not attend. But as the pupils of all creeds can, with safety to the religious convictions of the parents, use the State schools it is most important that their efficiency should be preserved at the lowest cost possible.

Quebec System Different

The Archbishop discusses at length the school laws of Quebec. As there is no such thing as a Public School in that province, comparison is impossible. They are all sectarian schools. There are the Protestant

schools and the Roman Catholic schools—but no general Public School. The assessment law of Quebec divides the taxes of corporations on the basis of population, the Roman Catholic schools get 75 per cent. of it, while 75 per cent. of the money is paid by Protestants. That is what the Ontario bishops call fair treatment of the minority. And that is what the bishops want to do in this province.

One other point. Premier Henry is quoted as saying that: “A man who works in an industrial institution, contributing to the power of that institution to pay taxes, should have the power to take back part of that assessment to assist him in paying for the education of his children.”

As a matter of fact, the education of the workers' children is amply provided for by the finest schools to be found anywhere in the world. But there is no obligation on the institution where the worker is employed to contribute to the teaching of any form of religion. Every industrialist realizes that he has a certain responsibility for the education of the children of his city. But he realizes also that he has no responsibility to teach them religion in the day schools. He pays for that through the

church that he helps to support. He may be a teacher in the Sunday School himself. But it is no part of his duty as a citizen to pay for the teaching of a form of religion in which he does not believe, and indeed which he believes to be all wrong. Because, when it is all boiled down to hard facts, the only purpose for which Separate Schools exist in Ontario is to teach the Roman Catholic catechism and the rules of that church.



