

The East Hastings By-Election of 1936 and the Ontario Separate School Tax Question

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He gave the R.C. schools a share
Of their people's yearly tax,
It was a simple act of justice
When we clearly know the facts,
We may not advocate separate schools
But since by law they are there,
We have a right to be honest with taxes
Upright, just and fair!¹

Composed to accompany Liberal Premier Mitchell Hepburn's arrival to the Ontario riding of East Hastings in the fall of 1936, these lyrics embodied what should have been the cornerstone of his by-election platform. As circumstances would soon dictate, *justice* was not on the minds of either his political opponents or the majority of electors. Committing himself to a herculean personal effort in the campaign, Hepburn saw East Hastings as an opportunity to test his overall popularity and to promote the Liberal's sound fiscal management, avoiding discussion of his recent controversial amendments to Ontario's school tax laws. The campaign quickly reverted to a maelstrom of sectarian bigotry. Determined to make a singular issue out of the "school tax question," the Conservatives assembled a Protestant alliance that laced speeches throughout the riding with a steady volume of anti-Catholic invective. What should have been a routine by-election ultimately marked the greatest political challenge of Mitchell Hepburn's career and, in the process, initiated the disintegration of the most successful lay agitation in Ontario history: the Catholic Taxpayer's Association.

¹ Ontario Archives (hereafter OA), Hepburn Papers, RG - 3 -12, Box 353, "Campaign Song," A.M. Sirr, undated.

The byproduct of religio-political tensions inflamed in the post-Confederation era, the school tax question became the key economic imperative of the Ontario bishops in the twentieth century. While the Scott Act of 1863 allowed Catholics to direct their property taxes to fund separate schools, the growth of corporations and creation of numerous public utilities soon weakened the impact of these assessments.² An updated law, the Assessment Act of 1886, recognized the principle that Catholic investments were their property, and that the resulting taxes *could* be directed to the support of separate schools. The legislation however was permissive, not mandatory. In Protestant Ontario this meant that the vast majority of these new assessments went by default to the public schools. Failing in their bid to enjoin government support for revised legislation, the hierarchy sought out new alternatives to help address the divisive issue. The propitious release of the social encyclical *Quadragesimo Anno* and its emphasis on “Catholic Action” turned their attention to the potential for lay activism.³ During the critical period of the mid-1930s, this gave rise to the Catholic Taxpayer’s Association, led by Toronto businessman Martin J. Quinn.

Born near Ganonoque, Ontario, to Irish immigrants, Quinn and his family resettled in Toronto where, by the age of seventeen, he was already a skilled plumber.⁴ Having turned the National Equipment Company Limited, which he founded in 1912, into a lucrative supplier of both residential and commercial plumbing and heating equipment, Quinn was a self-made man. A multi-millionaire by his forties, he and his wife Anna were parents to nine children, and enjoyed an active social life which included membership in the Toronto Horticultural Society, the Empire Club, and the Toronto Board of Trade. Quinn’s disdain for “secret societies” had led to his refusal to join the Knights of Columbus, despite his intense Catholic faith and active participation in Toronto’s west-end parish of St. Cecilia’s. The death of their eldest son, Gordon, at Vimy Ridge in the First World War forever changed the

² A Private Member’s Bill sponsored by Sir Richard Scott of Ottawa, the Act, which guaranteed minority educational rights for denominational schools, was later accepted as the basis of the Confederation agreement in regard to state-sponsored separate schools.

³ Pope Pius XI, *Quadragesimo Anno*, 1931, Section 138. The encyclical reminded Catholics of their special responsibility to participate in bringing social and economic justice to a world mired in the effects of the Great Depression. It commemorated the fortieth anniversary of *Rerum Novarum*, the first apostolic letter to address social and economic ills such as poverty, capitalism and socialism, just wages, and working conditions raised during what Eamon Duffy has called “the age of intransigence.” See Eamon Duffy, *Saints and Sinners: A History of the Popes*, (Connecticut: Yale University Press, 1997), 248.

⁴ Census of Canada, 1891, Ontario, District No. 119, Toronto West, St. Mark’s Ward.

Quinns. Martin and Anna became increasingly insular, limiting themselves to family and friends, and spending time at the family cottage at Cedar Beach, located on the east shore of Lake Simcoe near Beaverton.⁵

A devout Catholic and a life-long member of the Liberal Party of Ontario, Quinn took an active interest in matters of social and economic justice. Reflecting years later on his involvement with the CTA, Quinn recalled that, in 1931, he was invited to an informal meeting with the Archbishop of Toronto, Neil McNeil, to discuss his recent dispute with the George Weston Company. As was the case with most Ontario corporations, the Weston Company directed its educational assessments, by default, to the support of the public schools. Quinn doggedly pursued Weston's Board of Directors until the necessary resolution was passed allowing him to direct the taxes derived from his stock, which by his estimate was worth some \$92,000, to the support of the separate schools.⁶ Queried by McNeil as to how Catholics could be similarly organized, Quinn replied that the problem was with the hierarchy itself. Lay people feared the "faulty judgment" of the bishops, who lacked both the experience and expertise to address what he regarded as "a purely financial and political problem."⁷ He explained that the only solution was in a thoroughly organized and completely autonomous organization of Catholic laymen. Promised that "no clerical nose will be permitted to intrude itself," Quinn entered into what he perceived to be a contractual relationship with McNeil, channeling his keen business instincts into the creation of a province-wide organization administered from central headquarters in Toronto.⁸ Declaring their work to be "the first movement of Catholic Action," the CTA proceeded to educate Catholics and "fair-minded" Protestants to the essentials of the school tax question.⁹

⁵ I am indebted to members of Martin Quinn's family, especially his daughter-in-law, Mrs. Eileen Quinn, and his grandson, Paul Quinn, for their help in reconstructing aspects of his personal life.

⁶ Martin J. Quinn, *The Frustration of Lay Catholic Effort* (Toronto: The Catholic Primary School, 1945), 15.

⁷ Quinn, *Frustration*, 15.

⁸ Catholic Taxpayer's Association Papers (hereafter CTAP), File 1, Series 46, Metropolitan Separate School Board Archives (hereafter MSSBA), "General Committee of the Catholic Taxpayer's Association – Diocesan Listing," 12 December 1932. After discussing his ideas with McNeil at length, Quinn notes in *Frustration* that he agreed that lay autonomy "was not only a promise, but a contract, and I did so regard it." See Quinn, *Frustration*, 16.

⁹ Diocese of London Archives (hereafter DLA), Bishop Kidd Papers, JTK - 14/HF 1CTA/FF1/L11, James E. Day, "Circular to Parish Priests," 11 April 1932. Franklin Walker, *Catholic Education and Politics* (Toronto: The Catholic Education Foundation of Ontario, 1985), 2:364.

Aggressive and uncompromising leadership would mark Quinn's efforts at the helm of the CTA from this time forward. In July 1932, he released a province-wide memorandum to all CTA affiliates, outlining the following objectives: (1) to gain what was directly stated and inferred by the wording of the original British North America Act, namely insuring "the complete and continuous enjoyment, by the religious minorities, of such rights as were originally granted," (2) the exemption of all supporters of separate schools from the payment of all rates imposed for the support of public schools, and (3) amendment of the Assessment Act of 1886 in order to provide for the distribution of corporation and public utility taxes for educational purposes on the basis of school population – or the "Quebec Plan."¹⁰

In contrast to the experience in Ontario, the privileges and rights of the Protestant minority in Quebec had been safeguarded. Legislation passed in 1869 directed that taxes paid by companies were to be divided between the two constitutionally guaranteed "common schools," public and separate, according to the number of children in attendance at each. The school population was approximately 75% Catholic and 25% Protestant, yet corporations paid roughly half of the tax support to administer public education.¹¹ Quebec had almost immediately brought its provincial educational law up to date with the changing nature of the corporate economy that was taking root in Canada, and benefitted both public and separate schools as a result.

When Conservative Premier George S. Henry proved unwilling to bring about legislative redress to the school tax question, Quinn soon pledged to bring down the government with "a block of Catholic voters and their many thousands of sympathetic non-Catholic friends."¹² Ignoring McNeil's observation that "our people are lethargic in public action," Quinn swiftly organized the CTA into a pro-Liberal political machine, focused on winning the provincial election scheduled for June

¹⁰ MSSBA, CTAP, File 2, Series 46, Quinn, "Memorandum Defining the Objectives of the Catholic Taxpayer's Association," 11 July 1932.

¹¹ This information is taken from a circular distributed throughout the province by the Capitol Life Assurance Company of Canada in April of 1933. Titled "The Separate Schools of Ontario," this was a private initiative put in place by the company's managing director, A.E. Corrigan, to raise corporate awareness to the plight of separate schools in Ontario operating under the strictures of the Assessment Act. MSSBA, CTAP, File 3, Series 46. See "Parish Circulars," April 1933.

¹² Archives of the Roman Catholic Archdiocese of Toronto (hereafter ARCAT), Archbishop McNeil Papers, MGSO20.06 (c), Martin J. Quinn, "SOME PERTINENT FACTS – With Notes, Comments and Quotations for the Use of Those Who Desire to Understand and Discuss, Publicly or Privately, the Situation of the Separate Schools of Ontario," 21 July 1932.

1934.¹³ Local parish affiliates formed study groups and voter registration campaigns, distributed propaganda, and engaged their Protestant neighbours in frank discussion of the CTA's objectives. In the final weeks of the campaign, Quinn, pleading for an increase in attendance at the polls of 100-200%, declared "If the Catholic people live up to the hopes and expectations of the Taxpayer's Association, we will present a united front that for many a year to come will command the respect and fear of politicians of every political stripe."¹⁴

The tumultuous Liberal victory on 19 June 1934, was one of the greatest political reversals in Ontario history. The Conservative majority government of ninety seats was reduced to an Opposition of seventeen, with eight of Henry's cabinet ministers going down to defeat. Ontarians had turned out in record numbers in virtually every riding of the province, and Quinn was quick to credit the CTA with having mobilized the province's 250,000 Catholics behind the landslide. The lay-Catholic champion of Ontario, Quinn's name was spoken in reverential tones, and Catholics province wide reveled in their newfound political clout. Not all of the faithful, however, shared in the exuberance of the moment. For the editor of the *Catholic Register*, Henry Somerville, the electoral success was bittersweet:

It is not a good and healthy situation when Catholics are all on one side in politics ... As long as Catholics are treated with anything approaching reason and justice there is not the slightest ground for fearing in Ontario that they will ever act in a factionist and aggressive spirit.¹⁵

Apprehensive to use Catholic Action as a political tool, Somerville feared the potential for a backlash in Protestant Ontario.

Sharing no such compunctions, the new Liberal Premier of Ontario, Mitchell Hepburn, had been more than willing to enlist Catholic support in the months leading up to the campaign. During a closed-door meeting at the Ontario Liberal Party Headquarters on King Street in March of 1933, including Quinn and Catholic Senator W.H. McGuire, he went so far as to promise a new separate school bill during his first legislative session.¹⁶ Counting prominent Roman Catholics Frank O'Connor, the

¹³ DLA, JTK-14/HF-1 CTA/FF1/L43, Bishop Kidd Papers, McNeil to Kidd, 2 November 1932.

¹⁴ ARCAT, MNAE11.25, Archbishop McNeil Papers, Circular Letter, Quinn to "Parish Priests," 16 May 1934.

¹⁵ *The Catholic Register*, 28 June 1934.

¹⁶ ARCAT, MGSO20.29 (b), Cardinal McGuigan Papers, Martin J. Quinn, "Catholics Are Counted But They Don't Count," 1938, 6. See also Quinn to McGuire, 9 March 1934. Hepburn went so far as to publicly deny that the CTA had ever asked him for a commitment to the school tax question. Following a Liberal rally at Massey Hall on 16 June 1934, he was quoted as saying "Our

millionaire owner of Laura Secord's, and Minister of Lands and Forests Peter Heenan among his immediate coterie, Hepburn felt personally disposed to do something for "those who eat fish on Friday."¹⁷ Once elected however, he, like Henry, proved recalcitrant, virtually ignoring the separate school tax question in the fall session. Side-tracked by health problems,¹⁸ and federal leader William Lyon Mackenzie King's desire to avoid any controversy during the dominion election campaign that year, Hepburn continued to be evasive throughout 1935.¹⁹ His creation of the "Commission of Enquiry into the Cost of Education in the Province of Ontario" that spring, led by Deputy Minister of Education Duncan McArthur, did little to assuage the CTA's growing impatience. Charged with investigating the process of educational funding throughout the province, the Acting Minister of Education, H.C. Nixon, explained to Quinn that a new school tax law was not on its agenda, and the matter seemed to be put off indefinitely.²⁰ Commenting on the delays, the *Mail*

Catholic friends have never approached me on the separate school question, but if they do, they will get every consideration that one of liberal mind can give to a minority." See *The Globe*, 18 June 1934. Quinn had a markedly different recollection however: "There was nothing vague or indefinite about Mr. Hepburn's replies to the two questions I asked him. Namely his 'definite' promise to support a separate school bill if Henry could be convinced to introduce one in the legislature and if not, Hepburn promised to introduce his own bill during his first session after being elected premier." ARCAT, MGSO20.12 (c), Cardinal McGuigan Papers, Quinn to McGuire, 24 April 1935.

¹⁷ Quoted from Neil McKenty, *Mitch Hepburn*, (Toronto: McClelland and Stewart, 1967), 79.

¹⁸ Having gained ten pounds in two years and suffering from insomnia, asthmatic bronchitis, and high blood pressure, Hepburn's physician noted that the premier was "carrying on too much for his own physical welfare." He had been prescribed the drug Nembutal for insomnia and was taking Quartz Lamp treatments at the Granite Club. OA, RG - 3 - 10, Box 236, Hepburn Papers, Dr. G.C. Prink, Department of Health, Toronto, "Medical Report on Hon. Mitchell Hepburn - March 11, 1935."

¹⁹ A source close to the premier confirmed it would be "poor political sagacity" to introduce what was likely to be a divisive bill on the eve of a dominion election. Attorney General Arthur Roebuck confirmed for the CTA that indeed the federal Liberal leader had asked that the matter be tabled until following the federal election. See *The Ottawa Journal*, 22 January 1935.

²⁰ Composed of Protestants and Catholics, including CTA Treasurer W.T. Kernahan, the Committee was charged with investigating a host of educational funding issues, including educational supplies and facilities, teacher salaries and equality of access to education for both separate and public school students. Hepburn noted that the committee would gather facts and make recommendations, but that the government would make all final decisions in regard to educational financing. DLA, JTK - 14/HF 2 CTA/FF1/L24, Bishop Kidd Papers, Memo - London Separate School Board to Mr. Duncan McArthur and the Members of the Special Committee of Enquiry, 1935. Writing to Quinn, Nixon included a copy of

and *Empire* noted that “the Separate School ratepayers have just cause for suspecting that they are being exploited.”²¹

With no announcements on tax support for separate schools in the offing, Quinn went on the offensive once again.²² That December he claimed responsibility for the CTA in electing Samuel McBride as Toronto’s new mayor, keeping renowned Catholic-baiter Jimmy Simpson from regaining office.²³ Moreover, Quinn was now threatening to wield the Catholic vote “until such time as we have obtained a *full measure of justice*.”²⁴ Rank and file among the faithful were also becoming impatient with Hepburn. As one “concerned Catholic” noted to him, “We put you where you are and we can easily dispose of you next election. You Masons may be a little smoother than the Orange but you all belong to the devil, and time will no doubt prove it.”²⁵

Unbeknownst to the CTA, the premier had already been convinced that the timing was right to address the school tax question. He had begun strategizing with McArthur and Minister of Education L.J. Simpson in the fall of 1935, going so far as to invite A.K. Cameron of the Protestant School Commission in Quebec for informal talks at Queen’s Park.²⁶ In the preceding year Cameron had carried on detailed correspondence with Hepburn on the merits of the assessment plan in force there, where corporate school taxes were divided on the basis of school population.

the questionnaire that would be used by the Commission in its collection of data. ARCAT, MGSO20.16 (b), Cardinal McGuigan Papers, Nixon to Quinn, 1 May 1935.

²¹ *The Mail and Empire*, 16 April 1935.

²² ARCAT, MGSO20.10 (c), Cardinal McGuigan Papers, Quinn to O’Brien, 12 April 1935.

²³ Archdiocese of Ottawa Archives (hereafter AOA), Archbishop Forbes Papers, File CTA, MG 22, Quinn to Forbes, 13 December 1935. Quinn stated to McGuigan “if he is decisively beaten, it is bound to have a tremendous effect upon the Ontario Government, who will see in it a refusal of Protestant opinion to be stampeded by that class of citizen.” AOA, MG 22, File “1935 - CTA,” Quinn to McGuigan, 12 December 1935. Simpson had told the Grand Orange Lodge for Ontario West he was “definitely behind the Orange Order in its fight to prevent one cent being taken from the public schools and given to the Catholic schools.” See *The London Free Press*, 22 March 1935.

²⁴ OA, RG - 3 - 10, Box 252, Hepburn Papers, Quinn to Robert Kerr, 7 February 1936. Kerr forwarded this letter from Quinn to Hepburn, noting that “The whole situation causes serious potentialities for both Catholics and the Liberal Party.” See *Ibid.*, Kerr to Hepburn, February 1936.

²⁵ *Ibid.*, MacNamara to Hepburn, 11 February 1936.

²⁶ ARCAT, MGSO20.33 (a), Cardinal McGuigan Papers, Quinn to McGuigan, 1 November 1935.

In the new year, the secular press seemed increasingly congenial to the idea of tax reform favouring the separate schools. Opposing the staunchly pro-Orange *Toronto Telegram*, *Saturday Night Magazine* noted that detractors of the proposed legislation really believed that separate schools “should ultimately be starved out of existence in the Province of Ontario.”²⁷ *The Kingston Whig-Standard* bluntly declared:

The Publisher of this newspaper will not take second place to the *Toronto Telegram* editor, nor to anyone else, in their allegiance to the Protestant faith; but they are broad-minded enough to want the supporters of Catholic separate schools to be able to direct their own money to the support of their schools, so that they can give to their children an adequate education in modern schools.²⁸

If Mitchell Hepburn had the sense that he owed something to Catholics, he decided that the time to repay his debt would be in the spring of 1936.

Claiming that a religious controversy was “what we want in Ontario least of all,” yet with a caucus seriously divided on the matter, Hepburn proceeded to draft a new Separate School Bill that February.²⁹ Weeks spent negotiating the contents of the Bill with his caucus proved futile, and on the eve of the final vote in the legislature, Hepburn’s close advisor W.R. “Percy” Parker, informed him that were it not for the Liberal caucus’ deep loyalty to Hepburn, “large numbers would refrain from voting or would even vote against the Bill.”³⁰ Really a series of amendments to existing legislation, replacing section 65 of the Separate Schools Act and amending the Assessment Act, the Bill finally passed at 4:00 am on 9 April 1936 by a vote of 65 to 20.³¹ Clearly a political compromise, the changes did not pertain to public utilities, nor did they give Ontario the “Quebec Plan” sought by the CTA. The most significant separate school legislation since 1863 however, they did address the inadequacy posed by the permissive Assessment Act by compelling corpo-

²⁷ *Toronto Saturday Night*, 21 March 1936.

²⁸ *The Kingston Whig-Standard*, 16 April 1936.

²⁹ Caucus and cabinet sessions between 25 February and 8 April proved rancorous, with the Liberals unable to reach any real consensus on the separate school bill. In his opening remarks to the legislature on the bill’s first reading, Hepburn announced: “If I had not implicit faith in the people of Ontario, I would feel like the gladiators going into the arena announcing to the emperor: ‘We who are about to die, salute you.’” See John T. Saywell, ‘Just Call Me Mitch’, *The Life of Mitchell F. Hepburn*, (Toronto: University of Toronto Press, 1991), 260-62 and *The Toronto Star*, 4 April 1936.

³⁰ Parker advised Hepburn that any division of taxes on a basis other than that mandated by separate school supporters (a) as individuals or (b) as shareholders, would go against the original intention of the Confederation agreement. OA, RG - 3 - 10, Box 253, Hepburn Papers, Parker to Hepburn, 8 April 1936.

³¹ *The Globe*, 9 April 1936.

rations to divide their taxes between public and separate schools in proportion to the declared ownership of stock. Section 33a directed that corporations must allocate their taxes in equal measure to the percentage of shares owned by Catholics who registered themselves as separate school supporters. For corporations with more wide ranging ownership, where a determination of the number of Catholic shareholders was virtually impossible, Section 33b directed that taxes were to be divided according to the ratio of public and separate school supporters in the municipality.³²

While Quinn understood the legislation to be less than perfect, it was clearly more than had been achieved for the separate schools since 1863. Writing to the Parish Chairmen, he pointed to the power of Catholic Action, stating “we have seen our efforts crowned with a degree of success not dreamed of five years ago.”³³ Toasted as the lay Catholic champion of Ontario’s separate schools, the *Canadian Freeman* claimed Quinn had “placed our people so deeply in his debt that they can never hope to repay it or even suitably acknowledge it,” and called the Act an “emphatic rebuke to bigotry and prejudice.”³⁴ He boldly predicted that the amendments would see separate Boards receive \$500,000 in new assessments in the first year “without any action at all on the part of Catholics.”³⁵ Acknowledging Quinn’s great expense of time and effort, the editor of London’s *Catholic Record*, Fr. Francis Brennan, remarked that he had “learned to admire you laymen very much for the work you did and the sacrifice you made.”³⁶

The Ontario hierarchy also shared the spirit of jubilation. In a rare display of financial gratitude, they awarded Quinn a \$1,000 honorarium to offset the costs of his trip to address to the General Meeting of the Catholic Educational Conference of Australia. In the process of creating an Australian Catholic Taxpayer’s Association, Conference Chairman P.S. Cleary had followed the CTA’s success, and pressed Quinn to make the journey as the “logical spokesman for this great and successful movement of the Catholic people.”³⁷ In an ironic twist of fate however,

³² Bill 138, “An Act to Amend the Assessment Act,” 1 Edward VIII, 1936.

³³ MSSBA, CTAP, File 11, Series 46, Quinn to Parish Chairmen, 12 May 1936.

³⁴ *The Canadian Freeman*, 16 and 9 April 1936.

³⁵ MSSBA, CTAP, File 11, Series 46, Quinn to Parish Chairmen, 12 May 1936.

³⁶ *Ibid.*, Brennan to James E. Day, 2 May 1936.

³⁷ DLA, JTK - 14/HF 4CTA /FF1/L43 and L28, Bishop Kidd Papers, P.S. Cleary, Editor, Catholic Press of Australia to Quinn, 11 September 1935, and “Resolution of the Australian Catholic Educational Conference,” and Quinn to McGuigan, 8 October 1935.

the trip would leave the school tax question without its strongest Catholic advocate at the very moment he was most needed.³⁸

That fall, Hepburn's attention was drawn to the rural scattering of communities between Belleville and Napanee making up the 3,600 square mile provincial riding of East Hastings (See Appendix A). The death of Conservative James Hill on 15 October necessitated a by-election that Hepburn sensed would be a perfect opportunity to test the political climate in the aftermath of his divisive school tax amendments. At 75% Protestant, East Hastings reflected the overall provincial religious demographic.³⁹ Although Liberal strategists and supporters warned that victory here would be difficult, the premier concentrated on the slim four hundred and eighteen vote margin from the 1934 provincial election.⁴⁰ Described by John Saywell as "hot and impulsive ... hyperbolic in speech and behaviour ... (he lived) on the edge of his physical and emotional resources," Hepburn was hungry for the challenge posed by East Hastings.⁴¹ Facing calls from both the Conservatives and the *Toronto Telegram* to repeal the amendments, and the charge from Earl Rowe that the Liberals were now "tools of Rome," he saw here an opportunity to emphasize every other component of the Liberal platform.⁴² He would erase the perception that his party served only special interests or minority rights.

³⁸ DLA, JTK - 14/HF 4CTA/FF1/L43, Bishop Kidd Papers, "Resolution of the Australian Catholic Educational Conference." See also ARCAT, MGS020.79 and 304, Cardinal McGuigan Papers, Dr. E. Ryan to Quinn, undated, and "Legal Transcript of Incorporation for the Catholic Taxpayer's Association of Australia, November 15, 1936."

³⁹ OA, RG - 3 - 12, Box 352, Hepburn Papers, "Hastings East By Election, December 9, 1936 - Statistics Pertaining to Roman Catholic Vote," Compiled by T.J. Madigan.

⁴⁰ OA, RG - 3 - 10, Box 251, Hepburn Papers, Elmhirst to Hepburn, undated. Referring to East Hastings, the Secretary of the Ontario Liberal Association, Harry Johns, noted that "had fortune offered the Hon. Earl Rowe, the new Conservative leader, his choice of a site in which to counter a by-election, a better one, from his stand point, could not have been selected, on account of its historical Conservative and Orange affiliation." See *Ibid.*, Johns to "Fellow Liberals," 9 November 1936. Even Dr. A.R. Dafoe, celebrated world-wide in the 1930s as the man responsible for delivering the Dionne Quintuplets, wrote of his old home electoral district that "knowing the places and kind of people with whom you have been campaigning, I want you to know that I have greatly admired the sincerity and tone of your speeches there the past few weeks." See *Ibid.*, Dafoe to Hepburn, 30 November 1936.

⁴¹ Saywell, *Just Call Me Mitch*, 4.

⁴² *The Toronto Telegram*, 25 and 30 April 1936. See also McKenty, *Mitch Hepburn*, 81.

The campaign pitted rural physicians Dr. Harold E. Welsh, a Conservative from the town of Roslin, against Liberal Dr. Harold A. Boyce from Deseronto. As it soon transformed into a province-wide media spectacle, eventually stealing at least some attention from Edward VIII's abdication crisis in England, the two candidates in the by-election became incidental. With Quinn away, and no strong foothold for the CTA in the riding, Hepburn was determined to ignore his school tax amendments.⁴³ Virtually living in the riding for most of November, he assembled a campaign team that included Cabinet Ministers and back-benchers from every section of the province. To a man they were Protestants, and, the Liberals hoped, represented portfolios where evidence of strong fiscal management would be more critical to the depression-era rural voters than talk of separate school taxes (See Appendix B).⁴⁴

On 16 November in the town of Cannifton, Duncan Marshall, the Minister of Agriculture, pointed to increased Liberal infrastructure spending in East Hastings, with \$21,500 in direct grants approved by the province and labour costs to be covered through unemployment relief.⁴⁵ In Maynooth two evenings later, Hepburn announced that his government had reduced the provincial debt by \$3 million since their first fiscal year in office.⁴⁶ Residents in the towns of Port Anne and Queensborough were told on 20 November how the Liberal's campaign promise to scrap government cars had saved \$37,957.75 in 1935 alone.⁴⁷ One week later, College Hill heard of the miraculous recovery of the Department of Games and Fisheries, where a deficit of some \$12,000 left by the Henry Conservatives had been parlayed into a profit in excess of \$230,000.⁴⁸ Likewise, the Workmen's Compensation Board's 1933 deficit had been increased to a surplus of \$320,000 in 1936. New legislation now permitted claims of up to \$250,000, and better management of its investments

⁴³ While the Conference lasted from 8 to 15 November, Quinn and his wife returned by way of London, where he reported to Archbishop (later Cardinal) Hindsley on the success of the CTA. He did not arrive back in Canada until after the East Hastings by-election. See Quinn, *Frustration*, 12.

⁴⁴ Conspicuous by their absences were Catholic cabinet ministers Paul Leduc, who remained in Toronto, and Peter Heenan, who was on vacation in Europe. See OA, RG - 3 - 12, Box 352, Hepburn Papers, "List of the Members Who Assisted in the East-Hastings By-Election."

⁴⁵ *Ibid.*, McQueston to Hepburn, 14 November 1936.

⁴⁶ *The Globe and Mail*, 19 November 1936.

⁴⁷ OA, RG - 3 - 12, Box 352, Hepburn Papers, "Report of the Provincial Auditor," 9 November 1936.

⁴⁸ The College Hill speech was on 26 November 1936. See OA, RG - 3 - 10, Box 352, Hepburn Papers, "Memo - Campaign Agenda," Elmhirst to Hepburn, undated.

had increased the bank value of the Board to over \$636,000 worth of securities.⁴⁹

Late in the campaign Hepburn's Secretary, Roy Elmhirst, wired the team a new grocer's list of Liberal accomplishments. These included: 30,000 children and 10,419 women benefitting under the Mother's Allowance Program; 900 municipalities operating under new government guidelines; savings of \$110,000 annually derived from the consolidation of the Attorney General's Office; and a \$50,000 surplus in the Ontario Securities Commission, which under Conservative management had left a deficit of \$14,000.⁵⁰

Led by Earl Rowe, the Conservatives had already pledged to repeal the school tax law at their convention that spring and would not allow it to be soft-peddled at East Hastings.⁵¹ Their stratagem clearly anticipated re-awakening the anti-Catholic anxieties in this bastion of Orange, Tory Ontario that had marked previous provincial battles during the era of "no Popery."⁵² The local Conservative Association, adopting the motto "Vote for Dr. H.E. Welsh and Repeal," had rallied more than five hundred people to a meeting in the Town of Gilmour on 22 November. Charging that the effect of the new legislation was twofold, the Conservatives maintained that it would erode current public school support, and encourage the growth of new separate schools where they had not previously existed.⁵³ Capitalizing on Hepburn's reluctance to be drawn into a religious controversy, outspoken Conservative George Drew announced in Deseronto on 27 November that, "in the minds of the people of this riding, the main issue is that raised by the recent amendment to the Separate Schools Act."⁵⁴

The Conservatives were also quick to call Hepburn's "Catholic connections" into question. Speaking at "Naylor's Open House" two nights earlier, Rowe had encouraged local Orangemen by announcing that Hep-

⁴⁹ OA, RG - 3 -12, Box 352, Hepburn Papers, Madigan to Hepburn, 28 November 1936.

⁵⁰ George Drew had been the Ontario Securities Commissioner under the Henry administration. See OA, RG - 3 -10, Box 251, Hepburn Papers, Elmhirst to Hepburn, December 1936.

⁵¹ This same convention had also seen George Drew lose the Conservative leadership to Earl Rowe on 28 May 1936. See Walker, *Catholic Education and Politics*, 2:426.

⁵² Walker, *Catholic Education and Politics*, 2:157-91.

⁵³ *The Globe*, 23 November 1936. See also OA, RG - 3 -12, Box 352, Hepburn Papers, Campaign Leaflet, "The Separate School Issue," The East Hastings Conservative Association.

⁵⁴ *Ibid.*, "C.R.C.T. Transcript of Drew Speech at Deseronto, November 27, 1936."

burn “may promise you a new highway, down past Frank P. O’Connor’s birthplace, ... or make a bigger parade of discharged civil servants than ever marched down University Avenue on July 12,” but claimed that neither would be as inspirational as an Orange Day Parade.⁵⁵ A native of Deseronto and a well-known Liberal fund-raiser, O’Connor had made bequests totaling \$500,000 to a host of charitable organizations in 1936, largely benefitting the Archdiocese of Toronto. Understanding the controversy being stirred over his association with Hepburn during the by-election, he maintained a discreet distance from East Hastings.

Senator Frank O’Connor - Charitable Bequests, 1936

| Item | Organization | Amount |
|-------------|--|------------------|
| 1. | Monastery of the Precious Blood, Toronto | \$25,000 |
| 2. | The Newman Club, University of Toronto | \$23,000 |
| 3. | The Canadian National Institute for the Blind, Toronto | \$10,000 |
| 4. | The Hospital For Sick Children, Toronto | \$10,000 |
| 5. | St. Joseph’s Hospital, Peterborough | \$10,000 |
| 6. | Precious Blood Church, Wexford, Ontario | \$10,000 |
| 7. | The Toronto Star Fresh Air Fund | \$1,000 |
| 8. | The Carmelite Sisters – Ossington Avenue, Toronto | \$1,000 |
| 9. | The Archbishop of Toronto | \$410,000 |
| | Total | \$500,000 |

Source: O’Connor to Hepburn, 30 November 1936, Hepburn Papers,
RG -3 – 10, Box 251, OA.

The low-water mark of the entire campaign, however, occurred in the town of Plainfield on the evening of 26 November. Here, Drew stressed in a not-so-gentle reference to the dominant Catholic population in Canada:

It is not unfair to remind the French that they are a defeated race and that their rights are only rights because of the tolerance of the English element, who, with all respect to the minority, must be regarded as the dominant race.⁵⁶

While insisting his meaning had been misconstrued, there was no mistaking the fact that, in order to win in East Hastings, George Drew had revisited the sectarian appeals that had not openly marked political relations between Protestants and Catholics in the province in forty years.⁵⁷

⁵⁵ “Naylor’s Open House” also took place in Deseronto. See *The Post* (Deseronto) and *Quinte Counties Leader*, 25 November 1936, vol. 26, No. 23, OA, RG - 3 - 12, Box 352, Hepburn Papers.

⁵⁶ *The Toronto Star*, 27 November 1936.

⁵⁷ Drew claimed “I merely referred to a historical fact, which is described in almost the same language as I used in the school books of Quebec and Ontario.” See OA, RG - 3 - 10, Box 251, Hepburn Papers, “C.R.C.T. Transcript, George Drew Speech, Belleville, Ontario, December 3, 1936.” See also Walker, *Catholic*

The strong anti-Catholic fervour burgeoning at East Hastings was imbued by wide-ranging Protestant support. The virulent paper *Protestant Action* saw the by-election as an “opportunity,” and pleaded for a Conservative landslide:

Mr. Hepburn says there is a new alignment of parties in Ontario now. Quite true. On one side are the Hepburn Liberals, the Knights of Columbus, and the Catholic Taxpayer’s Association, the priests and Jesuits of the Church of Rome, the Hibernians and all the Pope’s agents and politicians – and on the other side stand the 100% Protestants – Liberals, Conservatives, Independents – those who believe in the Public School and are prepared to fight for it and safeguard its interests so that it will not be handed over a bit at a time to the Roman hierarchy.⁵⁸

The “Protestant Radio League Hour” offered a broadcast from Rev. Morris Zeidman on 29 November, who announced “The eyes of the Public School supporters in this Province are upon the people of East Hastings.”⁵⁹ Appealing to passions already raised by Drew and Rowe, he added “I want to deal with the subject of state subsidy of the Pope’s Church, which is of such vital importance to us as Protestants, because our spiritual forefathers fought, were tortured, and died for the freedom of conscience and the Protestant faith.”⁶⁰

Ironically, it was Martin Quinn who would bear at least some of the responsibility for this Protestant backlash at East Hastings. As well known for his short fuse as for his commitment to the CTA, Quinn had initially extended an olive branch to the Anglican Synod of Toronto in the spring of 1935, suggesting an informational meeting in the hope of “a better mutual understanding” on the school tax question. Later, he withdrew the offer following public accusations of “Catholic tax grabbing” and “Romish insurgence” from prominent Anglicans in both Toronto and Kingston.⁶¹ Responding to the request for an interview from the Archdeacon of York, Quinn concluded that “Perfect frankness ... compels me to point out [that] such an appointment would seem to have been rendered futile in advancing any effort toward a reasonable understanding between us.”⁶²

Education and Politics 2:443-444.

⁵⁸ *Protestant Action* - “*A Militant, Protestant and Patriotic Newspaper*,” vol. 1, no. 2, Toronto, November, 1936.

⁵⁹ OA, RG - 3 - 12, Box 352, Hepburn Papers, Transcript, “Where there is No Vision, the People Perish,” The Protestant Radio League, 29 November 1936.

⁶⁰ *Ibid.*

⁶¹ ARCAT, MGSO20.17 (a), Cardinal McGuigan Papers, Quinn to Most Rev. D.T. Owen, 23 May 1935. See also *The Kingston Whig-Standard*, 12 June 1935 and *The Evening Telegram*, 15 July, 2 August 1935.

⁶² ARCAT, MGSO20.25 (c), Cardinal McGuigan Papers, Quinn to Venerable G. Warren, 6 September 1935.

Quinn had continued to raise eyebrows on the eve of the new separate school bill. Speaking to the St. Gregory's Council of the Knights of Columbus in Oshawa on 10 February 1936, he publicly charged, in reference to Hepburn, that "If that bird doesn't come across now, we'll kick him out."⁶³ Despite both private and public appeals to the premier and a statement to the *Toronto Star* in which he denied the CTA had ever taken credit for electing the Liberals, the damage had been done.⁶⁴ Catholic fears that the Quinn speech had been "loaded with dynamite" were about to come to fruition.⁶⁵ The *Mail and Empire* reported that it had been "costly to separate schools," and that the Liberal caucus was now expecting "curtailed proposals" on the school tax law.⁶⁶ The once supportive *Star*, fearing the inevitable religious upheaval that was to come, backed away from its support of the CTA.⁶⁷

The Protestant Churches began responding to what they viewed as a Catholic political insurrection. In his weekly address at Windermere Avenue United Church, Rev. W.L. Lawrence charged that public school money would be diverted to the separate schools.⁶⁸ Dr. J.G. Inkster, speaking before the Toronto Presbytery of the Presbyterian Church of Canada, declared the Hepburn bill *ultra vires*, calling it a renewal of the fight for separate school jurisdiction "beyond fifth form."⁶⁹ Addressing the 12th annual conference of the United Church of Canada in Hamilton that June, Rev. Fred Dowling from St. Catharine's called for a resolution demanding the immediate repeal of the school tax amendments.⁷⁰

⁶³ OA, RG - 3 - 10, Box 252, Hepburn Papers, Ivers Kelly to Hepburn, 11 February 1936.

⁶⁴ *Ibid.*, CN Telegram, Quinn to Hepburn, 10 February 1936. See also *The Toronto Star*, 11 February 1936.

⁶⁵ ARCAT, MG SO20.44(a), Cardinal McGuigan Papers, Brother Alfred Dooner, FSC to McGuigan, 12 February 1936. General Committee member and heretofore Quinn supporter, James E. Day, charged Quinn with overstepping the bounds of his authority, remarking "The cause is greater than anyone's personal feelings, and I think you get greater loyalty from the members of the Committee than ever was the case in any Catholic Movement before." See MSSBA, CTAP, File 11, Series 46, James E. Day to Quinn, 24 March 1936.

⁶⁶ *The Mail and Empire*, 24 February 1936.

⁶⁷ Joseph Atkinson, President of *The Toronto Star*, declared to Hepburn that "while we want to be Liberals, we won't see the party turned into any bobtail or 5th wheel for the RC's." Turning to Quinn, Hepburn noted the "marked change in the editorial stance of the Toronto Star." See OA, RG - 3 - 10, Box 252, Hepburn Papers, Atkinson to Hepburn, 2 March 1936 and Hepburn to Quinn, 21 February 1936.

⁶⁸ *The Toronto Star*, 3 March 1936.

⁶⁹ *The Mail and Empire*, 8 March 1936. See also *The Globe*, 8 April 1936.

⁷⁰ *The Hamilton Spectator*, 4 June 1936.

No individual Protestant clergyman, however, exerted more energy in the battle over the separate school law than the irascible pastor of Toronto's Jarvis Street Baptist Church, Rev. T.T. Shields. An inveterate anti-Catholic, Shields had consistently opposed what he considered to be Hepburn's liberal Protestantism since the 1934 election, and viewed the separate school law as adding insult to injury.⁷¹ Bridging this with his other major social concern, prohibition, he charged that the premier had linked political arms with the Catholic Church, "Just as undoubtedly his election was assisted by the brewers in order that he might give them all that they asked."⁷² As discussion of a revised Separate School Bill spread in early 1936, Shields led an inter-faith delegation comprised of representatives of the Anglican, Baptist, Presbyterian, and United Churches to see the premier on 3 February, in order to express their very definite "Protestant concerns."⁷³ Following Quinn's Knights of Columbus speech, Shields took his fight with the premier public, releasing to the media details of the delegation's "confidential brief to the premier," which included opposition to "any concession" or "increased privilege" for separate schools.⁷⁴

⁷¹ Relating to his status as "chief antagonist" to Hepburn on the matter of *aid* to the separate schools, Shield's apologist, Leslie K. Tarr, rejects the notion of an "anti-Roman Catholic bias" in his thinking, pointing rather to his devotion to the separation of Church and State. The evidence presented at East Hastings would tend to contradict this defense, as would the fact that Shields' strong imperial feeling and relentless criticism of Catholic leaders in Quebec during the course of both World Wars eventually saw him expelled from the Baptist Conventions of Ontario and Quebec. See Leslie K. Tarr, *Shields of Canada: T.T. Shields (1873-1955)*, 125.

⁷² *The Gospel Witness*, Rev. Dr. T.T. Shields, ed., 1 March 1935.

⁷³ He was joined by Rev. J.B. Thompson of Dufferin Presbyterian Church and the Rev. W. Thomas of Cooke's Church. See *The Evening Telegram*, 4 March 1936 and *The Toronto Star*, 4 March 1936. In later years he would continue as the leading opponent to Catholicism in Canada. A Pontifical High Mass celebrated on Parliament Hill in 1941 prompted Shields to create the Canadian Protestant League, which opposed "the political aims of the Roman Catholic Church." This was followed three years later by the "Inter-Church Committee on Protestant-Roman Catholic Relations," which specifically objected to any expansion of separate school rights. The Committee employed a researcher full time for one year to assist in the preparation of their brief to the Hope Commission, then in the process of gathering information in support of a re-structuring of the education system in Ontario. See "Brief of the Inter-Church Committee on Protestant-Roman Catholic Relations - November 11, 1945." See also "Baptists and Organized Opposition to Roman Catholics, 1941-1962" by Brent Reilly, in Jarold K Zeman ed., *Costly Vision - The Baptists Pilgrimage in Canada*, (Burlington: Welch Publishing Company Inc., 1985), 185.

⁷⁴ O.A. RG - 3 - 10, Box 253, Hepburn Papers, Albert Moore to Hepburn, 7 March 1936.

Lampooned for his demagoguery in the popular press as “Tittering Tilly,”⁷⁵ Shields continued to pursue Hepburn at East Hastings.⁷⁶ Expending considerable energy in the riding himself, he challenged the premier to a public debate on the separate school legislation, noting it would be the first opportunity to test the general climate of opinion in the province.⁷⁷ Claiming to represent “concerned Protestants,” he joined Drew and Rowe late in the campaign, attacking institutional Catholicism with vitriol and his renowned dramatic flare. On 1 December, in the town of Deseronto, he accused Hepburn of being a “pawn of the Catholic bishops”; and in Cannifton the next evening he committed to protest any political intrusion into the realm of religion if he had to “die at the stake.”⁷⁸ Safe in the knowledge that he had raised the bar of sectarian indignation at East Hastings, Shields surrendered the podium that evening to Orangeman Cecil W. Armstrong, who spoke more directly in favour of a single educational system “where the little red-headed micks and the Protestant pups alike can go”.⁷⁹

The rising tide of Protestant opposition left Hepburn desperate to score quick points in the campaign. Rowe’s casual remark in Belleville on 16 November, in reference to public sector hiring practices, that “No man who served a term in jail for breaking a law should ever expect to get a job that you and I pay for,” provided one such opportunity.⁸⁰ A car accident involving the Conservative leader the previous June, in which two elderly women were injured, had been quickly swept under the carpet and kept from the media headlines. Reviewing the official police report, Liberal strategists uncovered the fact that, though no charges had been laid, the reporting officer had found Rowe to be at fault.⁸¹ Address

⁷⁵ OA, RG - 3 -10, Box 336, Hepburn Papers, “*Hush – The Newspaper With a Heart*,” 2 March 1935.

⁷⁶ *Ibid.*, Shields to Hepburn, 2 March 1935.

⁷⁷ OA, RG - 3 - 12, Box 352, Hepburn Papers, Shields to Hepburn, 26 November 1936.

⁷⁸ *Ibid.*, Elmhirst to Hepburn, 4 December 1936. See also *The Toronto Star*, 3 December 1936.

⁷⁹ *The Toronto Star*, 3 December 1936. Just prior to the East Hastings campaign, Shields noted: “[The Roman Catholic Church] hates the British Empire as I wish it could learn to hate the devil ... All the Communists in Canada put together will never do the harm the Roman Catholic Church is doing every day.” See Saywell, “*Just Call Me Mitch*”, 271.

⁸⁰ OA, RG - 3 - 12, Box 352, Hepburn Papers, “C.R.C.T. Transcript – Rowe Speech, Belleville, Ontario, November 16, 1936.”

⁸¹ The Liberals requested the report of the accident on 27 November 1936 from the Toronto Police Department. It noted the injury of two elderly women at the intersection of Lytton Blvd. and Duplex Ave. in North-Central Toronto, as a result of the driver, Rowe, running a stop sign. There were two eyewitnesses to the accident, and in the police transcript, the reporting constable noted reckless driving

ing the Liberal gathering at Purdy's School House on 28 November, Harry Nixon, the Provincial Secretary, questioned the absence of a criminal prosecution in the case, claiming "Many a good man has gone to jail for less."⁸² Next, Rowe was accused by the Liberals of disloyalty to Canada for never having taken out naturalization papers here. Drew's response in Deseronto on 27 November, that the Conservative leader was a victim of circumstances, born to Canadian parents while abroad, and all "good, loyal British subjects at that" satisfied the crowd, and made Hepburn's team appear as desperate as they clearly were.⁸³

Relenting to incessant protests that they were avoiding the issue, the Liberals changed tack to defend their educational initiatives late in the campaign. The Minister of Education, Simpson, compiled a barrage of fiscal accomplishments by his Ministry, including: \$180,000 saved by removing student fees for provincial exams; a \$50,000 reduction in the advertising budget for the Department of Education; a new policy for reviewing standard school texts; and better core-curricular development of both elementary and secondary programs of instruction in the schools.⁸⁴ It would be in an open letter, however, addressed "To the Electors of East Hastings," that Hepburn finally broached the topic of the school tax law, making his strongest appeal of the campaign. Declaring his opponents had disregarded "the real and important issues," he defended the economic logic of the new Act.⁸⁵ As he described it, reduced tax rates and stricter Catholic accountability in the management of educational finances would accompany their allocation of a portion of corporate assessments.⁸⁶ Referring to the practice established by previ-

as the probable cause, although no charges were laid. See OA, RG - 3 - 12, Box 352, Hepburn Papers, Toronto Police Department Report, 8 June 1936. See also *The Mail and Empire*, 10 June 1935.

⁸² OA, RG - 3 - 12, Box 352, Hepburn Papers, "Transcript of Nixon Speech - Toronto Police Department Report, June 8, 1936."

⁸³ Ibid., "C.R.C.T. Transcript of Drew Speech at Deseronto, November 27, 1936." Hepburn's Secretary, Roy Elmhirst, wired the premier at the Quinte Hotel in Belleville a copy of the Provincial Auditor's Report for 1934 showing Drew had received \$64,036.35 as the Assistant Master at Osgoode Hall. Continuing in this vain, Elmhirst carried out correspondence with Marie Musselman in Drew's home district of Guelph in order to gather information on his activities there before entering public life. See OA, RG - 3 - 10, Box 251, Hepburn Papers, Elmhirst to Hepburn, 1 December 1936, Elmhirst to Musselman, 3 December 1936 and Elmhirst to Roebuck, 3 December 1936,.

⁸⁴ OA, RG - 3 - 12, Box 352, Hepburn Papers, Simpson to Hepburn, undated.

⁸⁵ OA, RG - 3 - 10, Box 251, Hepburn Papers, Hepburn to "Electors of East Hastings," 5 December 1936.

⁸⁶ Hepburn noted "Whereas it was the policy of the Conservative government to support separate schools by increasing provincial taxation, it is the policy of the Liberal government to compel separate school supporters to maintain their own

ous governments of closing the revenue gap between boards by increasing provincial grants, Hepburn showed the results to have been particularly deleterious to the public schools. East Hastings alone had seen a 40% decrease in these grants in the previous six years. Under the Liberal administration, however, this trend had reversed, with the larger centres of Deseronto, Madoc, and Tweed all receiving more money in 1936.⁸⁷

Educational Grants - Riding of East Hastings, 1935-1936

| Township | 1935 | 1936 |
|-----------------|-------------|-------------|
| Deseronto | \$973.31 | \$1,058.06 |
| Madoc | \$1,056.60 | \$1,304.20 |
| Tweed | \$1,099.64 | \$1,246.17 |

Source: McArthur to Hepburn, 16 November 1936, Hepburn Papers, RG - 3 - 10, Box 352, OA.

Convinced he had finally struck the right chord in the election, Hepburn pledged “If after two years, you are dissatisfied and no adjustment is made, you are entirely privileged and justified in voting against the Government for the purpose of respect to the Act.”⁸⁸

The people of East Hastings took far less time, however, to register their dissatisfaction with Mitchell Hepburn and his separate school amendments. On 9 December, the Conservatives won with a majority of 1,136 votes, almost tripling their showing from 1934.⁸⁹ Taken as a microcosm of provincial feeling on the divisive issue, the premier could

schools through the local taxes of their own properties.” See OA, RG - 3 - 10, Box 25, Hepburn Papers, Hepburn to “Electors of East Hastings,” 5 December 1936, and Campaign Leaflet, “Vote Boyce – Hepburn Saved You Money and Gave You a New Deal,” the East-Hastings Liberal Association. Hepburn was further encouraged by the East Hastings Liberal Association to “Explain that the Assessment Act is not operating yet, and is the first honest attempt to solve a problem that was becoming unbearable. If not satisfactory, the Act will be amended.” See OA, RG - 3 - 12, Box 352, Hepburn Papers, Memo – East Hastings Liberal Headquarters to Hepburn, December.

⁸⁷ OA, RG - 3 - 10, Box 251, Hepburn Papers, Hepburn to “Electors of East Hastings,” 5 December 1936. In addition, Minister of Education L.J. Simpson contradicted the charge from Earl Rowe that the separate school law reduced rural and urban public school grants in East Hastings by 14% and 35% respectively, noting to Hepburn that in actual fact the rural schools received an increase of 9.5% and the urban schools of 3.6%. See OA, RG - 3 - 12, Box 353, Hepburn Papers, C.N. Telegram – undated, Simpson to Hepburn.

⁸⁸ OA, RG - 3 - 10, Box 251, Hepburn Papers, Hepburn to “Electors of East Hastings,” 5 December 1936.

⁸⁹ OA, RG - 3 - 12, Box 352, Hepburn Papers, “Hastings-East By-Election Results – December 9, 1936,” Compiled by T.J. Madigan.

not deny he had been sent a message. While the enumeration list for 1936 showed an increase of only forty-seven more names from the previous election, voter turnout in the riding had risen from 79.2% to 85.5%. In terms of votes polled, the Conservatives saw an increase of 8.24%, while the Liberals rose a mere .99% (See Appendices C and D).⁹⁰ The numbers were even more troubling for the Liberals when viewed from the perspective of religious demography in the sixteen polling centres. Tyendinaga Township, for example, where Catholics represented 45% of a total population of 2,078, saw its Liberal majority reduced by better than 57% over 1934, owing to an increase of 118 polled votes. Huntingdon and Thurlow, both 10% Catholic, saw their Conservative majorities explode from 123 and 250 in 1934 to 544 and 340 in 1936. While the Catholic vote remained generally consistent with the turnout for the provincial election two years earlier, Protestants had clearly rallied in opposition to the separate school “concessions” they abhorred. Attempting to bolster Hepburn’s spirits, the Secretary of the local Liberal Riding Association informed him that Tweed had been lost by only thirty-nine votes, “the best showing ever made by the Liberals here.”⁹¹ This was small consolation for the great importance he had placed on victory at East Hastings.

While a brass-band led Welsh and Rowe in parade through the streets of Deseronto the next day, the premier put on a brave face, even paying a wager he had made with a friend over the outcome of the voting.⁹² Remarking that “economic problems were relegated to the limits of forgotten things,” he was willing to concede that the separate schools question had been the difference in the by-election, but promised not to

⁹⁰ Ibid., “Hastings East By Election, December 9, 1936 - Statistics Pertaining to Roman Catholic Vote,” Compiled by T.J. Madigan. See also OA, RG - 3 -10, Box 251, Hepburn Papers, Memo, Government Clerk’s Office to Hepburn, 22 December 1936.

⁹¹ Ibid., Mr. Sam Hathaway to Hepburn, 10 December 1936.

⁹² *The Globe and Mail*, 10 December 1936. Hepburn included a cheque for \$25 in a letter to Mr. Sam Nesbitt, noting “The way of the transgressor is not only hard but expensive, especially when you are on the losing side.” See OA, RG - 3 - 10, Box 251, Hepburn Papers, Hepburn to Nesbitt, 10 December 1936. The premier received one particularly insolent “Sympathy Card” from a disgruntled Conservative, extending “sincere sympathy on the sad loss you suffered on December 9, 1936 at East Hastings, Ontario. I understand that the loss was not expected. You are requested to attend the funeral. Pall Bearers will be: Frank O’Connor, Mitch Hepburn, Dunc. Marshall, Arthur Roebuck, Davie Croll and Harry Nixon. Officiating Minister – Dr. T.T. Shields. Last Post – Col. George Drew.” Ibid., R. McCulloch to Hepburn, undated, 1936.

allow its results to alter his government's course.⁹³ In truth, however, the by-election spelled disaster for the work of the CTA. The Liberals were immediately under pressure to free themselves from the school tax amendments and the Catholic albatross they allegedly served. The day after voting, W.A. Fraser, the federal M.P. for Trenton, tried to assuage Hepburn, insisting "you cannot buck a religious issue and you cannot depend on the Catholic vote. Not all Catholics are for separate schools ... and there is a strong feeling that their teachers are underpaid."⁹⁴

Publicly derided in the campaign, Catholics had already abandoned hope that anything useful could be salvaged from the amendments. More than not providing the Quebec plan, they were possessed of severe defects, which Quinn had been quick to identify as the result of "faulty draftsmanship."⁹⁵ Many of the province's separate school boards were now receiving less tax support than before. No provision existed to cover policyholders of life insurance companies, nor were taxes made available on stock registered in the name of a broker or a bank.⁹⁶ Non-

⁹³ Hepburn remarked "It appears that any effort to win a riding so biased religiously would be futile and useless. Fortunately for us, the same bitterness toward the people of the Catholic faith does not exist in this part of the province." Ibid., Hepburn to Mr. G.W. Jones, 16 December 1936. Hepburn also pledged that "the people of Ontario, Protestant and Catholic alike, will be able to pass judgment on the effect of this legislation over the coming year." See *The Globe and Mail*, 10 December 1936. He assured a faithful supporter "I appreciate your interest in the East Hastings by-election and can assure you that the result there expressed by no means the sentiments of the election in other parts of the province." See OA, RG - 3 - 10, Box 251, Hepburn Papers, Hepburn to Mr. R.B. Hynd, 12 December 1936.

⁹⁴ Ibid., Fraser to Elmhirst, 10 December 1936 and Fraser to Hepburn, 12 November 1936.

⁹⁵ The Canadian Bar Association reported at its annual meeting in Halifax in 1936 that the amendment to the Assessment Act "has given rise to such violent differences of opinion that the committee in this respect must keep carefully away from any such contexts." OA, RG 3 - 10, Box 253, Hepburn Papers, "Report of the Committees on Noteworthy Changes in the Statute Law, 1936 and International Law," From the 21st Annual Meeting of the Canadian Bar Association, Halifax, 19-21 August 1936. See also ARCAT, MGSO20.72 (b), Cardinal McGuigan Papers, Quinn to Hepburn, 7 August 1936.

⁹⁶ The federal M.P. from Trenton, W.A. Fraser, inquired as to whether Hepburn would publish an explanatory pamphlet on the Act, indicating that "in my opinion it is extremely vital that an educational campaign be carried on in order that the people in general will be conversant with the separate school situation." Elmhirst replied that this was only a rumour started by the mail and Empire and that nothing definite had yet been established. Interestingly though, Elmhirst did notify A.J. Snider of Aultsville that such an information pamphlet was being written and that he would send copies to him when it was completed. See Elmhirst to A.J. Snider, 29 July 1936, Fraser to Elmhirst, 31 July 1936 and Elmhirst to Fraser, 5 August 1936. All citations in OA, RG - 3 - 10, Box 253, Hepburn Papers.

property holders, including extended family, members of religious communities and those residing out of province were not included in the amendments.⁹⁷ Separate schools were cut off from the taxes of corporate subsidiaries, the parent or “holding companies” for which could then direct their taxes by default to the public schools.⁹⁸ Corporations with share capital were required to register separate school assessments on the basis of notices of “Roman Catholic Status” filed annually. Where such corporations had the potential for world-wide distribution of shares, a “relative assessment” was to provide the basis. No provision existed, however, to enforce companies to make proper returns on the religious affiliations of their stockholders. Despite an aggressive CTA campaign to encourage Catholics to complete the necessary declarations, returns were weak across the province by the end of 1936.⁹⁹ The Secretary-Treasurer of the Toronto Separate School Board, E.F. Henderson, concluded that 75% of the city’s more than five thousand corporate assessments would have to be appealed in order for the Board to remain solvent.¹⁰⁰

While Hepburn felt obliged to inquire into the impact on tax revenues with a selection of separate boards early in 1937, he had already made the decision to abandon the flawed amendments.¹⁰¹ The legislature’s unanimous decision to repeal on 24 March 1937 restored Section 65 of the original Assessment Act to its 1886 provisions. Catholics were once again left without any claim to corporate assessments for the support of their schools. In making his repeal speech, Hepburn casually blamed the law’s failure on faulty drafting and the “extraordinary financial structure of the present time.” He directed public attention back to East Hastings, where the Conservatives had “threatened bloodshed over

⁹⁷ “An Act to Amend The Assessment Act,” Ontario (1936), 1 Edward VIII.

⁹⁸ ARCAT, MGSO20.94 (b), Cardinal McGuigan Papers, Quinn, “Memorandum Re: Failure of the Hepburn School Legislation,” undated. See also “An Act to Amend The Assessment Act,” Ontario (1936), 1 Edward VIII.

⁹⁹ With Quinn away in Australia, the CTA continued to send out reminders to the parishes in response to concerns raised at the 22 November general meeting that Catholics were not responding in adequate numbers for the law to work in their favour. See DLA, JTK – 14/HF 5 CTA/FF1/L37, Bishop Kidd Papers, Kidd to Quinn, 1 August 1936. See also ARCAT, MGSO20.79 and .80, Cardinal McGuigan Papers, Ryan to Parish Priests, 8 December 1936, and Landriau to McGuigan, December, 1936.

¹⁰⁰ ARCAT, MGSO20.74, Cardinal McGuigan Papers, Henderson to Urban School Boards, 28 August 1936.

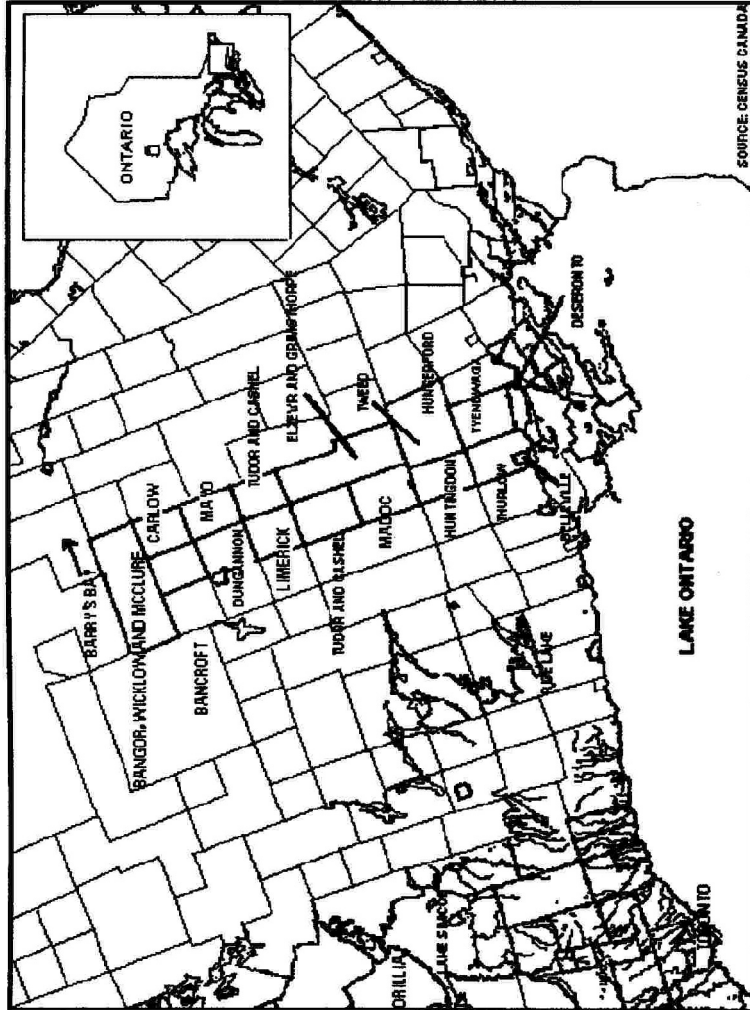
¹⁰¹ Writing on behalf of the premier, T.J. Madigan noted he was inquiring so as “to obtain some authoritative data showing how your school Board revenue is affected by the amendment to the Assessment Act passed in 1936.” See ARCAT, MGSO20.102 (b), Cardinal McGuigan Papers, Madigan to A.C. Love, Secretary, Oshawa RCSS Board, 10 March 1937.

the issue” and, in his opinion, “intimidated the small Catholic minority so much that they were afraid to vote.”¹⁰² Singling out the efforts of Rev. Shields in stirring feelings of sectarian bigotry, Hepburn ominously predicted that the campaign had opened “religious and social sores which will not heal in the lifetime of this country.”¹⁰³

Despite Martin Quinn’s contention that Ontario was possessed of “fair-minded Protestants,” the by-election had, for the time being, proven otherwise. The bishops, seeing in East Hastings a Protestant backlash to the politically charged work of the CTA, now desired a rapprochement. Frustrated with what they saw as Quinn’s dictatorial leadership, they assumed control of their lay-experiment. In the months that followed, the hierarchy would return negotiations over the school tax question to the political back-rooms, effectively nullifying what had been gained through Catholic Action in the process. Lacking any commitment to revisit the idea of a legislative solution, and the bishops no longer pressing for one, Hepburn’s next provincial campaign would be unencumbered by sectarian tension. While a second majority government in the 1937 provincial election validated Mitchell Hepburn’s ability to renew his political career, the movement for Catholic Action in education proved, ultimately, to be the sole victim at East Hastings.

¹⁰² OA, RG - 3 - 12, Box 371, Hepburn Papers, “Transcript, Hepburn Speech, Repeal of the Separate School Amendment,” 24 March 1937, and *The Globe and Mail*, 25 March 1937. Perceptions as to what happened at East Hastings were varied. The Archbishop of Kingston, M.J. O’Brien, in whose jurisdiction East Hastings was located, remarked: “this game of blaming Catholics is done at every election and by both or either side ... I never knew such unanimity on the part of the Catholic people, spurred on as they were by the cause they had at hand and by the black, bigoted appeals against the Church.” Archdiocese of Kingston Archives, File “1937 - A, B,” Archbishop O’Brien Papers, 1937, O’Brien to Brennan, 16 March 1937.

¹⁰³ *The Globe and Mail*, 26 March 1937.



**Liberal Campaign Team
East Hastings By-Election**

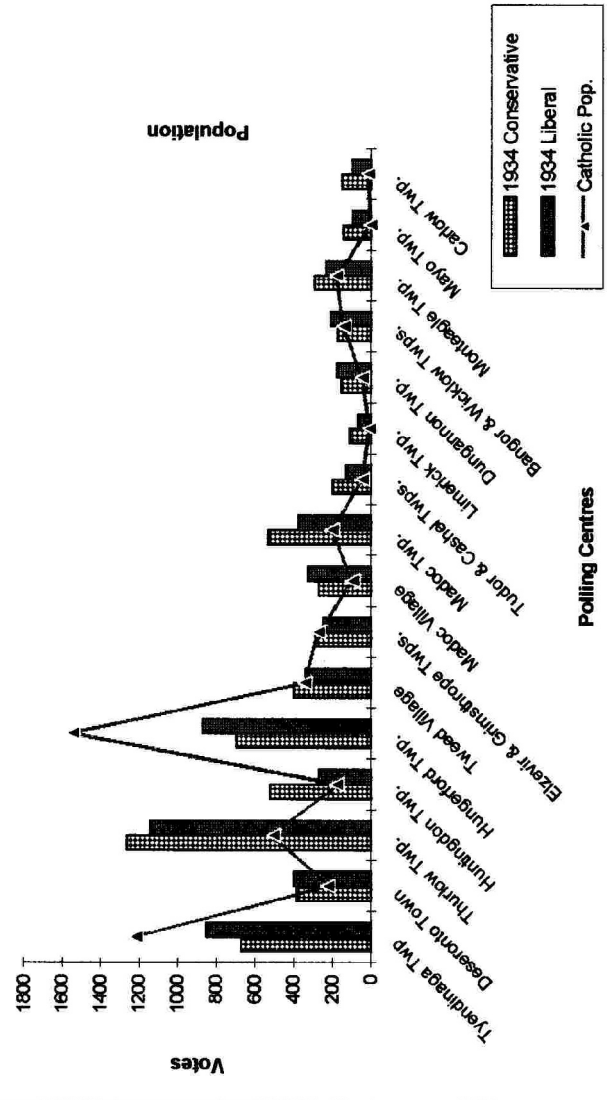
November – December 1936

| Member of Provincial Parliament | Constituency |
|--|---------------------|
| Dr. James A. Faulkner | Hastings West |
| Duncan Marshall | Peel |
| Harry C. Nixon | Brant |
| Leonard J. Simpson | Simcoe Centre |
| Dr. Milton T. Armstrong | Parry Sound |
| Morgan Baker | York North |
| Fergus B. Brownridge | Stormont |
| Douglas M. Campbell | Kent East |
| Harold N. Carr | Northumberland |
| James M. Clark | Windsor Sandwich |
| Richard S. Colter | Haldimand-Norfolk |
| William A. Dickson | Perth |
| John W. Freeborn | Middlesex North |
| George T. Fulford | Leeds |
| William J. Gardhouse | York West |
| William A. Guthrie | Lambton West |
| William L. Houck | Niagara Falls |
| Harold J. Kirby | Eglinton - Toronto |
| Thomas P. Murray | Renfrew South |
| Milton D. McVicar | Lambton East |
| William Newman | Victoria |
| Farquhar R. Oliver | Grey South |
| Roland Patterson | Grey North |
| Dr. Wilfred D. Smith | Dufferin Simcoe |

Source: "List of the Members Who Assisted in the East Hastings By-Election,"
undated, Hepburn Papers, RG - 3 - 12, Box 352, OA.

**1934 Provincial Election
Riding of East Hastings**

Source: "Hastings East Gen. Election Statistics 1934" and "Statistics Pertaining to Roman Catholic Vote" Hepburn Papers RG3-12, Box 352 OA.



**1936 Ontario By-Election
Riding of East Hastings**

Source: "Hastings East Gen. Election Statistics 1936" and "Statistics Pertaining to Roman Catholic Vote" Hepburn Papers RG3-12, Box 362 OA.

