

April 7

Henry Would Seek Decision on Taxes In Privy Council

Conservative Leader Sees Two-Party Compromise of 1863 Violated by Hepburn School Bill

GEORGE S. HENRY is for the two-system school compromise of 1863, and believes that the Hepburn school bill is contrary to that pact, and that a decision on separate school taxes should rest with the courts. He took this stand on the school bill when the school debate went into its first stage at Queen's Park yesterday afternoon.

Questions Authority.

The highlight of the Tory Leader's statement was the declaration that the proposed changes were an "absolute departure" from the compromise principles which set up the public and Catholic school systems under the statute of 1863.

Mr. Henry directly questioned the power of a shareholder to divide a corporation's taxes. "I question the claim of a shareholder's right to control property of that character. His only right, aside from voting for directors is in dividends."

The four-year Premier of Ontario, and Minister of Education, though personally for the 1863 pact, was of the opinion that the majority of the people of Ontario would welcome any Catholic move to abandon separate schools.

"If the separate school supporters would decide to forego their option," he told the House, "we would welcome it as a people. The majority of the people would be satisfied, and I doubt"—this in answer to Premier Hepburn's warning that Catholic abandonment of the separate schools would boost the public school rates—"if their tax burdens would be very much increased. I don't think the people of the Province would object if there was a slight increase. . . ."

"I believe we should live up to the pact of '63 and '67 to the letter. I am not for one moment seeking to oppress the people of another faith who think that their children should be brought up in that thought—although I think the people generally are of another mind."

Simpson Letter Read.

"Although I seek, and have always sought," said Mr. Henry, "to keep away from the political and religious aspects of this subject, I must depart from that policy in this one instance." He then read the letter written by the present Minister of Education, Hon. Dr. L. J. Simpson, on the separate school question on Jan. 27, 1933, in which the opinion was expressed that Mr. Henry, then Premier, would not have the courage to support the Catholic attitude, but

that he (Dr. Simpson) supported the Catholic view.

"In reply to that letter," said Mr. Henry, "I say that I have the courage of my convictions, but I have never sought to play party politics with a problem of such outstanding importance as that of separate schools."

Mr. Henry then read an editorial in The Globe of Feb. 29 last, entitled "Finality in '63," in which it was stated that it was the duty of the present Government and its successors "to terminate the controversy."

"I read The Globe editorials myself," commented the Opposition Leader. "It has had continuity of contact with this subject for sixty, seventy or eighty years. The dominating figure of The Globe organization was the Hon. George Brown. He definitely established the character of his paper, and today The Globe is proud of that character and is seeking to live up to it."

Would Refer to Courts.

"The main question before us now," said Mr. Henry, "is whether we in this Province are living up to the obligations set up in the act of '63."

"Will my honorable friend state here and now that he will pledge his party to repeal?" (of the proposed legislation) Mr. Hepburn inquired.

"That is not the question now," said Mr. Henry. "This legislation is contrary to the act of '63. It is of vital concern to the public school system."

The decision should rest with the courts, he argued. If the Privy Council gave a ruling the people would be satisfied.

He warned the House that some day they would realize that the legislation in question was like the laws of the Medes and Persians. There was a strong belief in the minds of experts in constitutional law, he said, that the legislation of the Ontario House was subject to review by the Governor-General-in-Council.

"There is in my soul no rancor in the matter of religion," Mr. Henry assured the House. "I have many good friends of the Roman Catholic faith. I judge a man by his personality and not his religious views. Consequently I hope that no offense will be taken

to my remarks today. But I say that the pact of 1863 as guaranteed in 1867 must be lived up to, and that we cannot get rid of this interminable controversy without reference to the highest court in the realm—the Judicial Committee of the Privy Council."

The former Premier opened the Tory onslaught on the bill by deprecating the "great haste" in which the Government proposed the "momentous" legislation should be considered.

"The measure before the House today is an entire departure from the principles set out in the statute of 1863 and carried forth in the guarantee of the British North America Act. We entirely depart from the principle of choice or the exercise of option." And Mr. Henry pointed out that C.P.R. and Bell Telephone taxes would be divided on a straight assessment basis.

The Ontario school system, the Tory Leader said, was a system of "State schools." To this had been attached a rider giving Roman Catholics the option of banding together to send their children to a denominational separate school.

The former Premier traced the events preceding 1863 to bring out three points: (1) that Egerton Ryerson and other leaders had opposed the separate schools desired by Anglicans and Catholics; (2) that the bill of 1863 had been accepted as a compromise by all parties; and (3) that a division of corporation taxes had been considered and thrown out when that compromise was arrived at.

Dr. Ryerson had regretted the demands for a separate school, and all through the years held to the idea of a national or State school. Alexander Mackenzie (Ian Strachan, Mackenzie's great-grandson, was listening from the Liberal benches) had called the 1863 law an honest compact.

"Hon. George Brown, an outstanding citizen, who took a great part in Confederation, said: 'At the final settlement I was not in Quebec. If I had been in Quebec I would have voted against the bill because it extended the facilities for establishing separate schools.'" Because the 1863 law had the good quality of being acceptable to the Roman Catholics, George Brown thought it an article "not to be rejected" from the Confederation program.

The Opposition chief turned against the argument that in 1863 there had been no thought of corporation taxes. The proposed "Bishop's bill" had dealt with the corporation taxes, and only six years later Quebec had set up the present panel system to take care of corporation taxes.