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EQUAL RIGHTS ASSOCIATION

FOR THE PROVINCE OF ONTARIO.

ADDRESS

BY

THE PROVINCIAL COUNCIL

TO THE

PEOPLE OF ONTARIO,

DEALING MAINLY WITH

SEPARATE SCHOOLS.

PUBLISHED BY

THE EQUAL RIGHTS ASSOCIATION,

9½ ADELAIDE STREET EAST,
TORONTO.

Copies of this letter and other literature of the Association may be obtained on application to W. BANKS, Secretary, at the above address.

The principles of the Equal Rights Association are set forth in the platform adopted by the convention which met in Toronto in June last, and are now before the people of Ontario: to all of these the association steadfastly adheres. Principles which recognize the proper distinction between the civil and the ecclesiastical domains are by no means new to the people of this country. They were formally accepted by the Legislature of Canada many years before Confederation, and we had a right to expect that the policy of the Dominion and of its constituent Provinces would not have sanctioned or permitted any flagrant violation of them, such as we find in the Act which bestows public funds upon the Jesuits and other religious agencies of the Church of Rome in Quebec. The leading position of our Association is that civil authority and ecclesiastical authority should not be confounded, that Church and State should, each in its own sphere, accomplish its own work with its own resources, and that the Church should not give law to the State any more than the State should trench upon the freedom of the Church. Were this rule in all its legitimate applications invariably observed, any difficulties which might arise in our country between French and English, between Roman Catholic

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and Protestant, would, we are confident, come to an end. We might look for a gradual and happy unification of feeling and interest in the Provinces of the Dominion: we should at least avoid the excessive friction which will continue to exist if Churches are to enter the political arena, coerce legislation, and strive for subsidies from the public treasury. The true friends of Confederation are they who would obviate the bitter contention which measures like the Jesuits' Estate Act will inevitably breed,—not they who would allow false principles, unhindered, to work permanent discord and confusion.

Our platform condemned the Jesuits' Estates Act on this, among other grounds, that "in flagrant disregard of the sovereign rights of the Queen, and in clear violation of the Supremacy Act," it "recognized the right of the Pope to interfere in the affairs of Canada." This, our contention, has been amply sustained by the interpretation of the Act since given by the press which supports Mr. Mercier and by the emphatic avowals of Mr. Mercier himself. No reasonable man can any longer maintain that the Act introduces the name of the Pope merely as an arbitrator between parties in his own Church, without conceding to him any authority in civil affairs. It is now professed that in things which affect the Church in Quebec the canon law has supreme authority, and when it comes into conflict with the civil order must carry the day. The situation is thus sufficiently grave.

In order to give effect to the principles embodied in our platform, the convention of June deemed it necessary to extend our organization throughout the Province. Over seventy branches have already been formed, and steps are being taken to have the work actively pushed forward. In delivering our protest against the incorporation of the Jesuits and the Jesuits' Estates Act, we have not discharged our whole duty. Powerful forces are constantly at work in opposition to us. A resolute and skilful antagonist, flushed with victory, will not abandon his aim and cease to urge his pretensions; nor will political parties cease to bid for the support of a power which has so often decided the fate of Governments and their leaders. Ultramontanism may judge it prudent to be quiescent for a time, but if the lesson of the past year is not laid to heart and due preparation made to defend the great principle of civil and religious freedom and equality, the battle will go against us, and we shall be seriously to blame. Conscious as we are that we have no sinister end in view, and that we desire to vindicate the rights of friends and opponents alike, we must go forward in the propagation of our principles, and in completing the organization required to give them practical effect. Sorrowfully has the conviction forced itself upon many minds that, in their eagerness for votes, the parties cannot be confidently trusted to repel ecclesiastical aggression and to avert a real danger at once to civil society and to the Christian Church. May our association prove not altogether unworthy to bear some part in keeping before the mind and conscience of the community im-

portant principles which seem to be imperilled at the present time.

The platform of the Equal Rights Association was not hastily adopted, but it was not, and in the circumstances could not be, complete. Fundamental principles were correctly enunciated, but it was inevitable that they should be applied to important questions not mentioned in the platform.

At a meeting of the Provincial Council of the Association held in September, a resolution in favor of the abolition of Separate Schools and of the dual language in the North-West was adopted. Whatever arguments might be advanced in support of the official use of the French language in Quebec, there could be no plausible defence of the dual system in a province and in territories where only a small fraction of the population spoke the French tongue; nor could Separate Schools be vindicated where the overwhelming mass of the people were opposed to them. In deference to French Canada and the Church of Rome, the one and the other had, subsequently to Confederation, been fastened upon large territories which were sure to seek deliverance from the incubus as soon as a free public life should begin to assert itself. The council was encouraged to adopt this resolution by the announced intention of the Government of Manitoba to abolish Separate Schools.

The Provincial Council again met on the 27th of December, when another step forward was taken; and should this action of the Council be finally ratified, our platform will, in accordance therewith, be enlarged and made more definite, and the work proposed for the Association will assume the utmost importance. The Council resolved as follows:—"Whereas, the chief feature of the history and constitution of Canada is the acquisition of local, popular, and responsible self-government; and whereas, by the education clauses of the British North America Act, the Provincial Legislatures are restricted by the Imperial Parliament in their power to make laws respecting education; and whereas, in consequence of this restriction the people of Ontario are not free to make such laws respecting education as they may from time to time deem prudent; therefore, it is the opinion of this council that the full measure of responsible government should be granted to the people of the Province of Ontario by the abolition of all restrictions upon the power to make laws respecting education." It was further resolved that a manifesto or address announcing the policy of the Equal Rights movement as defined by the resolutions passed at the convention in June, and also setting forth the views of the council on the resolution above recited, should be prepared and issued.

The restriction of provincial liberty involved in the education clauses of the B. N. A. Act is a very serious one. The Legislature of each Province may exclusively make laws in relation to education, but no Province in which denominational schools existed at Confederation, under public sanction, has any liberty to abolish

such schools or to curtail their privileges. Why should it be so? If, in the distribution of legislative powers, education properly belongs to the Provinces, why should they be prevented from dealing with the whole matter? Is their wisdom inadequate to the handling of this important interest? Has the Dominion any reason to apprehend that the rights of minorities would not be respected by the Provinces? If so, should it not be sufficient that the Dominion, in the exercise of the veto, can negative unjust legislation? The restriction seems to imply distrust of the Provinces, and is a reflection on their competency to deal with a subject which is placed within their jurisdiction. Apart from any question as to the continuance of Separate Schools, there are thus strong reasons why the subject of education in its whole extent should be entrusted to the Provinces. The idea of the constitution is not fully carried out, and provincial liberty is unnecessarily limited, while this restriction remains. We have therefore come to the conclusion that such modification of the B. N. A. Act as would empower the Provinces to deal with the whole subject of education should be constitutionally sought.

But we are far from wishing to conceal the conclusion to which the Council has been led on the question of Separate Schools as they exist, both in the North-West and in our own Province. Rather, we deem it our duty distinctly to call attention to the way in which the great principle which determines our movement bears upon the question of denominational schools receiving public moneys. It is vain to imagine that a subject such as this can be prevented from coming up for intelligent discussion; and if it could be so prevented, evil, not good, would result. Nothing, we apprehend, but the suppression of the moral life of the people could prevent this question from being re-opened.

We cannot here enter into details respecting the establishment of Separate Schools in the Province of Ontario. There are clauses in the Schools Acts of 1841, 1843 and 1846 authorizing Separate Schools. In 1855 an Act containing extended provisions for a Separate School system was adopted by the Legislative Council and the Legislative Assembly of Canada. In 1863 the Act was considerably modified, and it retained the form then given to it till the B. N. A. Act decreed that "nothing in any such law (law touching education) shall prejudicially affect any right of privilege with respect to denominational schools which any class of persons may have by law in the province at the union," and further provided that when any right or privilege of the adherents of Separate Schools should be affected by provincial legislation an appeal should lie to the Governor-in-Council. Thus were Separate Schools engrafted upon our Constitution.

The majority of the people of this Province, there can be little doubt, were always opposed to Separate Schools. The Act which completed the system—that of 1863—was introduced by the Hon. R. W. Scott, and in the final vote upon it in the Legislative Assembly twenty-two members from Canada West voted for

it and thirty-one against it. The votes of Canada East carried the measure, which, we may thus say, was thrust upon a reclaiming Province. The same influences which carried the Act of 1863 secured the provisions of the B. N. A. Act above referred to. There is nothing therefore in the history of the establishment of Separate Schools which need forbid the freest discussion of the subject by the people of Ontario, the frankest expression of their views upon the whole matter. Let us only stipulate that discussion shall be conducted in a charitable spirit, and with remembrance of the great importance of the interests involved.

The following remarks are offered on Separate Schools in Ontario :—

1. They violate our fundamental proposition, that public money should not be given for sectarian purposes. The term sectarian is not here used in any offensive sense, but as designating teaching which is peculiar to some religious persuasion. We might go further, and say that, in a country such as ours, it is doubtful whether public funds can be warrantably devoted to the formal and express teaching even of the great doctrines as to which we have nearly a consensus; but however this may be decided, it is clear that denominationalism can have no claims upon the public exchequer. The principle of denominational subsidies is radically unsound, and no compromise or arrangement founded upon it is entitled to last.

That Separate Schools are liable to the objection here adduced is well known to all. It is the avowal and boast of the advocates of these schools that the doctrines and observances of religion are 'thoroughly taught in them, and it is ardently maintained that no other description of school is worthy of the confidence of Catholics. To promote the type of faith peculiar to the Roman Catholic Church and to form the character of the youth upon this type is the leading aim of the Roman Catholic Separate Schools. Now, we have no right to quarrel with this aim, but we are entitled to complain if public funds are used for its promotion. Just as well give public money to support Church and clergy.

Nor is the force of our objection lessened by the fact that the Roman Catholic people contribute their share to the public revenue. Neither they nor any other class of people may argue that, having paid their dues and taxes, they should receive back their quota, to be expended in such a way as they may deem best. We object to the State's putting its imprimatur, directly or indirectly, upon denominational peculiarities and lending its aid to advance them. This is clearly to go beyond its province.

2. Separate Schools tend to injure the State by vigilantly keeping apart in youth those who should grow up together in a common citizenship. Their tendency (though there are many partial counteractives) is to promote distrust and disunion among those who, as compatriots, should cultivate mutual acquaintance and cherish mutual confidence. Nor is this objection met by

saying, with a writer in the *Catholic World*, that "the contact the children have with one another in the Common Schools is slight and superficial and short-lived as to be unworthy the exaggerated emphasis now put upon it." If this be so, much of the argument for Separate Schools on the ground of their power to form character has evidently disappeared.

3. It is believed by Protestants and admitted by many Roman Catholics that the teaching in Separate Schools is generally inferior to that of the Common Schools. It is within our knowledge that not seldom would Roman Catholic parents, on this account, be disposed to prefer the school whose teachers possess the higher qualifications, and which, in its proper educational character, has the better vouchers.

4. In the minds of Roman Catholics the preceding considerations could not be expected to have weight should it actually be found that the faith of their children was tampered with in the Common School, or that a system of proselytism prevailed. But, so far as we are aware, no such thing is alleged. The Roman Catholic children attending Common Schools are to those attending Separate Schools as five to three; so that were there any disposition on the part of Protestant teachers to assail or undermine the faith of Roman Catholic pupils abundant evidence of the fact would be to hand.

These are some of the considerations—imperfectly stated—which must be weighed in relation to Separate Schools; and our conviction is that, whether we have regard to the interests of education or to the freedom of provincial legislation, the great majority of enlightened citizens must contemplate with little satisfaction the clauses in the British North America Act which deny us the right to deal with an important branch of the subject of education. Even should the Province of Ontario not desire to repeal the Separate School law such action should lie within its competency. In the Maritime Provinces there is no Separate-School system; why should Ontario be forced to perpetuate an arrangement to which the majority of its people were always opposed? No thoughtful man can well regard the present state of things as a satisfactory solution of an educational difficulty; and no denunciation of those who would disturb the Confederation settlement can prevent, so vital a question from being fully considered.

That Roman Catholics must not be under disabilities in Ontario any more than Protestants in Quebec is sufficiently clear, and no educational system which would infringe upon perfect religious liberty can be sanctioned in any province of Canada. The right of appeal to the Governor-General, which minorities at present have, must remain. Nay, the entire power of the Dominion is the proper guarantee for equality of dealing on the part of Provinces with the adherents of the various Churches, and nothing beyond this should be sought.

We are not here required to delineate the arrangements which should be adopted by Ontario should the Provinces become invested with plenary powers to deal with education, and should

the desire to abolish Separate Schools prevail. We do not see that the present Public School system would in such case require essential change. A purely secular system—a system perfectly neutral as regards the Christian faith—would not, we are certain, secure the approval of this Province. Nor can it be shown that a due regard for religious liberty, or a proper conception of the relations of Church and State, make such a system necessary. A large proportion of the Roman Catholic children of Ontario, protected by the conscience class, attend our Public Schools, and we are not aware that there is any evidence of their faith being treated with disrespect. Certain it is that just complaint as to such a matter would insure immediate and decisive redress.

Should it be said that the B. N. A. Act confers upon the dissentient schools of Quebec the same powers and privileges which pertain to the Separate Schools of Ontario, that the balance is thus fairly held between Catholics and Protestants, and that neither Province, therefore, has any grievance, we must reply that no parallel exists between the school systems of these Provinces. Quebec schools are denominational schools of the Roman Catholic type, whereas the Public schools of Ontario are in no sense denominational or sectarian. This fundamental difference in the schools of the two Provinces cannot be denied. There is no teaching in the Public Schools of Ontario which controverts the tenets of the Church of Rome, but in the schools of Quebec the doctrines of the Roman Catholic Church are systematically taught and inculcated. Should such modification of the Federation Act be obtained as would allow the Provinces to deal with the whole question of education, and should Ontario in the exercise of her liberty abolish Separate Schools, there is no fear of Quebec making reprisals upon the minority in that Province. Quebec would undoubtedly recognize the obvious and important distinction here pointed out between the Public Schools of the two Provinces; and should she adopt the course of making her schools unsectarian throughout, no person in Ontario would have ground of complaint, or would desire to see Protestant dissentient schools continued. Even-handed justice is all that would be asked. No one wishes to claim for Ontario anything which would not be conceded to Quebec. All the Provinces should be placed on exactly the same footing. And should Quebec, in the exercise of her liberty, determine to continue her Public Schools as Catholic Schools, it is clear that equity towards the minority would not permit the abolition of dissentient schools.

To what extent the views as to Separate Schools here set forth prevail in Ontario we do not certainly know. We hope they are widely entertained, but in any case they appear to us just and true, and this must be our vindication in proposing them for the earnest consideration of our fellow-citizens.

In advocating these views we shall study to avoid all that might cause unnecessary irritation, and no suggestion of procedure that is not constitutional and upright will emanate from this Council

or the Association which it represents. Our appeal is made to the intelligent regard of our people for sound principles; but no word will be addressed to prejudice or passion. It is hardly necessary to avow that we have no party ends to serve. Our only desire is to see Canada advance in the right path, and from this path we would gladly assist in removing anything which violates equity, which engenders discord or which perverts, vitiates, or weakens our national life.

As already intimated, this address does not venture to extend the platform of the Equal Rights Association: a future convention is, perhaps, alone competent to do so; but we have spoken freely of a subject which cannot be kept back from public discussion, and upon which the principles of the association have a direct bearing. Our principles obviously condemn every amendment of the Separate School Act which would extend its operation, and which is not necessary to the efficient working of the Act as it stood in 1867; but more: they require us to regard with disfavour any compact, any legislation, which appropriates public funds for sectarian purposes, as Separate Schools in this Province certainly do.

If our views and contentions are unsound they will not endure the ordeal to which the public intelligence will surely subject them; if they are sound no misrepresentation of them and their advocates can prevent their final acceptance. On foundations of equity alone can a great country be built up; and with whatever skill decayed material may be incorporated into the edifice the day of trial will discover its weakness, and will demonstrate the folly of preferring party, or temporary quiet, or the false reputation of charity, or anything else, to those clear principles which are the safest guide of public action, and of which perfect freedom and true charity are the blessed fruit.

The Council addresses the people of Ontario and of the Dominion, irrespective of Church or nationality. You know our principles; if you deem them correct, let them have your effective approval. Let religion and patriotism unite in guarding well all that is valuable in our constitution (of which there is so much), and in the endeavour wisely to seek the removal of anything which conflicts with its general principles; and especially let us beware of party when, for its own ends, it would tamper with interests which should be sacred to us all.

Our organization is not a political party in the ordinary sense of the expression. In accepting our principles no one is asked to desert his party so far as he can conscientiously act with it in its general policy; but we do urge that in every question which involves the great principles enunciated in our platform party should go into the back-ground—should be forgotten—and that interests which are of paramount importance to this country should be regarded and dealt with in the light of truth and conscience alone.

WM. CAVEN, *Chairman.*

E. DOUGLASS ARMOUR, *Hon. Secretary.*

