

Fallon Versus Forster: The Struggle Over Assumption College 1919-1925

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The prolonged and bitter conflict between Bishop Michael Francis Fallon and Father Francis Forster, over the location of the Arts Department of Assumption College, is a classic example of a bishop's determined attempt to extend his episcopal influence at the expense of a religious community. It is also the story of what happens when two strongly held and incompatible opinions can be essentially right but hopelessly irreconcilable.

The two principal players were each dedicated in their own way to making higher education more attractive and available to the Catholic laity. Fallon was appointed the fifth bishop of the diocese of London in December 1909, appearing on the scene in April 1910, when he was enthroned.¹ His rather lofty ambitions, first for an independent Catholic university, and then for a system whereby affiliated Catholic colleges would be located on the campus of the host university, were a direct threat to the more modest pretensions of the Basilian Fathers. They had been operating Assumption, a combination of upper grade school, high school, and college, since 1870, according to the concordat they had signed with Bishop John Walsh.² They had never asked for nor received any financial assistance from the diocese in excess of the tuitions the chancery allotted on behalf of its candidates for the seminary. Father Forster, the bishop's leading adversary during the years of greatest controversy, 1919 to 1925, was president of the college from 1907

¹ For biographical details on Bishop Fallon see the following works: Robert Choquette, *Language and Religion: A History of English-French Conflict in Ontario* (Ottawa: University of Ottawa Press, 1975); John K.A. Farrell, "Michael Francis Fallon. Bishop of London, Ontario, Canada 1909-1931. The Man and His Controversies," Canadian Catholic Historical Association. *Report*, 1968, pp. 73-90; Michael Power, "Bishop Fallon and the Riot at Ford City, 8 September 1917," [Windsor, Ontario]: Essex County Historical Society, Occasional Paper No. 3, 1986.

² Michael Power, *The O'Connor Years 1870-1890* (Windsor: Assumption University, 1986), pp. 26-27.

to 1919, his community's North American provincial from 1916 to 1922, and superior general from 1922 to his untimely death by accidental drowning in 1929.³ He was a superb administrator, a modern man in outlook and energy, and a brilliant canon lawyer. From the curial house in Toronto, he orchestrated Basilian resistance to Fallon's desire – and possibly obsession – to have as wide a latitude as possible in the management of Assumption's future affairs as a liberal arts college.

It is necessary to note just how similar in temperament were these two men. Fallon, who was to earn the sobriquet “the Mitred Warrior,” has been succinctly summed up in these words: “Once the Bishop was convinced that right reason and right theology dictated a line of action, nothing short of the law could stop him.”⁴ A strikingly similar assessment was given of Forster: “Once he was convinced of a proposal, or of the justice of a case, a streak of stubbornness caused Father Forster to push on to, what was to him, the only logical conclusion.”⁵ A natural and unavoidable tension, noticeable even in their letters to one another, characterized their working relationship from the time they first met in 1910 to the day in 1923 when all direct communication ceased. Forster's respect for Fallon was more formal than substantial, the result of the former's automatic suspicion of any bishop of any diocese where the Basilians worked, and Fallon's regard for Forster, while cordial for many years, was tempered by his strong aversion to personalities resembling his own – forceful, prone to combat, unwilling to compromise. The emergence of any profound disagreement between the two, regardless of how innocuous the matter initially appeared, was likely to end in disillusionment and disaster.

The issue at stake was the very pressing problem of how best to provide the Catholic men of the diocese with a university curriculum suitable to their faith and the demands of professional life. Following the affiliation of Assumption with the Western University,⁶ in the early autumn of 1919, the Basilians faced two quite different options: to continue to administer the college-level courses at Sandwich, or to move the Arts Department, as it was called, to new facilities on Western's campus, where Assumption as the Catholic men's college would complement the Ursuline-run Catholic women's college. The Basilians and Ursulines had signed affiliation

³ For biographical information on Father Forster see the following works: W.E. Kelly, “Father Forster: A Sketch of the President of Assumption College,” *Canadian Magazine* (January 1919), pp. 287-92; Robert J. Scollard, “Forster, Robert Francis,” *Dictionary of Basilian Biography* [hereafter *DBB*] (Toronto: Basilian Press, 1968), pp. 59-61.

⁴ John K.A. Farrell, “The History of the Roman Catholic Church in London Ontario 1826-1931” (M.A. thesis, University of Western Ontario, 1949), p. 131.

⁵ Scollard, *DBB*, pp. 60-61.

⁶ Present-day University of Western Ontario

agreements at the same time, and the final form of each agreement had been negotiated by Bishop Fallon, who alone dealt with representatives from Western's Board of Governors. As Fallon prepared to confer with the Board, he "entertained the hope that both institutions would remove to London to be in physical proximity to the university."⁷ The Ursulines, led by Fallon's confidante and ally, Mother M. Clare Gauckler, happily complied. In 1920, they left "the Pines" in Chatham for a residence in London, which they named Brescia Hall. Five years later, they resettled once again, this time in a new college building commanding a spectacular view of the western end of the campus.⁸ The Basilians, however, from the very beginning hesitated to leave their traditional constituency of Sandwich and neighbouring Detroit. They originally bargained for a reprieve of several years to allow them to monitor the proportion of Canadian to American students in the college course. If Canadians, especially those from the diocese, greatly outnumbered the Americans, chances of a move would increase. After three years had elapsed, their reluctance to follow the Ursulines to London hardened into an adamant refusal to have anything to do with the bishop's repeated request that Assumption College be relocated to his episcopal city.

The Basilians were to pay dearly for their obstinacy. For that matter so, too, would Bishop Fallon. The appalling rupture in relations that took place consequent to 1919 forms the heart of this narrative. But a brief chronicle of events prior to that year is in order if a proper perspective is to be maintained.

It took Bishop Fallon nine long years to adopt the Basilian point of view on affiliation. The earliest initiative to link Assumption to Western actually took place before Fallon's unexpected nomination to the See of London. It originated from the Hon. R.M. Meredith, Chancellor of the Western University, in a letter to Father Forster of 26 October 1908.⁹ Forster took Meredith's invitation seriously. It dovetailed with his plans to separate the high school and college departments and to upgrade each according to the current standards of the Ontario Department of Education.¹⁰ An exchange of letters commenced immediately. Encouraged by Father Pierre Grand, the Basilian provincial, and Father J.R. Teefy, of St. Michael's College, Forster began to negotiate in earnest by early 1909. It seemed an agreement was a

⁷ John R.W. Gwynne-Timothy, *Western's First Century* (London: University of Western Ontario, 1978), p. 645.

⁸ *Ibid.*

⁹ Assumption University Archives [hereafter AUA], Forster Papers, RG1, Box 2, File 94, Meredith to Forster, 26 October 1908.

¹⁰ Robert J. Scollard, "Notes on the History of the Congregation of St. Basil," unpublished manuscript, University of St. Michael's College Archives, Vol. 22, pp. 143-44.

distinct possibility. Unfortunately, nothing substantial could be finalized unless London was furnished a new bishop. The See had been vacant since April 1908, when Bishop Fergus McEvay was translated to the Archdiocese of Toronto, and it remained empty for the next twenty months. A golden opportunity was missed.

Matters remained in a state of suspension until Forster brought the subject to Fallon's attention shortly after his consecration. Fallon was cool to the proposal because he believed a National Catholic University, along the lines of the one in Washington, D.C., was the superior idea. Forster wisely refrained from any further lobbying. For a second time the topic lay dormant.

No fresh discussions on affiliation took place for two years. When they resumed, R.M. Meredith again figured prominently in the picture. On 2 February 1912, he wrote to Father Forster: "I have been wondering if we ought to make some provision for the possibility of your college coming here; and so I am writing to find out [sic] what your wishes to be, if you have any regarding a site."¹¹ For the first time affiliation was aired along with the idea of Assumption coming to London. From February to June, Fallon, Forster, and Meredith apprised one another of their views.¹² The latter two were anxious to strike a deal in anticipation of the 1912 autumn term. The bishop was less so, preferring to assume what for him was an uncustomary passivity. He was willing to accept affiliation as a "general proposition," but he was cautious to a fault. "I am not sure," he wrote to Father Forster, "that the immediate present is the best moment for obtaining the most favorable consideration and I don't see that it would be possible to have anything arranged definitely in time for the issue of your catalogue."¹³ Fallon was in no hurry; the cause was not his; he was not going to be rushed. In fact, Fallon was preoccupied with bringing his theology students from Montreal to London, where he hoped to set up St. Peter's Seminary. By September 1912, the seminary was operating out of the cathedral rectory. All that Fallon would concede on affiliation, in practical terms, was to suggest the formation of a committee whose mandate it would be to devise a plan of action. No record of any such committee exists. Content not to push the bishop too hard, Forster did not pursue the bishop's interesting proposal: "I will not worry Your Lordship about the university question. Your words expressing a general approval of the union are most welcome. I have no doubt that all details can at the proper time be satisfactorily arranged."¹⁴

Forster was being too optimistic. The "proper time" he so confidently

¹¹ Michael Power, *The Making of a Modern School 1890-1919* (Windsor: Assumption University, 1989), p. 70.

¹² *Ibid.*, pp. 70-74.

¹³ *Ibid.*, p. 74.

¹⁴ AUA, Forster Papers, RGI, Box 1, File 9, Forster to Fallon, 9 May 1912.

referred to was not to emerge until after the Great War. Mention of affiliation and the permanent location of the Arts Department does not appear in Forster's correspondence for another year and a half. Other, more immediate concerns monopolized his and the bishop's attention, such as the proposed sale of the entire college farm, to the south of the main campus, and the tuition rates for diocesan students. Fallon would not agree to the disposal of the farm to Sandwich developers, regardless of the price offered; any sale would require his signature since the property was deeded to the episcopal corporation and only leased to the Basilians, albeit for 499 years according to the terms of the 1869 Concordat. He was also agitated over the increase in tuition he was obliged to pay on behalf of those students he sponsored at the college. Fallon thought he was receiving little if anything from the Basilians in return for his having recognized Assumption as the diocese's only official preparatory seminary.¹⁵

The declaration of war in August 1914 turned Fallon's attention to the recruitment of Catholic chaplains for the front lines in France. For his part, Forster was absorbed in internal community affairs, the construction of St. Michael's Hall and St. Denis Hall in 1915, conscription, and the disastrous effects of the influenza pandemic of 1918 on the staff and students. By the end of the war, the college department was barely viable. It is little wonder, then, that any talk of affiliation was relegated to the sidelines. Nevertheless, the topic was discussed three times in Forster's correspondence during this period, twice in 1914 and once in 1916. His letter to Father Nicholas Roche, dated 20 January 1914, is the most significant. In it Forster delivered what turned out to be his last detailed analysis of affiliation and relocation, outside of the polemics that were to erupt at a later date. Assumption greatly desired to unite with Western, he claimed, and, once united, the Arts Department would eventually find it necessary to leave Sandwich for London. Concerning the latter, he thought a delay of several years would be required to establish the proper staffing levels for both the high school and the college.¹⁶ Furthermore, Forster believed that if the Basilians were to promise to move to London by a specific date, the bishop would be more amenable to the sale of the farm, the proceeds of which would go toward a new building on the Western campus.

Of course, these opinions were delivered before the war, which no one in 1914 could have predicted would last four excruciating years, and before a new residence and gymnasium had been added to the Sandwich facilities. Time would not diminish Forster's appetite for affiliation: it was vital to Assumption's survival. The alternative – the college becoming an independent Catholic university – was totally unrealistic, even though the

¹⁵ Ibid., Fallon to Forster, 9 November 1917.

¹⁶ Power, *Making of a Modern School*, p. 319.

bishop continued to harbour a lingering fondness for this unsound solution well into 1916. The intervening years, however, brought about a subtle change in Forster's thinking on the wisdom of relocating. Intimately familiar with the college's precarious fortunes, he could no longer bring himself to believe that the men and the money any transfer would entail would ever be available to the Basilians.

One of the last acts Father Forster performed as president of Assumption College was to contact two prominent London Catholics, Albert Murphy and Philip Pocock, in the early summer of 1919. Forster asked these close friends of the bishop to prevail upon him to proceed with affiliation. Fallon met them near the end of July, after he had scrutinized the acts of incorporation for St. Michael's College and the Western University,¹⁷ and he had no qualms about pressing Assumption's case immediately. By August 22, the bishop had heard from the board.¹⁸ Three days later, he contacted Father Forster, now residing in Toronto, and delegated him, Father Henry Carr, and Father Joseph T. Muckle to draw up a draft of an agreement.¹⁹ Carr had helped to negotiate St. Michael's federated status in the University of Toronto, and Muckle had succeeded Forster as Assumption's president. A weaker and more indecisive man could not have been appointed to head the college. A classical scholar, he left his graduate studies at Chicago reluctantly. He knew he was no administrator. Soon he was to realize he was no match, either in temperament or style, for the kind of high stakes bullying Fallon was famous for and which the bishop began to exercise even before the ink was dry on the agreement. Muckle was to last just three years.

The historic meeting of Fallon and the Board of Governors took place on the evening of September 25, at his residence on Central Avenue. Five members of the board, plus the Dean of Arts and Western's Registrar, arranged themselves on one side of the table. On the other side, all alone, sat the bishop.²⁰ Significantly, no Basilian was present. Fallon had taken the entire process into his own hands. An agreement according to the terms laid down by the Basilians was quickly reached. On 8 October 1919, Muckle went to London and signed the Twelve Articles of Agreement. The wait for university connection had finally ended.

A presentiment of how things would unravel for Father Muckle and the Basilians took place in Woodstock, where the bishop "publicly stated,"

¹⁷ Ibid., p. 325.

¹⁸ Ibid., pp. 326-27.

¹⁹ Ibid., p. 327.

²⁰ James Fraser, "A School Becomes of Age: Assumption College - University of Windsor," unpublished manuscript, Assumption University Archives, 1970, Chapter 4, p. [2]

according to Muckle, “that our next building would be in London.”²¹ Curiously, this announcement was made more than a week in advance of the September 25 meeting. Muckle was justifiably puzzled. He knew of no such plans, and he wrote Forster immediately upon hearing the news, expressing his alarm and asking what he should do. Forster went to see Fallon and gave the following report to Muckle:

With respect to the building in London, I had quite a long talk with His Lordship last Monday morning. It may be well to say in the beginning that if we are to develop university connection with the Western in a satisfactory way, to my mind it is necessary that the Arts Department of Assumption College be located near the University... If the College proper remains at Sandwich our students may make a general course and a course in philosophy but they will be limited, I fear, to these two courses at least for many years. This does not mean that we should at once contemplate a building in London. I made it clear to the Bishop that we did not have this thought, that we should continue at Sandwich for a short time, two or three years, at any rate until we had time to observe the growth of the college department... The air must be cleared first and the success of university connection and the permanency of university connection assured.²²

Buoyed by the forceful tone of Forster’s letter, and bolstered by the fact that the terms of affiliation had been agreed upon and signed, Muckle ventured to London at the end of October to see Fallon about Assumption’s fiftieth anniversary fund-raising campaign. A surprise awaited him. Fallon gave his “heartly approval” to the project and told Muckle “he would do all in his power to promote it.” At the same time, Muckle told Forster, “he said that since the money was to be raised in his diocese, he would expect to have a large say in how it was expended.”²³

Muckle had no illusions about the meaning of the bishop’s words. They practically amounted to an ultimatum. Once informed of Fallon’s opinion, Forster wrote the bishop, employing blunt and uncompromising language:

Incidentally Father Muckle mentioned that you would claim a large voice in the expenditure of any money thus raised in as much as the contributions were to be sought in the diocese of London. Just what your idea may be I cannot judge by the remark. However, if it means giving a voice in the administration of the college to the Bishop of London, I will be perfectly frank with you at the beginning and say that I feel compelled by the best

²¹ AUA, Forster Papers, RG I, Box 2, File 33, Muckle to Forster, 17 September 1919.

²² Basilian General Archives [hereafter BGA], Forster Papers, Forster to Muckle, 20 September 1919.

²³ *Ibid.*, Muckle to Forster, 30 October 1919.

interests of the college to discourage the campaign. Do not take these words to infer a lack of confidence in the present Bishop of London. But the present Bishop of London, while he may long be spared to London and we hope he will be, must at some date go hence. That time may be far in the future and it may not. Who will be the successor and what will be his attitude? Nobody knows. Whoever he may be he will likely claim any action of his predecessor as a precedent. And if he has no familiarity with school work and school needs, he may easily ruin the future of the work you have so much at heart. I feel it is necessary to keep free from any entangling alliances. Too many directors will wreck any business.²⁴

Fallon was not impressed. "I assumed," he replied to Forster the day after he received the latter's letter of 7 November 1919, "that the object of the campaign was the establishment and endowment of an Arts College in London. It needs a big object to make a big appeal."²⁵ Fallon was starting to make threatening noises about who was in charge of the situation. He had always considered Assumption one of his institutions. He had negotiated with the board; his final approval was needed for affiliation to take effect; and it was the bishop and not the Basilians who put a stop to interference from the Department of Education concerning the qualifications of the college staff at Assumption.²⁶ This is how Fallon saw himself. All that was left was for the Basilians to fall in line with the Ursulines. To Fallon's way of thinking, affiliation logically implied the transfer of the Arts Department.

Forster's response was to withdraw any plans to raise money for the college. Caution and patience were needed at this critical juncture, not rash decisions. He believed Fallon would be won over to their point of view if a few years of peace and quiet were allowed to pass.²⁷ Fund-raising was never mentioned again.

However, if the Basilians really thought that silence on this question would buy some silence from Fallon on the transfer issue, they were sorely mistaken. Invited to submit an article on the affiliation agreement for the 1920 Jubilee *Yearbook*, Fallon was grateful for an opportunity to express not only his genuine appreciation of the Basilians but also his strong belief as to what should happen next in Assumption's history:

It is hoped, as a necessary part of the understanding, that the Arts Department of Assumption College will shortly be transferred to the city of London, the seat of the Western University. The desired consummation will be greatly hastened by the active support and the generous sympathy

²⁴ Ibid., Forster to Fallon, 7 November 1919.

²⁵ Fraser, "A School Becomes of Age," Chapter 4, p. [5].

²⁶ AUA, RG1, Box 2, File 4, Fallon to Muckle, 10 November 1919.

²⁷ BGA, Forster Papers, Forster to Muckle, 18 November 1919.

of all the friends of the College and all well wishers of the advancement of university education among our people.²⁸

Upon reading a draft of Fallon's submission, Forster told Muckle that the last paragraph of the bishop's article "is just an expression of his personal views and not a community announcement; hence I do not anticipate it will cause any misunderstanding."²⁹

Assumption's fiftieth anniversary was celebrated on 27 May 1920. In attendance were Archbishop Pietro de Maria, the Apostolic Delegate, the archbishop of Toronto, the bishops of Detroit, Toledo, and Leavenworth, Kansas, and, of course, Fallon of London. They were accompanied by two hundred priests, most of whom were alumni, fifty "Old Boys," and about fifty staff members. Bishop Fallon was greeted in the dining hall with a rousing rendition of "For He's a Jolly Good Fellow."³⁰ The day was a huge success. Not a word was uttered about Fallon's article.

After two years of affiliation with Western, nearly all the college-level students were Americans. Very few Catholic boys from the diocese of London had bothered to enroll. Fallon was disturbed by this trend as early as March 1921, when he wrote to Father Muckle: "I am much disappointed at the small number of London students who entered First Year College last fall. Something must be done to remedy that condition."³¹ The tension was slowly mounting, and to add to it was the announcement that an arts course would be added to St. Mary's Seminary, in the Diocese of Detroit, for the autumn of 1922. This would drain a considerable number of students away from Assumption and deprive the college of what had been a steady source of income for the last fifty-two years.³²

It was at this time that the sale of the college farm came up for renewed consideration. In late 1921, a Mr. Marentette of Windsor offered the Basilian community at Sandwich a sizeable sum and excellent terms for twelve acres of land along the Huron Line, where entrance to the Ambassador Bridge is now located.³³ As a developer, he was interested as well in the farm south of the Essex Terminal Railway.³⁴ The Basilians, under pressure from Sandwich Town Council to open up their land for new housing, were tired of paying

²⁸ *Golden Jubilee 1870-1920*, Assumption College (Windsor, 1920), p. 69.

²⁹ AUA, Forster Papers, RG 1, Box 2, File 33, Forster to Muckle, 10 June 1920.

³⁰ *Golden Jubilee*, pp. 147-49.

³¹ AUA, Forster Papers, RGI, Box 2, File 33, Fallon to Muckle, 9 March 1921.

³² Fraser, "A School Becomes of Age", Chapter 4, p. [4].

³³ BGA, Forster Papers, Muckle to Forster, 7 November 1921.

³⁴ *Ibid.*, Muckle to Forster, 22 November 1921.

taxes on property that would never come close to turning a profit for them. They were desperate for cash.

The Basilians were mindful of Fallon's stand against a previous attempt to dispose of the farm. However, Forster was willing to pursue the offer of purchase more vigorously in 1921 than he had been in 1913, by testing the legality of the Basilian claim to have a right to alienate the property to third parties without the consent of the bishop. This gamble was worth the risk of offending Fallon, since a victory for Assumption would mean a financial bonanza.

Fallon was in no mood to cooperate. He wanted to establish the diocese's equity in the property beforehand in order to determine the diocese's share of the proceeds from any sale. Forster was just as firmly convinced that every penny should go to the Basilians. Both sides stood firm. The dispute generated dozens of lengthy letters, a thorough search of the Basilian archives for a true copy of the 1869 Concordat, interviews with veteran members of the community who would have known Denis O'Connor at the time he had negotiated the Concordat, and a "final" offer from the Basilians. In mid-April 1922, Father Muckle suggested that the community pay Bishop Fallon \$25,000 "for fee simple to all the property."³⁵ The Basilians would then become the owners of the land in question, leaving them free to deal with Mr. Marentette. Incensed, Fallon refused the money and took the matter to Rome at the beginning of January 1923.³⁶ His decision to take the Basilians to an ecclesiastical court signalled a shift away from the possibility of compromise and toward all-out confrontation.

As the legal action over property rights was winding its way to Rome, two historic changes to the Basilian community took place. In 1922, Father Forster arranged the canonical separation of the Province of Canada from the Province of France and the erection of a "new" religious community, the Basilian Fathers of Toronto. Forster was subsequently elected the first superior general. At the Chapter in July, Forster convinced his confreres to accept "a simple vow of poverty with total dependence on a common life in place of the qualified vow of poverty which had provided members with their support and also gave them a small salary."³⁷ This was the most controversial provision of the new Constitution of the Institute of St. Basil then being drafted for eventual approval by Rome.

Nowhere was that controversy more intense and divisive than at Assumption College.

Fearing the worst over the introduction of the new vow, Father Muckle asked to be relieved of his duties in early November 1922, only two months

³⁵ Ibid., Muckle to Forster, 15 April 1922.

³⁶ Ibid., Fallon to Forster, 2 January 1923.

³⁷ Scollard, *DBB*, p. 60.

into the school year. Father Daniel Dillon was summoned as the new president of the college. Dillon, more athlete than scholar, initially hesitated to accept the appointment. It took a second letter from Forster, who appreciated the immense difficulties in store for him at Sandwich, to convince Dillon of his obligation to obey. He turned out to be a superb choice, the kind of hard-nosed administrator the college needed if it were to outlive the crisis that was about to erupt.

Muckle's predictions of a major showdown at Assumption over the vow of poverty came true. Those Basilians who did not feel comfortable with the vow were allowed the option of incardination. Four of the best professors at the college – William Rogers, Charles E. Coughlin, John Sheridan, and John Plomer – withdrew from the community to join the diocese of Detroit. Their defection left the college faculty seriously depleted and provided Fallon with a convenient opening to bring the vexatious matter of the transfer of the Arts Department to a final resolution.³⁸

Now began Fallon's final offensive against the Basilians. He made his first move in a letter of early February 1923 to Father M.V. Kelly, the Basilian vicar-general. He related to Kelly the substance of rumours he had heard that claimed

a considerable number of your Members intend to leave your Community. Five or six of those whose names are mentioned are at the present time at work in my Diocese. I want to enquire what, if any, basis exists for these rumours. Conditions might very easily arise which would embarrass me in the conduct of the affairs of my Diocese, if I were not prepared to meet them.³⁹

Before either Kelly or Forster had a chance to answer, Fallon was busy talking to local newspapers. During the third week of February he let the London *Free Press* know of his intention to build two new colleges on the Western campus, Brescia College, plans for which were well underway, and Assumption College, which would not be built until 1924.⁴⁰ This was news he had not bothered to share with the Basilians. Oddly, Fallon reversed himself the next month. Angry and disappointed, he told the London *Advertiser* that construction of the two colleges had been cancelled due to high labour costs.⁴¹

³⁸ Laurence K. Shook, *Catholic Post-Secondary Education in English-Speaking Canada: A History* (Toronto: University of Toronto Press, 1971), pp. 283-84.

³⁹ BGA, Forster Papers, Fallon to M.V. Kelly, 12 February 1923.

⁴⁰ London *Free Press*, 20 February 1923.

⁴¹ London *Advertiser*, 5 March 1923.

What Forster, Kelly, and even Dillon thought of all this public posturing is impossible to say. If the bishop was trying to pressure them through the pages of the London newspapers, it was a tactic that was bound to fail. Fallon's next move was another ultimatum to Dillon, dated April 7. At the time of the affiliation talks, Fallon claimed:

it was understood by all parties to the negotiations that the Arts Colleges of both Chatham and Sandwich would be established at University headquarters. Upon that understanding I promised Rev. Father Muckle, your predecessor at Sandwich, that I would not open a course in philosophy at St. Peter's Seminary.⁴²

The Basilians had not lived up to their end of the bargain, whereas the Ursulines had immediately established themselves in London and were about to begin construction on their new building. Fallon continued:

Meanwhile the University authorities have been assigning locations for affiliated colleges on their extensive grounds. It is urgent that the diocese of London protect its interests herein at the earliest possible moment. I am writing you, therefore, for definite information as to when the authorities of Assumption College intend to establish an Arts College in London in connection with Western University.⁴³

He gave Dillon a deadline of 1 June 1923, and he threatened to open university courses for his students if he were not satisfied with the Basilian response.

Accompanying this letter was another bearing the same date. The subject was a rumour about diocesan students teaching full time on the staff of Assumption College and being required to wear soutanes! If true, Fallon wanted both practices to be stopped at once. The allegations were minor, of course, but designed to add a good measure of harrassment while the Basilians were getting themselves ready to reply by June 1.

On April 14, Dillon dealt with the rumour in a forceful reply to the bishop. There were no diocesans teaching full time in either the high school or the college; at most they taught half time; therefore, what the bishop had heard was completely unfounded. Concerning soutanes, Dillon claimed that the philosophy students had always worn them. It is "a practice of such long standing at Assumption College that the possibility that you were not cognizant of the fact had not crossed my mind."⁴⁴ Lastly, only the superior

⁴² Archives of the Diocese of London, Fallon Papers, Fallon to Dillon, 7 April 1923

⁴³ Ibid.

⁴⁴ BGA, Forster Papers, Dillon to Fallon, 14 April 1923.

general and his council could make a decision on the Arts Department. The bishop should have written to them on this point. In any case, a response would have to wait for Father Forster's return from Rome.

The council did not meet until the beginning of June, missing Fallon's deadline by three days, and did not relay its answer to the bishop's ultimatum until a month later, on 4 July 1923.⁴⁵ They proposed an interview with his Lordship and members of his diocesan council. The Basilians were prepared to send their council to meet them the following week in London.⁴⁶ Fallon was tired of delay; he saw no useful purpose in having a conference; all he wanted was a definite answer one way or the other. His new deadline was the last day of July.⁴⁷

This fresh challenge provoked Forster into sending a most extraordinary communication to the Bishop of London, dated July 18. In ten carefully worded paragraphs he delivered his reasons against a transfer in 1923 or at any time in the foreseeable future. They were two in number. First, the school at Sandwich was materially sufficient for the needs of the diocese of London. Fifty years of Basilian sacrifices had turned the college into a large institution, the maintenance of which was still entirely dependent on the student body. The majority of the students came from Essex County, where the largest concentration of Catholics lived in the diocese. The transfer of the Arts Department to London would cause severe harm to the financial stability of the high school. Second, the Basilians were not in a position to furnish the quarter to half million dollars it would take to erect a new building. The burden of such an expenditure only increased when one considered the relatively small number who would be able to take advantage of such an institution. Forster ended by challenging the bishop to state his reasons why he adopted a conclusion that was very much at odds with the one the Basilians felt bound to accept.⁴⁸

Fallon ignored the challenge. The focus of his energies was to shift back to the annoying business of the new Basilian constitution. It seems Forster had severely misjudged the depth of the bishop's anger, for the day following his letter of July 18 he sent another one, a matter-of-fact request for the bishop to forward a commendatory letter to the Sacred Congregation of Religious.⁴⁹ This was part of the required procedure to have the revised constitution accepted by Rome. Fallon automatically refused to give it. "Before I could think of despatching the letter in question," he wrote to Forster, "it would be necessary for me to know what are the proposed

⁴⁵ Ibid., Forster to Dillon, 4 June 1923.

⁴⁶ Ibid., Forster to Fallon, 4 July 1923.

⁴⁷ Ibid., Fallon to Forster, 7 July 1923.

⁴⁸ Ibid., Forster to Fallon, 18 July 1923.

⁴⁹ Ibid., Forster to Fallon, 19 July 1923.

changes, what is their projected effect and why and how several of your community have already been permitted to surrender their membership.”⁵⁰ Fallon had no desire to pass judgment on the revisions. He only wanted to exercise his right to have in his possession the constitution of any religious community operating within his ecclesiastical jurisdiction.⁵¹

Forster doggedly insisted that the bishop had no absolute right to a copy of the constitution until it had been officially sanctioned by the proper Roman officials. Having lost all patience with his Basilian opponent, Fallon handled Forster’s legalistic manoeuvres by dispatching two very shocking letters, both of which were dated 30 July 1923. In the one addressed to Father Dillon, he delivered the following “definite decisions.” One, any student whose time was spent teaching or supervising students in any capacity would not be accepted as a candidate for the priesthood or for entrance into the seminary in the diocese of London. Two, the wearing of ecclesiastical dress would be limited to those who had received first tonsure or had become members of the religious state, and henceforth priests, who were obliged to wear their cassocks at all times in public, were prohibited from playing sports. Three, no longer would the bishop pay in whole or in part the tuition of diocesan students who pursued their classical studies at Assumption. Four, in all likelihood his students would be removed from Assumption once he had completed arrangements to open his own school of philosophy at St. Peter’s Seminary. (One of the students who was removed was the future archbishop of Toronto, Philip Pocock.)⁵² In the letter he sent Father Forster he reserved the biggest weapon in his arsenal. As of September 1, the faculties of all Basilians working in the diocese of London would be revoked. “In order that I may consider the question of the renewal of jurisdiction it will be necessary for each priest to submit to me a copy of the Constitution under which he is governed together with revisions, if any, which would effect the substance of his obligation.”⁵³

The intent of the letter to Dillon was to end Assumption’s traditional role as the diocesan preparatory seminary. The intent of the one to Forster was to humiliate the Basilians.

Father Forster and the general council were dumbfounded. In a letter of August 2, Forster informed Fallon that a copy of their Constitution, which they were already observing, would be arriving under separate cover. He went on to comment that his Lordship’s letter of July 30

produced a considerable shock. The revocation of all the faculties of

⁵⁰ Ibid., Fallon to Forster, 23 July 1923.

⁵¹ Ibid., Fallon to Forster, 27 July 1923.

⁵² Ibid., Fallon to Dillon, 30 July 1923.

⁵³ Ibid., Fallon to Forster, 30 July 1923.

jurisdiction of all Basilian Fathers now stationed in your diocese could scarcely have any other effect. It is a singular incident in the life of the Basilian Institute in North America... We are at a loss to understand your present attitude.⁵⁴

Such a catastrophic measure, Forster believed, should only be invoked if grave breaches of Church discipline had been committed by *all* the Basilians in the diocese of London. But the bishop had failed to mention anything about grave breaches of Church discipline. His revocation of faculties, then, was nothing else but animus on his part against the Basilian community.

Fallon pressed on. He sent letters to Father Dillon, president of Assumption College, to Father Edmund Burns, parish priest of Assumption Church, and to Father Daniel Forestell, administrator of St. John the Baptist Church in Amherstburg, warning them of the September 1 suspension of their faculties.⁵⁵ Fallon did not stop there. On August 16 he immediately suspended Dillon's privilege of "giving jurisdiction to Basilian Fathers coming permanently or temporarily into the Diocese of London."⁵⁶ After that date each Basilian priest, on every occasion he came into the diocese to celebrate Mass and dispense the sacraments, would have to submit to the bishop in writing a request to carry out his sacerdotal duties. This would leave the Basilians seriously short of priests to conduct Sunday services. They asked the Apostolic Delegate in Ottawa to restore their faculties, at least temporarily, while they prepared an appeal to Rome. He did so by telegram on August 25.⁵⁷

Fallon's next strike was at the Basilian-run parish in Amherstburg. On August 4, the secretary in charge of the diocesan pension fund for retired priests began to press Father Forestell for his parish's contribution to the fund.⁵⁸ Citing Canon Law, Forestell refused and was able to withstand the pressure so long as Fallon stayed out of the picture. By September, however, the bishop was personally involved. He, too, cited Canon Law and forced Forestell to write a cheque for \$150. Forestell, who had been at the parish for only a few months, kept the general council in Toronto informed of the situation, and the council informed Fallon, on October 1, that they would appeal the assessment.⁵⁹ Infuriated, Fallon subsequently demanded to know by what right the Basilians were at the Amherstburg parish at all. He insisted

⁵⁴ Ibid., Forster to Fallon, 2 August 1923.

⁵⁵ Ibid., Dillon to Forster, 7 August 1923.

⁵⁶ Ibid., Fallon to Dillon, 16 August 1923.

⁵⁷ Ibid., Forster to Dillon, 25 August 1923.

⁵⁸ Ibid., D.J. Egan to Forestell, 4 August 1923.

⁵⁹ Ibid., Forster to Fallon, [1] October 1923.

that they produce the original contract they had made with Bishop Walsh. This dispute as well went to Rome for adjudication.

On 7 August 1923, Fallon made good his threat regarding St. Peter's School of Philosophy in London.⁶⁰ Forster did not retaliate immediately. He made a last-ditch attempt to dissuade the bishop from opening his school. His argument was simple but too late: no good could accrue to Catholic higher education by allowing two colleges to compete in the diocese of London.⁶¹ The bishop turned a deaf ear to his plea. Rebuffed, Forster launched yet another appeal to Rome.⁶² For his part, Fallon confidently brushed aside the fourth lawsuit and went ahead in July 1924 and added first-year Arts to the curriculum at St. Peter's, thereby increasing the odds in his favour.⁶³ Forster knew that Rome would only overrule the bishop and dismantle his arts college if it could be shown that Fallon's students would be taking some of their courses at Western, a secular university controlled by Protestants and attended by both sexes. Rome took Forster's allegations seriously enough to write directly to Fallon. He categorically denied that his students were mixing with the students at Western, and his denial was eventually sufficient to satisfy the Roman judges.⁶⁴

Silence reigned until Rome ruled. By mid-January 1925, Vatican officials had rendered their judgments on the four appeals. They found in favour of Fallon on two counts and in favour of the Basilians on two counts.

In regard to the question of the farm property, the most difficult case that went to trial, the judges decreed that the Basilians did not have the right to sell the farm, or any part thereof, without the consent of the bishop. The bishop was the landlord and the Basilians were his tenants: no tenant can alienate his landlord's property. This was a crushing blow to cash-starved Assumption.

Fallon was also allowed by Rome to keep open his School of Philosophy and to add to it a full three-year Arts course. Forster was devastated, for he knew it would take decades for Assumption to recover from the absolute loss of diocesan students. Of course, Fallon's School of Philosophy was not exactly the men's college he had envisioned in 1919, at the time of the affiliation agreement. It was in reality a combination liberal arts college and seminary with attendance restricted to those seeking the priesthood. But he made the best of his latest acquisition and went on to build the present St. Peter's Seminary, an imposing structure in collegiate Gothic, where he would be buried behind the chapel's main altar in 1931.

⁶⁰ Ibid., Circular Letter of Fallon, 7 August 1923.

⁶¹ Ibid., Forster to Fallon, 22 August 1923.

⁶² Ibid., Forster to Dillon, 20 August 1923.

⁶³ Ibid., Dillon to Forster, 9 July 1924.

⁶⁴ Ibid., Forster to Dillon, 27 July 1924.

The Basilians easily won their appeal on the issue of the arbitrary suspension of their faculties. Fallon likely knew he would lose this particular case; it had never been central to his strategy of forcing the Basilians to his side of the argument over the Arts Department. Rather, he was being vindictive and petty when he issued the suspension, as he was inclined to be when thwarted.

Finally, Rome found that Fallon had no cause to tax the parish in Amherstburg because the money collected would never benefit the Basilians but only the priests of the diocese of London. The right of the Basilians to be at the Amherstburg parish was upheld at a later date, and the community is still there.

Forster did not fail to realize the marginal nature of the two Basilian victories. Fallon had won where the winning really counted.⁶⁵

The tangle of legal problems between Bishop Fallon of the diocese of London and Father Forster of the Basilians, commencing with Fallon's letter to Dillon in April 1923, is directly attributable to the impasse over the Arts Department. In one sense, it was a power struggle whose origins can be traced to a fundamental misunderstanding. On the one hand, Fallon always insisted that he would never have agreed to affiliation had there not been a prior understanding as to Assumption's eventual removal to London. On the other hand, the Basilians consistently denied the existence of any such understanding and were able to formulate a substantial argument against rushing up to London just to please his Lordship. They were so sure of their version of events that they had Father Muckle swear out an affidavit to the Apostolic Delegate, denying in the strongest language possible that he had ever promised Fallon or Western to move the Arts Department to London.⁶⁶ In retrospect, the affiliation agreement should have been incorporated into a formal legal document, something akin to the 1869 Concordat, that would have spelled out Assumption's and Fallon's future obligations, within a specified time frame, following union with Western. This was not done, and grievous injury was the result.

The fallout was an unqualified disaster for both sides. According to Fallon, the Basilians could not be trusted; consequently, the responsibility to educate the Catholic men of the diocese would no longer reside exclusively with them. Forster's final opinion of Fallon was just as harsh: the bishop would have to go before peace and prosperity would return to Assumption College.

In the end, Bishop Fallon gained absolute direction of his own men's college which was affiliated with Western through Brescia in 1923, and directly in 1939. But he lost Assumption College and the experience and

⁶⁵ Ibid., Forster to Dillon, 16 January 1925.

⁶⁶ Ibid., J.T. Muckle, "Affidavit," 24 September 1923.

expertise, to say nothing of the sterling reputation, of the Basilians. Not until the founding of Christ the King College in 1954 would the diocese have the kind of liberal arts college that the 1919 affiliation agreement was expected to nurture and develop. Father Forster, meanwhile, was able to maintain Basilian control of the Arts Department where it had always been, in Sandwich, far from the meddling reach of the bishop. The price of independence, though, was steep. As Forster himself had predicted, as early as September 1919, Assumption would be limited to offering a general course and a course in philosophy for many years to come. Only when Assumption was granted its own university charter in 1952 was the college able to expand its horizons significantly. This was a great irony, since turning Assumption into a distinctly Roman Catholic university had been Fallon's first hope for the college.