

Hennellin P. K. P.



REPORT
OF THE
COMMISSIONERS

APPOINTED

To represent the Province of Manitoba at the
Conference held with the Representatives
of the Dominion Government on
the School Question.

DAVID PHILIP, QUEEN'S PRINTER.



TO THE HONORABLE THE LIEUTENANT-GOVERNOR-IN-COUNCIL :

May it please Your Honor :—

The undersigned Commissioners appointed to represent Your Honor's advisers in the conference held at the request of the Dominion government with a view to the settlement of the Manitoba School Question, have the honor to report :—

That the Dominion Commissioners, viz., Honorable Arthur R. Dickey, Honorable Alphonse Desjardins and Sir Donald A. Smith, K. C. M. G., arrived on the evening of Wednesday, the 25th ultimo. On the afternoon of the next day they were waited upon by the Provincial Secretary who arranged for an interview on the following morning.

On the morning of Friday, the 27th ult., at 10.30 o'clock, the conference was opened at the rooms of the Dominion Commissioners, in the Manitoba hotel, in the City of Winnipeg, there being then present the above-named Dominion Commissioners and the undersigned Commissioners on behalf of the government of Manitoba. All of the sessions of the conference were of a private nature, no person being permitted to be present except the Commissioners acting on behalf of the Dominion and Provincial governments respectively. It was arranged at the outset that all conversations and verbal communications between the Commissioners should be regarded as unofficial and confidential, and should not be disclosed either during the progress or at any time afterwards.

It was further agreed that the written memoranda presented respectively by the two parties to the conference should constitute the only official record of the proceedings, and that the contents of such memoranda should not be disclosed until the proceedings were terminated. The sessions of the conference extended from the morning of Friday, the 27th ultimo, until the afternoon of Wednesday, the 1st instant. The proceedings terminated without any basis of settlement being arrived at.

Herewith we submit copies of all correspondence and memoranda which passed between the parties to the conference.

CLIFFORD SIFTON.
J. D. CAMERON.

Dated at the Council Chamber, }
this 2nd day of April, 1896. }

WINNIPEG, MARCH 28TH., 1896.

SIR DONALD A. SMITH,
Winnipeg, Man.

My Dear Sir Donald,

On consideration of the memorandum handed to Mr. Cameron and myself this morning, we find it impossible to discuss it with yourself and Honorable Messrs. Dickey and Desjardins and present our views this afternoon or evening. There are so many matters of detail affected that a little time will be required. We shall be prepared to submit our ideas at eleven o'clock on Monday morning, and think that no time will be lost by adopting that course.

I have the honor to be,

Sir Donald,

Your obedient servant,

(Sgd.) CLIFFORD SIFTON.

THE MANITOBA,

WINNIPEG, 28TH MARCH, 1896.

My Dear Mr. Sifton,

It is with pleasure I acknowledge your letter of equal date intimating that it would not be possible for you and the Honorable Mr. Cameron to discuss with us this evening and give your views on the memorandum handed

to you to-day but that you will be prepared to do so at eleven o'clock on Monday morning.

This will be entirely convenient to us and we shall be pleased to meet you and your colleague here at that time.

I have the honor to be,

My dear Mr. Sifton,

Very truly yours,

(Sgd) DONALD A. SMITH.

The Honorable
Clifford Sifton,
Attorney-General.

WINNIPEG, MARCH 30TH, 1896.

HONORABLE ARTHUR R. DICKEY,

Winnipeg, Man.

Dear Mr. Dickey,

I am sending you herewith a memorandum from Mr. Cameron and myself in reply to yours of Saturday, and containing also a proposition embodying our views. As it is somewhat lengthy I presume yourself and colleagues will prefer looking it over before entering upon any discussion. If convenient, therefore, Mr. Cameron and myself will call upon you at your rooms at 3.30 this afternoon at which time we can discuss the whole matter in detail. We regret the delay but it seems to be unavoidable.

I have the honor to be,

Sir,

Your obedient servant,

CLIFFORD SIFTON.

THE MANITOBA, 30TH MARCH, 1896.

MY DEAR MR. SIFTON,

It will be quite satisfactory to us to meet you here at 3.30 p.m., for the purpose of discussing the memorandum submitted by you and Mr. Cameron.

I am yours faithfully,

(Sgd.) A. R. DICKEY.

WINNIPEG, 31ST MARCH, '96.

MY DEAR SIR,

I enclose a further communication from myself and my fellow commissioners with regard to the school question.

We should be very much obliged if you could let us have a reply by eleven o'clock to-morrow morning, so that we could leave for home by the noon train if further delay is useless.

I am yours faithfully,

(Sgd.) A. R. DICKEY.

The Honorable

CLIFFORD SIFTON,
Attorney-General,
Winnipeg.

WINNIPEG, 1ST APRIL, 1896.

HON. CLIFFORD SIFTON,

Winnipeg, Man.,

My Dear Sir,

As our latest communication did not reach you until this morning, I think it would be unfair to hurry you with its consideration, and have therefore determined to stay over until to-morrow. We shall be glad to hear from you at your convenience this afternoon.

Yours very truly,

(Sgd.) A. R. DICKEY.

SUGGESTIONS FOR SETTLEMENT OF MANITOBA SCHOOL QUESTION FROM DOMINION COMMISSIONERS FOR MANITOBA GOVERNMENT :

Legislation shall be passed at the present session of the Manitoba legislature to provide that in towns and villages where there are resident, say, twenty-five Roman Catholic children of school age, and in cities where there are, say, fifty of such children, the board of trustees shall arrange that such children shall have a school house or school room for their own use, where they may be taught by a Roman Catholic teacher, and Roman Catholic parents or guardians, say, ten in number, may appeal to the Department of Education from any decision or neglect of the Board in respect of its duty under this clause, and the Board shall observe and carry out all decisions and directions of the Department on any such appeal.

Provision shall be made by this legislation that schools wherein the majority of children are Catholics should be exempted from the requirements of the regulations as to religious exercises.

That text books be permitted in Catholic schools such as will not offend the religious views of the minority, and which from an educational standpoint shall be satisfactory to the Advisory Board.

Catholics to have representation on the Advisory Board.
Catholics to have representation on the Board of Examiners appointed to examine teachers for certificates.

It is also claimed that Catholics should have assistance in the maintenance of a Normal school for the education of their teachers.

The existing system of permits to non-qualified teachers in Catholic schools to be continued for, say, two-years, to enable them to qualify, and then to be entirely discontinued.

In all other respects the schools at which Catholics attend to be public schools and subject to every provision of the education acts for the time being in force in Manitoba.

A written agreement having been arrived at, and the necessary legislation passed, the Remedial Bill now before

Parliament is to be withdrawn, and any rights and privileges which may be claimed by the minority in view of the decision of the Judicial Committee of the Privy Council shall during the due observance of such agreement remain in abeyance and be not further insisted upon.

(Signed),

DONALD A. SMITH.
ALPHONSE DESJARDINS.
A. R. DICKEY.

March 28th, 1896.

MANITOBA'S REPLY.

GOVERNMENT BUILDINGS WINNIPEG,

March 30th, 1896.

Honorable Arthur R. Dickey, Honorable Alphonse Desjardins, Sir Donald A. Smith, K. C. M. G.:

GENTLEMEN,—We have had under consideration the memorandum handed to us on the 28th inst., containing your suggestions for settlement of the Manitoba school question, and have the honor to submit herewith our reply thereto.

We desire, first, to refer to the understanding upon which the conference was proceeded with. You will remember that we thought it necessary before proceeding with the discussion of the question involved to stipulate:

1. That while the conference was proceeding the Remedial Bill now before Parliament should be held in abeyance, and no proceedings taken thereon in the meantime provided that the conference did not extend beyond Tuesday next.

2. That in the event of an agreement being reached for settlement the Remedial Bill should be at once withdrawn, and the execution of the terms of the agreement left to the parties.

These stipulations were agreed to by yourselves without hesitation, but notwithstanding such agreement and in

violation of its terms, the Remedial Bill was advanced a stage in the House of Commons on Saturday morning. While not desirous of taking any advantage of this departure from the conditions upon which the negotiations were opened, we deem it due to ourselves to protest against the course thus pursued by the government by which you were commissioned.

We regret that we are unable to accede to the terms of the proposition submitted to us. A study of its details reveals the fact that it involves much more than would appear at first sight. The objections are both general, that is to say, as to principles involved, and special, that is to say, as to practical operation.

An amendment to the School Act embodying the terms of the memorandum would divide the population for educational purposes into two classes, Roman Catholic and Protestant, giving to the Roman Catholic population distinct and special privileges as against the remaining portion of the people. It would establish a system of State supported separate schools for the Roman Catholic people, and would compel their support by the school taxes and legislative grants. Not only so, but the whole school organization—text book regulations, constitution of advisory board, boards of examiners and normal school—would be modified to bring it into accord with the separation principle to an extent not usual even in places where regularly constituted separate school systems obtain.

In the Order-in-Council of the twentieth December, 1895, transmitted to the federal government as embodying the views of the Manitoba government upon the question, it is stated that the proposal to establish a system of state aided separate schools in any form cannot be agreed to. That Order-in-Council was taken as the basis of the policy of the government upon the question in the late general provincial election, and upon it the government was sustained. It is clear therefore that we are precluded from accepting the proposition which has been made. Such acceptance would, in our opinion, be a direct breach of faith with the people of our province.

Apart from the fundamental objection above stated, we think it due to you to state somewhat in detail a few of the practical objections to your proposals.

As to the first clause :—

1. Separate schools under this clause would result in a teacher having under his charge a comparatively small number of pupils of various ages and degrees of proficiency. The school could not therefore be properly graded and could not attain the degree of efficiency reached by public schools in cities, towns and villages. Grading of classes and mutual competition would be destroyed. The separate school would therefore of necessity be inferior. Experience elsewhere will prove the truth of this contention.

2. The organization of the separate school would be compulsory. Neither the Roman Catholic parents nor the school trustees would have any option. The voluntary idea upon which, almost universally, school organization depends, and which rules even in Ontario, where there is a fully developed separate school system, is entirely eliminated. Given the requisite number of Roman Catholic children of school age, and the law would compel the separation without regard to the wishes of the parents or the trustees, and equally without regard to the ability of the district to maintain another school. It is most probable also that in such a case it would be held that the Roman Catholic children had no legal right to attend the public school. Thus we would by law compel Roman Catholics to separate themselves and deprive them of the right to send their children to the public schools. There seems to be no precedent even in separate school legislation, for such a provision.

3. In many cases it would be impossible to provide a separate building, and the Roman Catholic children would therefore be assigned a room in the public school. It seems beyond dispute that nothing could be worse than the separation of children into two distinct bodies within daily view of each other.

4. The financial objections would be serious. A voluntary separate school system such as exists in Ontario, or such as we had in Manitoba prior to 1890 could only be put into operation where the Roman Catholic rates added to the legislative grant would be sufficient to maintain the school, but under the plan proposed this idea is not recognized. If the number of Roman Catholic children are to

be found a school must be provided and maintained. By whom? By the public school trustees. The rates paid by the Roman Catholic tax-payers might be only one-tenth of the cost of the school, yet the rest of the district must maintain it. As a matter of fact in a great majority of cases in cities, towns and villages in Manitoba, the contributions of the Roman Catholic ratepayers would only be a fraction of the cost of maintaining the school. As a result the bulk of the expense would require to be met out of the taxes paid by non-Catholic ratepayers, and the school would therefore be an additional and unnecessary charge upon the school revenues, already in every case heavily burdened. It would be hard to conceive of a more indefensible and offensive method of compelling one portion of the people to pay for the education and sectarian religious training of the remainder, and to maintain a separate denominational school, to the principle of which they were opposed.

It is quite clear that such a plan would prove unworkable. The non-Catholic people would continually struggle against supporting what they would consider to be an unjust burden. The trustees elected would probably be in accord with the views of the majority and might prove hostile and refractory in carrying out the details of the scheme. Altogether it is clear that a most unhappy state of affairs would result. We believe there is no justification for substituting such an arrangement for that which now exists. At present in every city, town or village in the province outside of Winnipeg and St. Boniface, the Roman Catholic children attend the public schools. Not a word of complaint is heard. Absolute contentment and satisfaction prevails. The children have the advantage of efficient instruction and numbers of them are qualifying themselves to become teachers in the public schools. We do not hesitate to say that not only is there no desire to separate, but if left to themselves, the Roman Catholic people in the cities, towns and villages outside of Winnipeg and St. Boniface, would not consent to a change in the direction indicated.

5. It would be idle to say that such a plan would not impair the efficiency of the public schools. Such efficiency

depends in the main upon the sufficiency of the school revenues. Given a sufficient revenue, and the people under the stimulating action of the department may be depended upon to have a good school. The school taxes are now a heavy burden and one of the ever present questions in municipal finance is to decide how much the people can afford to pay for their schools. Subtract a substantial sum, such as would be necessary to maintain the separate schools, and nothing can be more certain than that a general lowering of the standard of efficiency of the public schools would result.

As to clause two :—

1. The effects of this clause would be to absolutely divest the legislature and government of control of the schools so far as religious exercises and teaching are concerned. Where a majority of the pupils are Roman Catholic doctrinal religious teaching without any restriction or control might go on at any hour or at all hours. The schools might be in effect so far as religious teaching is concerned church schools. It might be said that if religious teaching were carried on to the detriment of secular education the department might withhold the grant. Even if this were done the school trustees would be compelled to carry on the school and the penalty would be suffered by the rate-payers. Apart from that, however, the remedy is apparent rather than real. In actual administration we know from experience that it is most difficult to decide on the withholding of a grant on account of inefficiency. Repeated and troublesome inquiries have to be made, conflicting opinions have to be weighed, and in the end it is doubtful what course should be followed. Moreover the withholding of a grant from a separate Catholic school, established in pursuance of a treaty of settlement, would almost inevitably be charged to be a violation of the spirit of the treaty.

Another feature of this clause is the effect on non-Catholic children. What would become of them while the religious education of the majority was proceeding? Under our present conscience clause there is no possibility of trouble to any class. In the memorandum there is no safeguard. We know by experience that in schools where there

was a Protestant minority under the old system, most bitter complaints were made of the inability of the non-Catholic children to properly progress with their studies owing to the time of the school being taken up with religious instruction. The same result would inevitably follow in an aggravated degree if we were unable to control the holding of religious exercises in every case where the Roman Catholic children were in the majority. It is our belief that in such case the schools would be of little benefit to the non-Catholic minority.

In view of the above remarks it will be unnecessary to deal at length with the other proposals contained in the memorandum, and our remarks thereon will therefore be confined to a brief space.

As to text books.—It will be impracticable to provide by statute that the text books should be satisfactory to the Roman Catholic minority, but we have no doubt that if other points could be agreed upon an arrangement could be arrived at on the text book question which would be mutually satisfactory. We regard this part of the difficulty as comparatively easy of adjustment.

We would have no objection to the Catholic people being represented upon the Advisory Board, and the Board of Examiners. In point of fact His Grace, the late Archbishop, was offered a seat on the Advisory Board. But we see no practicable way of embodying such a provision in the statutes. The effect of such a statutory provision would be that the Boards would not be legally constituted without Catholic members, and the legal constitution of the Board might be disturbed by the resignation of the Catholic members or the refusal of Catholic nominees to accept office. It would also be impossible to give a statutory privilege of representation to one religious denomination without according the same privilege to others.

The proposal to adequately assist a separate Normal school we could not consider. It would be absolutely unjustifiable. The Normal school is a technical training school for teachers. We endeavor to raise it to the highest possible standard by devoting to it as much of the school funds as can be spared. There can be no argument advanced in favor of dividing the funds, or of separating Roman

Catholic teachers in process of training from the others. The Roman Catholic teachers would not be prevented from acquiring religious instruction elsewhere, but it is clear that their own educational interests and that of the schools to be placed under their charge would be best served by their attendance at the provincial Normal school.

As to the question of permits: The proposition in the memorandum might be agreed to by the government, to be carried out as a matter of administration.

The last clause of the memorandum referring to the terms upon which the Remedial Bill would be withdrawn is not, it is submitted, in accordance with the understanding arrived at upon the opening of the conference. The understanding was that in the event of a settlement being made, the Remedial Bill should be immediately withdrawn. The passing of the necessary legislation, and the carrying out of the terms of the settlement, was to be left to the parties. The clause of the memorandum referred to is therefore a departure in that it requires as a condition of the withdrawal of the Remedial Bill, that legislation to carry out the terms of the settlement if made, should be enacted before the withdrawal of the bill. Apart from the understanding which was had, it would be impossible to accede to the terms of the last clause. The legislature cannot meet until the 16th April, and under the ordinary procedure, the government could not undertake to have a bill passed before the twenty-fifth of April, the day upon which the Dominion Parliament expires by effluxion of time.

It will be seen from the above remarks that the plan proposed involves the establishment of a State aided denominational system of separate schools, which in practical effect would carry with it the evils of the system which prevailed prior to 1890, and would also involve grave additional evils and difficulties of which we have not hitherto had experience.

The objections may be summarized as being:—

1st. The statutory division of the people into separate denominational classes.

2nd. The necessary inferiority of the separate schools.

3rd. Impairment of the efficiency of the public schools through division of school revenues.

4th. The burdening of non-Catholic ratepayers by compelling them to maintain separate schools.

5th. The according of special privileges to one denomination which could not on principle be denied to all the others, but which in practice could not be granted to such others without entire destruction of the school system.

It will not therefore be a matter of surprise to you that we are unable to accede to the proposition made, or any proposition based upon similar principles.

We are prepared, however, to make good the promise to remedy any well founded grievance, if such exist, and we therefore submit a plan of suggested modifications, which we believe to be free from objections upon principle, and which in our opinion will remove any such grievances and at the same time in no way affect the efficiency of the public school system, or deprive the Roman Catholic children of the privilege of participation in the same educational advantages enjoyed by the rest of the people.

Our proposition is in the form of an alternative :

First—Should it be accepted as a satisfactory measure of relief to the minority and as removing their grievances, we hereby offer to completely secularize the public school system, eliminating religious exercises and teaching of every kind, during school hours. We desire it to be understood in connection with this proposition that it is made as a compromise offer, and not as embodying the policy which the government and legislature of the province are themselves desirous of pursuing. We are willing, however, to adopt such a measure in order to attain a settlement of the dispute.

Second—In the alternative we offer to repeal the present provisions of the school act relating to religious exercises, and to enact in substance the following :—

“ No religious exercises or teaching to take place in any public school, except as provided in the Act. Such exercises or teaching, when held, to be between half past three and four o'clock in the afternoon.”

“ If authorized by resolution of the trustees, such resolution to be assented to by a majority, religious exercises and teaching to be held in any public school between 3.30 and 4 o'clock in the afternoon. Such religious exercises an

teaching to be conducted by any Christian clergyman whose charge includes any portion of the school district, or by any person satisfactory to a majority of the trustees who may be authorized by said clergymen to act in his stead; the trustees to allot the period fixed for religious exercises or teaching for the different days of the week to the representatives of the different religious denominations to which the pupils may belong in such a way as to proportion the time allotted as nearly as possible to the number of pupils in the school of the respective denominations. Two or more denominations to have the privilege of uniting for the purpose of such religious exercises. If no duly authorized representative of any of the denominations attend, the regular school work to be carried on until four o'clock."

"No pupil to be permitted to be present at such religious exercises or teaching if the parents shall object. In such case the pupil to be dismissed at 3.30."

"Where the school room accomodation at the disposal of the trustees permits, instead of allotting different days of the week to different denominations, the trustees to direct that the pupils shall be separated and placed in different rooms for the purpose of religious exercises as may be convenient."

We believe that the foregoing proposal will remove any well-founded grievance.

If the objection of the minority be that the schools are Protestant, as alleged in some of their petitions, then the objection can be fully and finally disposed of by complete secularization.

If the real objection be the desire to have along with efficient secular education, proper religious training, then the second plan proposed offers an effective method of attaining the object desired. In fact it is difficult to conceive what better plan could be proposed even were we dealing with a system of schools entirely Catholic. It would be in any event necessary to have some general provision as to the time allotted for religious exercises and teaching. The individual school could not be permitted to act without restraint. The time suggested seems to be a reasonable and sufficient proportion of the school hours

and the hour in the day is undoubtedly the most convenient for the operation of the conscience clause.

At the same time no distinction of any kind between denominations would be made. Absolutely equal rights would prevail. Non-Catholics desiring a greater amount of religious instruction than is given at present might carry out their views. While this desirable end would be accomplished the uniformity and efficiency of the schools to which the children of all denominations would go, would remain absolutely unimpaired and unaffected.

(Sgd.) CLIFFORD SIFTON.
 J. D. CAMERON.

COMMISSIONER'S REJOINER.

Manitoba Hotel, Winnipeg, March 31, 1896.

Hon. Clifford Sifton, Hon. J. D. Cameron.

Gentlemen.—We beg leave to acknowledge your communication dated yesterday, and written in reply to our suggestions for settlement of the Manitoba school question.

We regret to find that there has been some misapprehension as to any understanding upon which the conference was proceeded with. As to the first of those matters mentioned by you; we understand the facts to be that you insisted that no further consideration of the Remedial Bill should be pressed for by the Dominion government until to-day (Tuesday), and that we directed your attention to the announcement to that effect in the newspapers of the day, and having every desire to meet your wishes we further promised to communicate with the Dominion government asking that the Bill be not taken up on Friday. This communication we sent, and we were as much surprised as yourselves to find that late on the night of the Friday sitting the Bill was advanced a stage. We cannot say what consideration forced the government to the con-

clusion that this step was necessary, and we sincerely regret that any misunderstanding has arisen as to a point upon which we carried out what we believed to be our engagement, and upon which we did all we could to have your wishes observed.

As to the second matter which you mention there seems to have been a clear and perhaps not unnatural misunderstanding between us. We understood you to stipulate that when the school question was settled the Remedial Bill would be withdrawn and we did not mean to lead you to believe that this was to take place as soon as an agreement was arrived at between us, and the concluding paragraph of our suggestions therefore expressed our understanding of what was originally agreed upon. We refer to these questions which are in themselves unimportant in order to remove from the controversy all matters of personal character.

A few words are necessary as to the character of our memorandum. It was put in general terms as a suggested basis upon which our future discussions might proceed with a view to a possible agreement of all parties interested. It is therefore open to some of the objections raised by you inasmuch as it does not deal with details, and professes only to lay down broad lines upon which legislation might be drawn.

In addition to this we must premise that sufficient weight is not given by you to the undoubted legal position of the Roman Catholics. Under the judgment of the Judicial Committee of the Privy Council and the Remedial order they certainly have important legal rights in connection with separate schools, and while the Dominion parliament may have jurisdiction to enforce some or all of those rights, it is universally acknowledged that this could be done with more advantage to all parties by the local legislature, and for this reason we are holding this conference. A discussion of the disadvantages of separate schools is therefore in our view not relevant to the present situation, and is likely to raise misleading issues. In our view much of your argument misses its mark because you have not recognized the present position of affairs, and dealt with our suggestion as compared with a regular system of sep-

arate schools such as might be established under the Remedial Bill, or under the old system, but have rather confined your attention to maintaining that our proposition would involve some of the drawbacks of these other schools.

We deeply regret that you have felt obliged to reject our proposition, and with all deference it does not appear to us that the objections, general and special which you urge are such as to necessarily involve so serious a step. It would serve no useful purpose for us to support our view with any detailed argument, but some general considerations may be advanced as to the three objections upon principle which you mention, viz.: (1,) That our plan would divide the population into two classes, Roman Catholics and Protestants, giving the former class privileges as against the latter; (2,) That it would establish a system of State-supported separate schools; and (3,) That the whole school organization would be modified to an unusual extent to bring it into accord with the separate school principle. As to the first of these objections we may observe that the separation of the Roman Catholics as a class does not arise from our suggestion. It is made by the constitution and arises as to them because they happen to be a minority of the population. It is inaccurate to say that any privilege is given to them as against the rest of the population. It is only the rights conferred on the minority by the constitution that are in question. The problem presented in the school question is to secure to them their just and lawful privileges under the constitution in such a manner as to cause the minimum of interference with the public school system of Manitoba, and in that view we think our suggestion has merits.

As to your second objection we may observe that the Roman Catholic population contribute their share of all taxation for schools, and in return are entitled to obtain education for their children. It is now a question of the mode of that education in view of the rights held by the minority under the constitution. The contention that the system we propose would be unduly expensive and the limitations on ordinary separate school privileges embodied in our proposition, will be considered later on. In so far

as their is any principle violated by the application of taxes to the support of schools in which Roman Catholic doctrines are taught your alternative suggestion would seem to be quite as objectionable as ours.

In reply to your third objection, we beg to urge upon you that the changes we suggest are much less than what we understand to be involved ordinarily by the establishment of separate schools. We do not insist upon Normal schools. As to text books, and representation on the Boards, as a matter of practice and administration we find that you raise in point of fact no objection. We do not ask that the Roman Catholics have a separate right to elect trustees or otherwise to have any special representation on the board of trustees, being content with the protection afforded by an appeal to your own Department of Education, and in this respect our proposals very materially limit what is always considered the privileges essential in connection with a separate school system. The proposed schools would be controlled by trustees elected by the whole body of ratepayers under the provisions of your school law. There does not seem to be any adequate foundation for your remark that the carrying into effect of our suggestion would involve a modification of school organization greater than usual in cases of separate schools. We desired to minimize such modification, and think to some extent we succeeded.

As to your first objection in detail, we submit that under existing conditions there would not arise any great practical inconvenience, as in most of the localities affected the Roman Catholics are sufficiently numerous to afford all necessary facilities for grading and competition. In any event it must be quite clear that the standard of efficiency maintained would naturally be higher than can be reached by Roman Catholics who refuse on conscientious grounds to attend the public schools, and are therefore obliged to maintain schools from their own private means, and without the aid of the legislative grant. Considering the question of efficiency alone we think it cannot be denied that that the state of affairs under the system we suggest would be very much better for the community than that which would obtain under existing conditions, or under the Re-

medial Bill if it became law. And if this be so even the argument from efficiency is all upon the side of bringing the Roman Catholics amicably within the public school system by some such method as we suggest.

Your second objection in detail seems founded on a misapprehension. Our memorandum was drawn in general terms, and did not in any sense intend to exclude the principle of election on the part of Roman Catholics, a principle which is elementary, and which is embodied in the Remedial Bill.

As to your third objection, we cannot agree that there would be any special disadvantage in having Roman Catholic children in a separate room as distinguished from teaching them in a separate building. It would seem to be quite as objectionable on principle to separate them for religious exercises, as one of your own suggestions would involve.

We cannot altogether follow your reasoning with respect to the financial objections. As before stated the Roman Catholics must pay their share of the taxation, be it great or small, and in return they have a right to educational privileges. The school laws are full of financial anomalies, as occurs for example in the case of a wealthy man without children as compared with a poor man who has a large family. You observe that in Ontario and in Manitoba prior to 1890 a separate school could not be established unless the rates with the legislative grant could maintain it, and suggest that our proposition is faulty in that this is not recognized. Your argument on this head loses weight when it is considered that we proposed that there should be in towns and villages twenty-five, and in cities fifty, Roman Catholic children before they could ask for a separate room or building, while under the old law before 1890, under the Remedial Bill, and even under your own existing law, the presence of ten children only is necessary to the establishment of a school district. We must again direct your attention to the evident advantages in point of economy of the system we propose over the old system, over schools under the Remedial Bill, and particularly over the existing state of affairs where an important section of the public has to pay school taxes and in addition feels compelled from conscientious motives to educate their children at

their own expense. There would be no expenses of organization either general or local. The utmost that can be said is that it would cost the whole community the increase in expense, if any, which would necessarily be involved in the Roman Catholic children being educated together in one room or in one building as compared with educating them scattered amongst the rest of the school children. It is only in small mixed communities that this could be a serious item. We note your objection that this would be an offensive method of compelling one portion of the people to pay for the education and sectarian religious training of the remainder, and must again remind you that in principle your own alternative suggestion is equally objectionable because conceivably the Roman Catholics under your system might pay a comparatively insignificant share of taxation, and yet you propose that their religion shall be taught them in the schools. We must further draw your attention to the flagrant injustice of the present system, which compels Roman Catholics to contribute to schools to which they cannot conscientiously send their children, and we beg to submit that this fact deserves due weight and consideration in this connection. It is to be further noted that the Roman Catholics earnestly desire a complete system of separate schools on which only their own money would be expended, a state of matters which would meet the observation under consideration, but which you decline to grant. Our suggestion was to relieve you from the necessity of going as far as this. It is perhaps impossible to devise a system that would be entirely unobjectionable theoretically and in the abstract. We had great hope that what we suggested would commend itself to your judgment as a practical scheme doing reasonably substantial justice to all classes, and securing that harmony and tranquility which are perhaps more than anything else to be desired in a young and growing community such as is now engaged in the task of developing the resources of Manitoba.

The ground taken in your fifth objection has been touched on the preceding remarks. As to clause two of our memorandum your objections could be met by provisions as to detail. If desired the privileges of teaching

religion could be limited to a certain time in the schools attended by Roman Catholics. The point that provision should be made for non-Catholic children is certainly well taken and is quite in accordance with our views, which were in this respect imperfectly expressed in the memorandum. Neither of the propositions which you make would as it appears to us remove the sense of unjust treatment existing amongst the minority, nor would they possess the elements of permanency and freedom from friction in administration which are certainly necessary for a final and peaceable solution of existing difficulties.

We once more appeal to you in the interests of the whole population of the Province, indeed of the Dominion, as well as in the interests of the minority, to reconsider the decision at which you have arrived and to make some proposal that we could regard as affording a chance of the settlement which we so earnestly desire.

(Signed) DONALD A. SMITH,
ALP. DESJARDINS,
A. R. DICKEY.

THE FINAL REPLY.

Government Buildings,
Winnipeg, April 1st, 1896.

Honorable Arthur R. Dickey, Honorable Alphonse Desjardins, Sir Donald A. Smith, K.C.M.G.

Gentlemen,—We have the honor to submit herewith our views upon your memorandum of yesterday. As remarked by yourselves in your memorandum a lengthened reference to the objections raised to your first suggestions will not serve any valuable purpose at the present stage of the discussion. Our purpose in stating the objections was to give you our view as to the results which would follow from the plan proposed, or any similar plan.

The point of difficulty in arriving at a basis of settlement seems to be very clearly defined. You maintain that, in the words of your memorandum, "the Roman Catholics" certainly have important legal rights in "connection with

separate schools," and that your idea of the object of the conference is to give effect to those rights in the most unobjectionable way, through the action of the legislature of the province.

We hold on the contrary that the constitution gives the Roman Catholics no legal rights in reference to separate schools, except the right of appeal under which the federal authority may, or may not, restore any rights formerly enjoyed under provincial legislation.

Your proposition aims at the legal recognition by the legislature of Manitoba of the right of the Roman Catholic people to separate for school purposes. Our proposition aims at removing every practical objection to the present system without giving a legal right to separate. We understand that by order-in-council your authority is limited to making a settlement satisfactory to the minority, and that as a matter of fact the minority will accept nothing short of statutory recognition of the right of separation. We regard ourselves as precluded by our declaration of policy preceding our last election from assenting to such statutory recognition. While joining with you in the earnest desire to reach a settlement, we are unable to suggest any way of reconciling these two propositions.

We are of the opinion that there would be no objection on principle to the plan we propose, and that its practical operation would prove to be very satisfactory. It would give substantial relief on every material matter without legal separation. If the minority insists on legal separation there does not seem to be any possibility of reaching a basis of compromise.

We cannot but express our regret and disappointment at the failure of our negotiations. We assumed when a conference was asked for by the federal government, with full knowledge of the fact that we were clearly estopped by the terms of the order-in-council, of Dec. 20th, 1895, from assenting to the re-establishment of separate schools in any form, that it was with the object of securing substantial modifications, which while falling short of the principle of separation, would remove every alleged reason for Roman Catholic opposition to the use of the public schools. We think that the proposition which we have made would, if adopted, remove every such reason, and it

is therefore such a proposition as we believed you had come prepared to accept. Its non-acceptance apparently is due to the determination of the minority to insist upon the most extreme, and in our opinion, unsound view of their legal rights.

We entered upon the task of seeking a settlement of the question at issue in the face of grave and obvious difficulties.

In the first place, so far as the re-establishment of separate schools is concerned, the question has for years been considered settled so far as the people of this province, to whom we are responsible, are concerned.

In the next place we have hitherto believed that a state aided separate school system, and that only, would be accepted by the minority. This view we have repeatedly stated, and we have not yet been authoritatively informed to the contrary. That our contention in this respect was, and is correct, is shown by your proposition, which indubitably means a system of schools separating by law Protestants from Roman Catholics and wholly dependent for support upon municipal taxation and the legislative grant.

It also appears that any settlement between the government of the Dominion and that of Manitoba must, by the very terms of your instructions, be subject to the sanction of a third party, and while all the members of both governments might approve of our proposition, or any other submitted as containing everything that in reason and in equity ought to be conceded, nevertheless that approval would be worthless without the sanction of the representatives of the minority.

In a word we are absolutely debarred from conceding a system of Roman Catholic and State aided separate schools while the representatives of the minority, and, as a consequence, the Federal government, will accept nothing less.

In conclusion we have the honor to state that notwithstanding the failure of the present negotiations, the government of the Province will always be prepared to receive and discuss any suggestions which may be made with a view to removing any inequalities that may be shown to exist in the present law.

(Sgd.)

CLIFFORD SIFTON,
J. D. CAMERON.