

# The Origins of the Separate School Question in Ontario

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UNLIKE other historical problems of church-state relations in Canada, the separate school question remains to this day a very live issue. The report of the Hope Commission, an Ontario Royal Commission on education which reported in 1950, contained both an historical summary of the separate school controversy and a well documented refutation in the form of a dissenting minority report by the Roman Catholic members of the Commission. Apparently the Canadian tradition of compromise has not been completely successful in this particular field. This paper is a brief attempt to appraise the origins of the problem in what is now the Province of Ontario.

## I. "PROTECTION FROM INSULT"

The cases for separate schools in Ontario and Quebec constitute the obverse and reverse of the same coin rather than parallel situations. In Quebec the school system is and was religious, a heritage of New France; in Ontario common schools are undenominational, and the existence of separate schools is an exception to the doctrine of popular sovereignty stemming from political and social conditions which arose under the Act of Union of 1841. In that year the Roman Catholic Church's control of all phases of the education of its adherents in Lower Canada was complete and unquestioned. Protestant schools did exist there, but system there was none. In Upper Canada successive attempts at legislation had failed to provide satisfactory school facilities, and the most recent common school bill had been vetoed by the Legislative Council in 1836 on the ground that the province was already overburdened with taxes for macadamized roads, courthouses and jails.<sup>1</sup> Traditionally the Church of England had exercised a prevailing, and to many minds, undesirable influence over elementary education in the upper province.

In his Speech from the Throne in 1841 to the first session of the first Parliament of the United Canadas, Governor General Lord Sydenham reminded the members that "a due provision for the Education of the People" was a prime duty of the state.<sup>2</sup> But realizing the potential difficulties of imposing a national system of primary education on the two distinct cultures Sydenham suggested that "steps may be taken, by which an advance

1. J. G. Hodgins, ed., *Documentary History of Education in Upper Canada*, 28 v., (Toronto, 1894-1910), III, p. 124. Hereafter cited as *DHE*.

2. *Ibid.*, IV, p. 4.

to a more perfect system may be made." Before the school bill could be introduced petitions began to arrive from congregations of the Churches of England and Scotland praying that the Bible be made a prescribed textbook for all schools receiving government financial aid. In the Legislative Council William Morris, lay spokesman of the Kirk, warned that if Roman Catholics found this provision objectionable, "we must part in peace, and conduct the education of the respective Bodies according to our sense of what is right."<sup>3</sup>

The Common School Bill of 1841 was described by Solicitor General Day when introducing it as only part of "the great general system of National Education."<sup>4</sup> Originally the Bill contained no mention of separate schools of any description, thus clearly anticipating a unified national system of secular elementary education. But opposition soon made itself felt. The Roman Catholic bishops of Kingston and Quebec objected to the principles of the Bill. John Strachan, Bishop of Toronto, petitioned strongly that the education of Anglican children should be entrusted to Anglican teachers only. The result of this flood of petitions, forty-two in all, was that clauses were added to the Bill permitting any religious minority to establish dissentient schools.

Thus, while the Act ostensibly created a unitary system of elementary education for the United Provinces, it recognized the existence of Protestant dissentient schools in Lower Canada and provided equal opportunities for religious minorities in Upper Canada. The Act elicited no strong opposition but in practice it proved well-nigh impossible to administer. The attempt to obtain a uniform system in both parts of Canada was abandoned, and the principle of federation which was growing within the Union was also tacitly adopted for the field of elementary education. In 1843 two bills were introduced establishing a new system of elementary schools for Upper Canada alone.

The new plan provided that ten or more freeholders, Protestant or Roman Catholic, might establish a separate school only if the common school teacher belonged to the other major body of Christians. This was a radical departure from the limitless provisions of the Act of 1841. As a safeguard of consciences, however, the Bill added that no child need read any book or join in any devotional exercises objectionable to the parents. Only three of the seventy-one clauses of the Bill dealt with the religious question, but their restrictive nature marked a new and reactionary policy. The sole opposition to the Bill's passage came from Bishop Strachan who vainly requested a denominational division of all Common School funds.

The appointment of Egerton Ryerson as Superintendent of Education in 1844 was probably the most important single event in the educational history of Ontario. Ryerson intended that the educational system should

3. *Ibid.*, p. 32.

4. *Ibid.*, p. 15.

He accepted the safeguards of the Common School Act, though convinced be "Provincial, or National" (the terms were synonymous), and based on "the Christianity of the Bible—regardless of the peculiarities of Sects, or Parties." The principles of Christianity could be effected, he believed, without compromising the principles of any group. In his Report of a System of Public Elementary Education he asserted that education must be universal and practical, and therefore established on "Religion and Morality."

By Religion and Morality I do not mean sectarianism in any form, but the general system of truth and morals taught in the Holy Scriptures. Sectarianism is not morality. . . . Such sectarian teaching may, as it has done, raise up an army of pugilists and persecutors, but it is not the way to create a community of Christians.<sup>5</sup>

that mixed schools could be satisfactory to all. Clearly Ryerson conceived of separate schools as the exceptional means of protecting religious minority rights within the unitary whole of the provincial system. Judging by past events, he had no reason to think the system would develop on other lines than those he had laid out.

Ryerson drafted a remedial school bill in 1846 for his national system, without altering the existing separate school arrangements. One Anglican legislator requested for his denomination the same rights as the Roman Catholics, but otherwise the bill passed through the Provincial Parliament without any reference to the separate school question. The next step was the creation of a provincial Board of Education. Here Ryerson bowed to the advice of Anglican Premier William Henry Draper in avoiding a purely clerical Board. Strachan refused to be a member because this would only encourage opposition to the Board, but he gave his full support to the appointment of Michael Power, the Roman Catholic Bishop of Toronto, who was elected first chairman of the Board.

The lamentable death of Bishop Power from emigrant fever in October, 1847, eventually proved disastrous to Ryerson's plans. All evidence attests that Power had acted with other members of the Board in the friendliest and most harmonious manner. Power's successor, Armand François de Charbonnel, a French count and an ultramontanist who had seen the torch of revolution inflame Europe and shared Pius IX's reaction against the new liberalism, was to prove himself in time a man of a different stamp to that of Power, who had shared Ryerson's view that separate schools were not an essential on principle, although circumstances in this case made them necessary. Even de Charbonnel, for more than a year after his appointment, contended himself with referring to their existence as a "protection from insult."<sup>6</sup>

5. *Ibid.*, pp. 232, 236–243, 249–262.

6. J. G. Hodgins, *Legislation and History of Separate Schools in Upper Canada, 1841–1876*, (Toronto, 1897), p. 30.

The Common School Act of 1846 functioned reasonably well for more than two years. Bishop Strachan was, of course, still opposed on principle to mixed schools, insisting that, "he preferred *separate* Schools, *if they could get them.*"<sup>7</sup> But within the Church of England opposition to Strachan's plans was increasing among Low Church groups (who were largely Irish), and the outbreak of the Papal Aggression issue in 1850 accentuated this internal conflict. It is noteworthy that the aims and claims of the Anglican Bishop of Toronto were the same as those put forward by his Roman Catholic counterpart a few years later. In 1849, however, the passing of Robert Baldwin's Municipal Corporations Act necessitated a revision of the Common Schools Act. Malcolm Cameron, radical member of the second Baldwin-Lafontaine administration, introduced a bill for what he described as "a systematic code" of Common School legislation.<sup>8</sup>

Cameron's bill bore directly on the religious question at two points. It excluded the clergy as visitors to the common schools, and it destroyed the separate schools simply by failing to mention them. Ryerson hastened to protest the first point; he did not protest the second. In point of fact, separate schools of all kinds—Roman Catholic, Protestant, and even the few coloured ones—were declining in number and there was every reason to expect the trend to continue. But Cameron's bill destroyed Ryerson's great plan for a provincial system of elementary education, and, more important, it did away with Ryerson's position. It was well known that Cameron was but one of several enemies of Ryerson within the Reform Government, yet the results of this incident must have surprised all parties concerned.

First, despite Ryerson's protest and a government promise that the bill would be altered, it was passed as introduced. The surprised Superintendent immediately offered his resignation. At once the Government reconsidered its action. Ryerson was asked to remain at his post, Malcolm Cameron resigned from the Cabinet, and the existence of the law itself was ignored by all until another Act could be passed at the next Session as part of Ryerson's price for withdrawing his resignation.

The promised Common School Bill was introduced in 1850 by Ryerson's very co-operative acquaintance, Inspector General Francis Hincks. Forty-eight of the forty-nine clauses passed substantially without change, but on Clause Nineteen, which vested in the municipal authorities of each township the power to establish separate schools Hincks and Ryerson were forced to accept an effective amendment. Roman Catholics were dissatisfied with this circumscription of rural separate schools, and the Vicar General at Kingston and the Administrator of the Toronto Diocese petitioned that "the Catholics of Canada West (may be enabled) to establish separate schools, wherever they may deem it expedient. . . ."<sup>9</sup>

7. Ontario Archives, Hodgins Papers, E. Ryerson to W. H. Draper, March 29, 1847.

8. *DHE*, VIII, p. 142.

9. *Ibid.*, IX, p. 11.

Here was an opportunity in the eyes of High Anglicans to obtain separate Anglican schools by co-operating with the Roman Catholics. Accordingly, an agreement for joint action was reached by Assembly members of each of these churches. But the Ministry learned of the plot and turned the occasion to the best advantage by offering the Roman Catholics the arrangement of 1843, a compromise which met their demands.<sup>10</sup> The Anglicans who had promoted the plan of united action were boasting of a majority of fourteen to twenty votes when the division was called. To their bewilderment and the amusement of the House, the Roman Catholic members voted with the Government.

Hincks admitted that he had only accepted this compromise in deference to the "strong feeling" of his colleagues,<sup>11</sup> and outside of Parliament there was some mild opposition to the "peculiar privileges" granted Roman Catholics at the cost of denominational equality. "The principle thus admitted," remarked George Brown's *Globe*, "strikes at the root of our whole system of national education."<sup>12</sup> If one denomination was entitled to such preferential treatment, then all were. This compromise, the *Globe* added prophetically, might prove to be the thin edge of the wedge. Ryerson, however, stated publicly that there was "no probability that Separate Schools will be more injurious in time to come than they have been in the past."<sup>13</sup> Separate school supporters still paid the local common school rates, and could obtain no government aid beyond the share of the School Grant provided for the teacher's salary on the basis of the school's enrolment.

Thus, with the exception of the concession made by Hincks' Common Schools Act of 1850, the policy towards separate schools since 1841 had been increasingly restrictive. And as yet the only protest of consequence and continuance had come from the Church of England. But the tide of opinion was turning as the first half of the century came to an end. Pius IX had just re-established the Roman Catholic hierarchy in Britain. He had also appointed de Charbonnel to the See of Toronto. The two incidents were pregnant with a fire not celestial which was soon to fall upon Canada with unforeseen and cataclysmic results.

As the plans of the Roman Church Militant unfolded in Britain, George Brown took up the fiery cross of "Papal Aggression" on a dare, and his provocative writing soon divided the province into two hostile camps, Protestant *versus* Catholic. In France de Charbonnel had seen the same trends towards infidelity and indifferentism which in Italy had destroyed the early liberal proclivities of Pius IX. Yet de Charbonnel had already laboured in Canada for several years and his elevation to the bishopric was viewed without suspicion by Canadians, so that when he joined the Board of Educa-

10. Twelve resident heads of Roman Catholic families were now required instead of ten as formerly to establish a separate school where the common school teacher was a Protestant.

11. *Globe*, July 9, 1850.

12. *Ibid.*

13. *DHE*, IX, p. 208.

tion in Power's stead there was no expectation that his policy would be less co-operative than that of Bishop Power. Against this background the first blow which fell on the wedge for separate schools seemed at the moment relatively unimportant.

Toronto's size had been greatly expanded by recent immigration, particularly of Irish Roman Catholics, and the establishment of another separate school was requested by certain Roman Catholics.<sup>14</sup> The request was rejected by the Board of School Trustees as not permitted by the letter of the Act of 1850, which had been so carelessly worded as to permit the setting up of only one separate school in a town or city. The Board's decision was upheld by the Attorney General and the Queen's Bench on appeal. Nevertheless the demand was a reasonable one. Ryerson, absent in Europe at the moment, conceded that remedial legislation must be introduced. At the same time Strachan renewed his attacks on the "intolerable degradation" of a school system which was turning Anglican children into "infidels."<sup>15</sup> Anglicans must have the same privileges as Roman Catholics he insisted, and spurred his flock to petition Parliament to this end. Roman Catholic petitions for the amendment of the Nineteenth Clause of the Common Schools Act were also received. The result of these actions and agitations was twofold.

George Brown, self-appointed champion of Protestant ascendancy, took up the editorial cudgel against both groups of separatists. He agreed that Anglicans should have the same rights as Roman Catholics *if* separate schools were to continue, but the cry of "religion in danger" was in his opinion just a priestly scheme to gain control of the educational system for sectarian and sacerdotal ends. Would no member of Parliament bring forward a bill to repeal the controversial Clause Nineteen and dispose of the question for all time?<sup>16</sup> Ironically it was the "little Rebel," William Lyon Mackenzie, recent victor over Brown in a parliamentary by-election, who introduced such an amendment to the Government's remedial bill to eradicate those "nurseries of strife and dissension,"<sup>17</sup> the separate schools.

Mackenzie's amendment got only five votes and the government bill now permitting separate schools to be set up in each ward of a municipality, was carried, to the avowed satisfaction of the Roman Catholic authorities. But as extremes beget extremes, so Mackenzie's abortive amendment and the *Globe's* open antagonism to separate schools aroused feelings of insecurity and uneasiness among Roman Catholics, already on the defensive because of the "Papal Aggression" controversy. No longer were separate schools a sufficient "protection from insult." A "war of total separation" had been opened between the forces of denominationalism and nationalism for control of elementary education.

14. *Ibid.*, p. 240; X, p. 88. Some 34,000 destitute Irish settled in Toronto in 1847 alone.

15. *Ibid.*, X, pp. 91-92.

16. *Globe*, June 24, 1851.

17. *DHE*, IX, p. 237 *et seq.*

## II. THE WAR OF TOTAL SEPARATION

Early in 1852 several incidents occurred which brought Ryerson and de Charbonnel into open conflict. When de Charbonnel complained on behalf of the separate school at Chatham that its share of the provincial grant was too small, Ryerson defended the financial disparity by the letter of the law. Next the bishop charged that an anti-Catholic book was used in the Chatham common school, and denounced the educational system as "a regular disguised persecution."<sup>18</sup> Ryerson replied that no child was forced to read any objectionable book, but de Charbonnel added the accusation that mixed schools were the "ruin of religion, and a persecution of the Church." "We must have, and we will have the full management of our Schools, as well as Protestants in Lower Canada."

To this latest demand, which set the tempo for the issue until Confederation, Ryerson retorted that it originated in the "new class of ideas and feelings" which the bishop had imported from Europe, and he contrasted it to the policy of the late Bishop Power. The existence of separate schools was in the opinion of Ryerson and the majority of the Province regrettable and inexpedient, but Ryerson denied that he had ever been unjust to Roman Catholics. When a financial problem similar to that in Chatham arose in Belleville, de Charbonnel threatened to use his episcopal authority to remove Roman Catholic children from mixed schools. Worsted in the argument by Ryerson's logic and superior knowledge of the facts, the bishop terminated the controversy abruptly but ominously. "I hope that by making use of all constitutional means, in order to obtain our right, I will not upset the Government of Canada nor its institutions."

Thus a corner was turned in the development of separate schools in Canada West, and the ideological bases were clearly stated. For de Charbonnel and some Roman Catholics, though not all, separate schools had become an inalienable right which must be obtained to satisfy the conscientious convictions of their religious belief. Ryerson, however, saw in the Roman Catholic demands not only a threat to his school system but to the national unity towards which it was directed. The "war of total separation," if successful, would create a nation within a nation.

In response to revived pressure put upon him under a new administration, Ryerson proposed, in a draft of a revised bill, to relieve separate school supporters of paying any common school tax and to permit them to share the provincial grant according to school attendance. But he urged that municipalities should not be forced to become tax collectors for separate schools. "The very mention of a separate column on the Tax Roll for a Separate School, excites a hostility and feeling which you can hardly imagine," he told Hincks.<sup>19</sup> Behind the scenes, Archbishop Turgeon of

18. *Copies of Correspondence between the Roman Catholic Bishop of Toronto and the Chief Superintendent of Schools on the Subject of Separate Common Schools in Upper Canada . . .* (Toronto, 1853), p. 7 *et seq.*

19. *DHE*, X, p. 163.

Quebec assured de Charbonnel that Morin had pledged himself and his colleagues to give the Roman Catholics of Upper Canada the same advantages as the Protestants of Lower Canada enjoyed, and Attorney General Richards also had promised as much to the bishops.

In 1852 Strachan and some High Church Anglicans again petitioned Parliament against the alleged injustice and irreligion of the common schools, and that same year the Reverend Adam Townley, a convert from Methodism, abetted his bishop's efforts with a pamphlet against the school system in which he pointed to the prostitutes of Paris as living evidence of the results of secular education. Townley claimed that, as the Church of England comprised one third of the population of Canada West (in fact it was only 22%), the establishment of separate Anglican schools was a "Democratic Right."<sup>20</sup>

In the Assembly Bishop Strachan's petition for Anglican schools was read and ignored, while the secularizationists were petitioning for an end to Clergy Reserves, rectories and separate schools. Petitions from the Roman Catholic bishops of Kingston and London arrived praying for amendment of the Common School Act of 1850. Weeks passed and the Government showed no signs of introducing Ryerson's draft bill. At last in mid-October, Archbishop Turgeon petitioned for the same privileges for Roman Catholics in Canada West as Protestants had in Canada East. Attorney General Richards sent Ryerson a bill prepared by a French Canadian legislator, and Ryerson hastened to Quebec to defend his system from this latest threat.

A compromise bill drafted by Ryerson was finally introduced, but too many Ministerial cooks had made hash of the measure and it was returned to Ryerson for revision during the winter prorogation. Before Parliament reconvened Richards obtained the *nihil obstat* of the Roman Catholic members and after four more months the Bill reached the Committee of the Whole. Outside Parliament, the Clear Grit and Brownite presses were loudly denouncing the bill as the destruction of the national education system. Petitions from Canada West indicated that that section unanimously favoured the abolition of separate schools. The only petitions demanding separate Roman Catholic schools for Canada West came significantly from Canada East, particularly Quebec where the perambulating Parliament was currently sitting.

Despite the opposition of Brown and the Grits the Act was passed, thanks to Lower Canadian votes. To Roman Catholics the measure gave personal pecuniary relief, and sustenance for their separate schools, while leaving the conditions for establishment and the division of the grant unchanged. But to "broad Protestants" like George Brown these were signs of "priestly encroachments" which threatened the very destiny of the nation.<sup>21</sup>

20. Adam Townley, *Seven Letters on the Non-Religious Common School System of Canada and the United States*, (Toronto, 1853), p. 51.

21. *Globe*, April 2 and 5, 1853; cf. Francis Hincks, *Reminiscences of his Public Life*, (Montreal, 1884), p. 312.

Ryerson announced publicly that separate schools were "practically harmless" to the school system, and he still believed that experience would soon convince Roman Catholics of their disadvantages and inexpediency.<sup>22</sup> He could not foresee the future numerical increase of separate schools, or future Lower Canadian interference with Upper Canadian education. Many parties remained unconvinced by the Chief Superintendent's logic.

The real test of the Act's popularity, however, would be the reaction of its prime movers, the Roman Catholic hierarchy. De Charbonnel was jubilant and issued a pastoral letter commending the measure. But his tone soon changed when he discovered that Toronto Common School Trustees were hiring Roman Catholic teachers, thus depriving his church of the legal right to maintain separate schools in that city. Hincks promised to investigate and if necessary to introduce a new bill, though Ryerson was left in ignorance of this latter part of the agreement. Before the session of 1854 began, Bishop de Charbonnel issued a statement demanding equal educational rights for Upper Canadian Roman Catholics. With seven other bishops he petitioned the "aid and protection" of the Governor General "to obtain a just and equitable law in favour of Separate Schools."<sup>23</sup> Before this petition reached Parliament the Hincks-Morin Government was defeated and appealed to the country in a general election. Bishop de Charbonnel wrote numerous members of Parliament requesting new separate school legislation, either in prospect or consequence of support given in their elections. Three changes were desired—exemption for Roman Catholics from paying to the separate school an amount equal to the common school rate, power to unite municipal separate school corporations into a single Board of Trustees, and direct payment of school money by the Chief Superintendent. Ryerson had no objection to the first two proposals, but he considered the third a "frivolous" attempt to place him in a vulnerable position for further agitation.<sup>24</sup> He went on to refute thirteen points of inequality, alleged by the Bishop, between the separate school law of the two parts of the Province. Ryerson gave Hincks a draft bill covering the desired changes at the same time advising that the policy of conciliation had now reached its limit in the eyes of Upper Canadians, for Protestants had "conscientious conviction" as strong as those of Roman Catholics.<sup>25</sup>

Before any action was taken the Reform regime ended and the MacNab-Morin coalition took office pledged to carry out the Hincks-Morin programme. The separate school bill was now entrusted to John A. Macdonald who promised the Roman Catholic bishops satisfaction and justice, but he put off any action until 1855. Suspicious that the delay and silence implied a scheme on the part of Ryerson and Macdonald, the Upper Canadian

22. *DHE*, X, pp. 295–302.

23. *Ibid.*, XI, p. 109.

24. *Dr. Ryerson's Letters in reply to the Attacks of the Hon. George Brown, M.P.P.*, (Toronto, 1859), p. 32.

25. *DHE*, XXI, pp. 8–9, *et passim*.

bishops forwarded a "protestation" (identical to de Charbonnel's statement of the previous summer) and a bill of their own.<sup>26</sup>

Ryerson, summoned in haste to the capital, explained that the bishops' bill was inadmissible and the protestation inaccurate. The bill would have created a special superintendent of separate schools, made the municipalities tax collectors for the separate schools, and given separate schools an equivalent for any improvement made to a common school. Instead Ryerson offered de Charbonnel the conditions he had outlined to Hincks, but discussion proved fruitless. Six weeks after he had returned to Toronto, believing he had convinced the Attornies General, Ryerson was informed privately that G. E. Taché had introduced a different separate school bill in the Legislative Council one week before. Ryerson advised Macdonald that only the High Anglicans would benefit since the bill permitted anyone subscribing even a nominal sum to a private school to avoid all taxes. Macdonald took the cue and restricted its terms to Roman Catholics.

The session was old before the bill came into the Assembly. The *Globe* of May 22 announced it as a crisis in the rule of Canada—"Romish Priests" *versus* enlightened principles. What had Taché to do with the schools of Canada West? Opposition to the bill cut across party lines, but the bill passed on the day before adjournment by a majority composed almost exclusively of Lower Canadians in a House reduced to one third. The votes had placed on the statute books the first Separate School Act of Canada West.

The new Act permitted five Roman Catholic heads of families to establish a separate school regardless of the religion of the common school teacher, assured separate schools of a share of the legislative grant proportional to school attendance, and in theory at least left Roman Catholics a choice of which system they would support. The Act fell short of the demands of de Charbonnel, but in later years Ryerson could point out that the bishops' grievances were of their own making since they had drafted Taché's Act.

De Charbonnel had given his approval and thanked the Government for this measure of justice to his church. Scarcely had he arrived back in Toronto, however, before he discovered that he had been duped again by the amendments made after his departure. "He has got a new light," Macdonald warned Ryerson, "and now he says the Bill won't do."<sup>27</sup> The Chief Superintendent was advised to play the peace-maker by stressing the Act's innocuous effects on the Common School System, ("this for the people at large," wrote Macdonald) and its beneficence for Roman Catholics, "this to keep them in good humour." But Macdonald feared that de Charbonnel might renew the "unwholesome agitation."

The unwholesome agitation did not reappear until the new year, 1856, and then it originated with an outraged Protestantism. Robert Corrigan, an

26. H. C. McKeown, *The Life and Labors of Most Rev. John Joseph Lynch, D.D. Cong. Miss., First Archbishop of Toronto*, (Montreal, 1886), p. 296, n.; *DHE*, XII, 16-19.

27. *DHE*, XII, p. 40.

Irish Roman Catholic convert to Protestantism, was literally kicked and beaten to death by Roman Catholics in a quarrel at a fair in St. Sylvester, a small town south of Quebec City. The acquittal of the killers by a Roman Catholic judge and jury seemed a travesty of justice, and the government seemed incapable or unwilling to interfere in the matter. The horrible murder of Corrigan shocked Canadian Protestants, uniting Tory and Radical in a cry for the abolition of separate schools in Canada West as partial payment of the debt demanded by Corrigan's blood. Protestant unrest was further increased by de Charbonnel's pronouncement in his Lenten Pastoral that Roman Catholics who did not employ their franchise in the separate school cause were guilty of mortal sin. Even moderate newspapers spoke "against a despotism that would crush liberty of conscience and freedom of thought, a despotism unknown to members of Protestant communions."<sup>28</sup>

When the legislators met in February, 1856, they were greeted by a flood of petitions demanding outright repeal of separate school legislation and only one petition in their defence. Despite the unmistakable display of Upper Canadian opinion through mass meetings and petitions, the Upper Canadian Roman Catholic bishops applied to the Government for an amendment to the Separate School Act. Macdonald and his colleagues were too sensitive to the Protestant temper to venture any ministerial measure thereon. Within two weeks of Parliament's opening, however, J. G. Bowes introduced a private bill to exempt separate school supporters from paying common school rates simply by producing a receipt for taxes paid to the separate school. The bill never reached second reading—in any case it was less than the Roman Catholic bishops desired. But it did revive Bishop Strachan's interest in obtaining Anglican schools. "Surely our claim is as good as that of the Roman Catholics," he wrote John Hillyard Cameron.<sup>29</sup>

The Legislature had not heard the last of the separate school question. When George Brown moved for repeal of all separate school legislation, W. L. Felton countered with de Charbonnel's favourite amendment—the same rights for Roman Catholics in Canada West as for dissentients in Canada East. After a night-long debate and twelve fruitless divisions, the debate was postponed. When resumed, five weeks later, Felton's amendment was voted down. The Roman Catholic hierarchy felt that the Government had broken its pledge and de Charbonnel denounced four Roman Catholic cabinet members in a letter read from every pulpit in his diocese.

De Charbonnel's actions disturbed Protestants more than they did Roman Catholics. The press charged that popish ascendancy was interfering with private judgment and parliamentary responsibility. The Bishop was accused of "filtering British liberty through the will and pleasure of the Roman Catholic Church."<sup>30</sup> Thus the separate school question was cutting across

28. *News of the Week*, February 2, 1856.

29. Ontario Archives, Strachan Papers, Letter book 1854-1862, p. 124, J. Strachan to J. H. Cameron, March 10, 1856.

30. *News of the Week*, July 11, 1856.

established religious and political party lines, even those of the Orangemen. For the first time Protestant churches other than the Church of England entered the controversy when the Free Church and Wesleyan Methodists officially supported the common school system. Within the Church of England, however, the issue caused an open rupture when Strachan once more attacked the common schools at his visitation to the Clergy, and the Low Church element gathered strength rapidly in opposition to the separatist tendencies of the High Church faction.

For six years after Bowes' bill touched off that memorable debate in the Assembly, the separate school question provided a recurrent theme for editorials, but no major alterations were made in the existing law. De Charbonnel retired to a French monastery and his polemical duties were assumed by J. M. Bruyère, rector of St. Michael's Cathedral, who, with the assistance of Bishop Pinsonnault of London, carried on a war of words against Ryerson. A river of ink was spilled either for or against separate schools. D'Arcy McGee split and confused the Roman Catholics by insisting that the existing separate school law was useless and Brown seriously compromised the radical Reform position by adopting Thomas D'Arcy McGee's ideal of the Irish school system for the four-day ministry of 1858.

Not until 1860 was the burning issue reopened in earnest. Ryerson was in Quebec when R. W. Scott, member for Ottawa, introduced a new separate school bill, which would permit the establishment of separate schools in villages and towns (an omission by oversight in the Taché Act) and eliminate the annual notice required of separate school supporters. Both were reasonable proposals, but they were also a sharp spur to the "high Protestant" horse ridden by George Brown and the bill did not even get a second reading. The following year the persistent Mr. Scott introduced his bill again, but it got even less attention. In 1862, however, the Roman Catholic *Canadian Freeman* demanded that the Ministry redeem pledges which, the *Freeman* of January 24, 1862 said, had been given at the 1861 election in exchange for Roman Catholic votes. Ryerson offered Bishop Lynch of Toronto a bill based on Scott's, but Bishop Horan of Kingston held out for some more final measure to settle the long-vexed question.

Here the problem stood in April, 1862, when Scott once more introduced a separate school bill. This latest bill, however, was radically different from its two predecessors, for it smacked of the rankest ultramontaniam. Priests were to be *ex officio* trustees, the Church was to control all rules and curricula in separate schools, and the schools themselves were to be exempt from observance of common school holidays and free to set their own. At the second reading Scott announced that the bill had Ryerson's approval. In fact, Ryerson was ill and had not even seen the bill. When he did see it, he advised Macdonald that "it ought by all means to be rejected."<sup>31</sup> After a two days' debate the bill was given a vote of government approval at two in the morning. Macdonald explained to Ryerson that Dick Scott was "a

31. *DHE*, XVII, p. 214; *ibid.*, pp. 198-213.

very *good* fellow although no Solon," and assured Ryerson that the bill would be changed in Committee.<sup>32</sup>

Before the bill came back from the select Committee, however, the John A. Macdonald-Cartier Government had been replaced by the John S. Macdonald-Sicotte Government. Purged of its ultramontane clause by the combined efforts of the Committee and Ryerson the bill was accepted by two Roman Catholic Vicars General only to be shelved for the session by the new cabinet. When it was reintroduced in 1863 the popular excitement it created surpassed any caused by earlier agitation. Opposition amendments were ineffective, yet on the final vote the Upper Canadians opposed the bill thirty-one to twenty-one. Upper Canadian opinion was in a ferment against the measure. Despite McGee's promise of finality, the *Globe* skeptically recalled the warning of the Roman Catholic *Freeman* that the concessions were only an instalment, and the *Freeman* itself soon confirmed the *Globe's* fears.<sup>33</sup> In the general elections which followed, separate schools and "No Popery" were made touchstones for candidates, and the results in at least a dozen constituencies were affected. Numbered among the fallen was Dick Scott.

As Canada turned to consideration of Confederation in 1864 the separate school agitation subsided. The Quebec resolutions vested educational matters in the local legislatures, but accepted McGee's rider to protect minority rights by freezing the separate school systems in each section of Canada whenever Confederation went into action. This gave the separate school advocates one last chance to assimilate the school systems of Upper and Lower Canada. The *Freeman* of January 5, 1865, called for "a grand and final struggle" to obtain the same privileges as Lower Canadian Protestants, the burden of the campaign to be borne by the Roman Catholic laity to disprove their opponents' claim that they were indifferent to their educational rights.

Apparently the laity still required some prodding or guidance, for more than half of the thirty-three petitions favouring assimilation of the laws which reached the Assembly in 1865 were forwarded by clerics. Ryerson hastened to the defence of the existing system, averring that the concession of 1863 had been accepted as final. The whole excuse for reopening the question was the attempt of some Montreal Protestants to obtain a completely separate school system in Lower Canada. McGee, who had accepted publicly the finality of the Act of 1863, now insisted that if any changes were made in Lower Canada he would demand equal advantages for his co-religionists in the upper provinces. The Government refused to divulge its plans, announcing that the final educational settlement must await Imperial approval. Despite the opposition on both flanks the Quebec resolutions were successfully pushed through without altering the educational clause.

32. C. B. Sissons, *Life and Letters of Egerton Ryerson*, 2 v. (Toronto, 1937, 1947), II, p. 466.

33. *Globe*, March 20, 1863; *Canadian Freeman*, March 19, 1863.

When the United Parliament met in its last session in 1866 Confederation was almost a *fait accompli*. Scott's Separate School Act of 1863 had been accepted for better or worse, and the popular reaction to the recent attempt to upset it indicated that the legislation promised for this session was predestined to failure. Finance Minister Galt, the reluctant spokesman for the Lower Canadian Protestants, introduced the expected bill. The answer of the Roman Catholics was a separate school bill introduced by Robert Bell, an undisguised *quid pro quo* which had the support of nine Roman Catholic bishops. The net result of this manoeuvre was the withdrawal of both bills, the resignation of Galt, and great excitement in the Protestant press of Canada West. The newspapers heralded the demise of Bell's bill as **THE LATEST PAPAL IMPERTINENCE** and **THE BISHOPS FOILED**.<sup>34</sup> The only residue was a heritage of bitterness shared by both parties to the separate school question.

Thus Scott's Act of 1863 set the pattern of elementary education for Ontario which remains practically unaltered. If at the moment of passing it seemed a victory for separatism and a defeat to nationalism, it has on the longer view proved itself an acceptable compromise.

34. Bowmanville *Statesman*, August 9, 1866; St. Catharines *Constitutional*, August 9, 1866.