

# The True Witness AND CATHOLIC CHRONICLE. Witness



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## THE TRUE WITNESS AND CATHOLIC CHRONICLE

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### EPISCOPAL APPROBATION.

"If the English-speaking Catholics of Montreal and of this Province consulted their best interests, they would soon make of the 'True Witness' one of the most prosperous and general Catholic papers in this country. I heartily bless those who encourage this excellent work."  
—PAUL, Archbishop of Montreal.

## The Protestant Right of Succession to English-speaking Judges of the Court of King's Bench.

(By an Occasional Contributor.)

There appeared in the "Witness" of the 2nd instant an article under the heading "The Vacant Judgeship," which it would be a pity to spoil by making extracts from it. We therefore reprint it in full, merely italicising some of its most characteristic passages. It is as follows:

"Since the death of Mr. Justice Wurtelle, there has been a unanimous expression of opinion that he was considered as representing on the Court of King's Bench, the English-speaking Protestant element, and that his successor would be chosen from the ranks of the latter. This has led to the equally unanimous naming, by the public, of Mr. Justice Trenchome as the one who will be called to fill the vacancy. At this point, however, unanimity ceases, and the question of Mr. Trenchome's successor in the Superior Court becomes a subject of discussion.

"French-speaking members of the Bar claim the appointment of a French-speaking judge, on the ground that the regular and natural proportion has been broken of late, and that it must now be restored. They hold that the present condition of six English-speaking judges against eight French-speaking judges for the district of Montreal is entirely out of proportion to the population of each nationality, and consequently demand that a French judge be appointed, if a vacancy is created in the Superior Court.

"On the other hand, the English members of the Bar, while claiming the recognized right of an English Protestant succession in the Court of King's Bench, also claim a preservation of the present proportion in the Superior Court, if a promotion takes place from that tribunal to a higher court.

"In case some one should raise a point as to the representation of the late Judge Wurtelle in the Court of King's Bench on account of his nationality and the faith in which he died, the advocates of an English succession quote the following article from the Legal News of Nov. 1, 1892, to show in what capacity he was chosen:

"The retirement of Mr. Justice Cross from the Court of Queen's Bench and the appointment of Mr. Justice Wurtelle in his place, is the last of the changes which complete the reconstitution of the tribunal. Of the five judges who composed the court in 1881, four—Chief Justice Dorion and Justices Monk, Ramsay and Tessier—are dead, and the fifth, Mr. Justice Cross, has retired after fifteen years' service. Mr. Justice Baby, who, in 1881, was appointed to the newly created sixth judgeship of the court, is now the senior member. Mr. Justice Cross came to the bench with a ripe experience, and his opinions during the last fifteen years have always been received with respect by his colleagues and by the profession generally. In commercial matters, very frequently, the delivery of the judgment of the court was entrusted to him, and many of these

opinions, as they appear in the pages of the Montreal Law Reports, will long be cited as leading cases in the law of which they treat. As a whole his opinions were well sustained by the courts of final appeal. The appointment of Mr. Justice Wurtelle, who, for more than a year past, has been acting as assistant judge, is a natural transition, and has proved satisfactory to the profession and the public.

"They also point out that when Judge Wurtelle was raised to the Bench in 1886, he replaced an English-speaking judge, Mr. Justice McDougall, of Hull. In 1888 he was transferred to Montreal, and, when he was promoted to the Court of King's Bench, his successor in the Superior Court was an English-Protestant, Mr. Justice Archibald.

"Attention is again called to the fact that, in 1901, when there was some talk of Mr. Justice Wurtelle being appointed on the Codification Commission, and his successor was being discussed, an English-speaking delegation of the Bar went to interview Sir Wilfrid Laurier in order to oppose the pretensions then urged that the late judge represented the French-speaking element. However, Judge Wurtelle was not made a Commissioner, and the issues then raised had no consequence.

"The English-speaking lawyers claim that their representation of two in the Court of King's Bench is only fair, and as regards the alleged disproportion in the Superior Court at Montreal, they say that the small English provincial representation in the courts generally entitles them to the present proportion. For instance, the two Quebec judges in the Supreme Court are French, and the English element will never think for a moment of changing that state of things.

"It is again urged that if the number of English judges in Montreal is considered too large, the objection should have been raised at the time of their appointment. The English element have now secured an acquired right which there is no reason to disturb, and they intend to support it firmly."

No one in the name of the Protestants has offered any objection to the position taken by the Witness. The thing, however, cannot be suffered to pass in silence, and therefore, on behalf of the English speaking Catholics of this Province, we now publish our protest.

When Judge Drummond, an Irish Catholic, retired, the vacancy on the Bench was filled by Judge Ramsay, a Protestant. We were not aware, however, that the Protestants acquired a right to the position for ever, nor did we know that for all time to come no English-speaking Catholic could aspire to a seat in the Court of King's Bench. We are now told that "The English-speaking members of the Bar claim the right of an English Protestant succession in the Court of King's Bench." This statement is, to say the least, not exact, for the English-speaking members of the Bar in Montreal can be counted on to make no such absurd claim, if for no other reason, because there are too many Catholics among them.

The claim is an intolerable one. The recognition of such a claim would amount to a penal law ostracising English-speaking Catholics by reason of their faith.

We admit that in a province like ours, where the two languages are official, where English and French are the languages of every-day affairs, it is desirable that in our highest Court the Judges should not all be taken from among members of the

Bar speaking one of these languages to the exclusion of those who speak the other. But, after the fitness of an aspirant is shown on every score,—on account of his sound judgment, knowledge of law, and honorable character—that he should be set aside and passed over for the reason, all-sufficient for the Witness, that he is not a Protestant, is something which no Catholic can understand, be his mother-tongue English or French. To admit that this is the mode of selecting them is to invite the people's contempt for such appointments, because it teaches that honorable character, knowledge of law, and sound judgment, in fact the necessary attributes of a good judge, are secondary considerations, and that, in the appointment of an English-speaking Judge in the Court of King's Bench, the first essential, the sine qua non, is that he be a Protestant. It seems to us that these people of the ultra Protestant Witness type are not altogether practical. It should not be enough to appoint a Protestant, they should get him to take a sort of Coronation oath that he will remain a Protestant, for in more than one instance the Protestantism of its members evaporated in the rarified atmosphere of the High Court.

In 1901 there was a meeting in Montreal of lawyers to see about the appointment of a successor to Judge Wurtelle, who, it was then thought, was about to retire from the Bench to take a place on the Commission for Consolidation of the Statutes. None but Protestant were invited to attend this meeting. It is a delegation from this meeting that is referred to by the Witness as an English-speaking delegation of the Bar!

If it is agreed that an English-speaking Judge is to be appointed, the theory of the Witness and the pretensions of the Protestant lawyers who waited on the Premier in 1901, are that the man who is not a Protestant must be passed over to give place to a man who perhaps knows less law, whose judgment may be inferior, who may not be able to address a jury in both languages so as to be understood in both.

Ignorance and bigotry are most often found together, but we cannot presume so much on the ignorance of the Witness as to imagine it unaware that among English-speaking Catholics there are men eminently fitted in every respect to fill the vacant seat in the Court of King's Bench with dignity and distinction.

In the last paragraph of its remarkable article the Witness sufficiently points out that, if everybody does not approve of what it says, "the objection should be raised now, otherwise the English Protestants will have secured an acquired right which they will firmly support.

Well, then, we do now protest, and we protest now most emphatically against this bigoted and intolerable way of providing for the administration of justice in this Province. What is advocated by the Witness is the exclusion from the King's Bench of Irish, English and Scotch Catholics.

Since writing the above we have learned of the appointment of Judge Wurtelle's successor in the Court of King's Bench, and that Judge Trenchome's successor in the Superior Court has been named. We wish it to be distinctly understood that nothing in the foregoing remarks has any application to either of the two honorable gentlemen. Our object is merely to deal with the theory propounded by our contemporary in its article of the 2nd instant and to protest against it.

### C. M. B. A. NOTES.

The regular monthly meeting of Branch 26, C.M.B.A., was held on Monday evening, April 25. Judging from the number of applications and initiations in this Branch since the beginning of the year, due to the energetic work of the officers and members, the parent branch has certainly a very bright outlook for 1904. The members of the Branch are giving their friends and patrons one of their popular eueches in their hall, 92 St. Alexander street, on Wednesday evening next, the 11th instant, and as the tickets are limited, their friends are requested to attend to the matter of securing their tickets at once.

## St. Michael's Second Anniversary

St. Michael's Parish will celebrate the second anniversary of its erection next Sunday, May 8th. This will serve as a fitting preparation for the much-longed for ceremony of the laying of the corner stone of the parish church. Two years have elapsed before this could be done. Reverend Father Kiernan deemed it wiser to be slow and sure. The organization of St. Michael's has been almost herculean, and its success, therefore, is all the more praiseworthy. St. Michael's congregation comprises the scattered English-speaking Catholic families of St. Denis ward in the North end of the city, and of its neighboring suburbs. At the distance at which these families were living from any English-speaking parish Church all agreed in encouraging its formation, moreover, these families were contributing without feasible cause to the building of six French-speaking parishes in their midst, and from which they could not, owing to their sparse numbers in any one of these six parishes, expect desirable attention from the overworked pastors of these various parishes.

It will be some years before St. Michael's parish will cease to be in a struggling state, and if it were not for the well-known energy of its experienced Pastor, and for the affectionate co-operation of his people, it might, indeed, be liable to failure. As it is, in spite of its many and unlooked for difficulties in the past, it is now in a position to inaugurate the ceremony of laying the corner stone on the 22nd instant (Trinity Sunday) with remarkable success. Sunday will give the numerous friends of Reverend Father Kiernan, and of his parishioners throughout the city, the occasion of assisting at an interesting event in the history of the parish and of encouraging its good and noble work.

## A Good Priest Gone.

It is with deep regret that we record the death, at an advanced age, of the Rev. Michael McAuley, Vicar-General and former parish priest of Coaticook. Father McAuley was not only well known and dearly beloved in his own parish and his immediate surroundings, but also in various other sections of Canada and especially in the city of Montreal. He had been in every sense a holy priest and a patriotic man. His charity was as unbounded as his love for his fellowmen, and far exceeding his means. Of a kindly nature, he had always a good and cheering word to say, and above all had a deep and practical love for children and for the poor. In the death of Father McAuley the Church loses a noble priest, the poor a great friend, and his vast circle of friends and acquaintances a cherished and devoted guide. May his soul rest in peace.

### CATHOLIC MISSIONARY WORK

Out in Nigeria, in West Africa, a Catholic missionary, Rev. Father McDermott, is performing wonders for the material, as well as for the spiritual progress of the natives. As a pioneer he is developing the cotton industry among the natives. There can be no doubt that his project is destined to be a great commercial success. It has been remarked by a contemporary that as soon as Father McDermott shall have firmly established his industry and that it is hailed as an illustration of "British enterprise." An English organ has described Father McDermott as "a splendid specimen of the men who go out to subdue distant lands to civilization, and in their quiet and often unrecognized but energetic way continue to build up the Empire abroad." This may be very true; but the passage lacks completeness. It should add that Father McDermott is an Irishman, and that Irishmen in every sphere have done most to build up the Empire; and that he is a Catholic priest, and he went to West Africa to save souls, to draw the in-

fel into the Church, and that his Empire-building is but a means to that great and paramount end that his mission has in view.

## THE CATHOLIC SAILORS' CLUB

His Grace Archbishop Bruchesi presided at the opening ceremonies of the Catholic Sailors' Club. He gave expression to his hearty approval and appreciation of the work done by the Club. This will be the ninth year of its existence, and we can all recall its humble beginnings, the hopefulness of those who were at its inception, and the success that their efforts have secured. In a very timely address, Rev. Father Collet pointed out the importance of the work now being done by the club. He showed how young men, when far from home, and after the hardships of a sea voyage, were exposed to squander their hard-earned wages in saloons and evil resorts, while they found a refuge and protection at the club. The President of the Club, Mr. F. B. McNamee, gave an outline of the progressive development of the Club, and after tracing its story down to the present day, thanked His Grace for the encouragement that he bestowed upon the officers and members.

We take the following extracts from the report for the past year. The Club had 31,131 visitors during the year; 4983 letters had been written; 4952 packages received; 7957 hand protectors distributed; 736 prayer beads; 1095 prayer books; 876 scapulars; 392 total abstinence pledges taken; 260 had been enrolled in scapulars; 750 car tickets had been distributed; 2 bodies had been buried; 460 ships had been visited, and 268 cases of distress had been aided.

Among those present were Mr. J. Ritchie Bell, manager of the Montreal Sailors' Institute; Captain Walsh, of the C.P.R. steamship service; C. S. Phillips, John Hamilton, J. O'Gorman, J. T. McNamee, Wm. Kenney, B. McNally, A. Phelan, R. Keys, J. Rogers, Rev. Fathers McShane, Demers, Compe, Coffey, and Kavanagh, Dr. Hackett, W. E. Doran, Robert Bickerdike, M.P., and E. Gravel. Among the ladies present were Lady Hington, Mrs. F. B. McNamee, Mesdames Doyle, Thompson, Menzies, Tabu, Locket, Collins, J. T. McNamee, McGovern, O'Brien, McNally, Bond, Rogers, Coleman, Doyle, O'Connell, Rush, McNamee, Tabu, McGovern, Barclay, McDonald, Menzies, O'Brien and Collins.

## Thousands Sent Abroad

Whatever else may be urged against our separated brethren, it must be admitted that they have the cash and seldom hesitate to donate large amounts of it to purposes which they believe good works. Last Tuesday night the Protestant people of Oak Park, this city, raised \$25,000 to free a Y.M.C.A. hall from debt. \$50,000 had been already donated.

On the same day at a meeting of the Woman's Baptist Foreign Missionary Society of the West, the treasurer's report showed that during the year the society had collected and expended \$42,121 in the foreign field and \$18,579 on maintaining missions at home. Statements of the kind are of very frequent occurrence.

One must, it is true, wonder at the sum sent out of the country to make converts, when it is remembered that there are over 50,000,000 people in the United States who accept no form of Christian faith. This means that there are more non-Christians here than there are pagans in Japan. Nevertheless, those Western non-Catholic women are more generous than are our Catholic people, so far as supporting mission work is concerned. If they should become Catholics would their generous impulses evaporate?

Of course our people are poor, yet it is not a fact that, as a rule, our poor are more generous toward the Church than are our men of wealth? Many noble Catholic works are today languishing owing to need of money. The Protestant wealthy give but the middle classes and the poor do the Church's work.—The New World, Chicago.

## RECENT DEATHS.

MR. JOHN POWER.—On Monday last, Mr. John Power, Jr., son of Mr. John Power, a fellow-countryman prominently associated with religious and national societies in this city, while proceeding to his work for the day at Lachine, was accidentally killed by an electric car. Deceased was well known in business and industrial circles.

The funeral was held on Thursday morning from the residence of the father of deceased, to St. Anthony's Church, where a solemn Requiem Mass was celebrated, at which Rev. John E. Donnelly, P.P., officiated, assisted by Rev. M. L. Shen and Rev. Thomas Hoffmann, as deacon and sub-deacon. A large number of citizens in professional and commercial ranks assisted at the obsequies. May his soul rest in peace.

MRS. MICHAEL DUNN.—A well-known figure in St. Mary's parish, Mrs. Michael Dunn, a lady of long years' residence in the Eastern district of Montreal, passed away to her reward after a long illness born with the true spirit of religion which characterized her whole career. Mrs. Dunn was highly esteemed in the parish where she lived. The funeral was held on Wednesday morning to St. Mary's Church, where an impressive service was held, after which the remains were transferred to Cote des Neiges cemetery for interment. The attendance of citizens was representative of all sections of the parish. Mr. Dunn has the sympathy of a wide circle of friends and acquaintances in his bereavement. May her soul rest in peace.

## DEATH OF THE BISHOP OF KERRY

Within a few weeks the Province of Munster, says the Dublin correspondent of the Liverpool Catholic Times, has been deprived by death of two holy and widely esteemed Prelates—the Most Reverend Dr. McRedmond, Bishop of Killaloe, and the Most Rev. Dr. Coffey, Bishop of Kerry. Neither took an active part in public affairs; consequently they were little known outside their respective dioceses. To the sacred duties of their high office both devoted their entire lives. Religion and education flourished under their parental care. Dr. Coffey, who had been in failing health for some time, died on Thursday at the Bishop's Palace, Ffarran, comforted in his last moments by the presence of the Dean of Kerry and several priests who were made aware of his approaching demise. The news of his death evoked the deepest sorrow all over the diocese. Dr. Coffey studied classics in Tralee, after which he entered Maynooth in the year 1856. In the great ecclesiastical college he had a distinguished course, and on the death of Dr. Callan, the eminent scientist, he was appointed lecturer in Physics. In 1865 he was ordained and sent to Killarney, where he became President of St. Brendan's Seminary. In 1832 he was appointed parish priest of Tralee and Dean of the diocese. In 1889 he was consecrated Bishop of Kerry. He devoted himself assiduously during his long life to the spiritual and temporal interests of those under his care, and earned the esteem of all by his devotion to duty. His remains were interred in the Cathedral after solemn Office and High Mass, which were attended by an immense concourse of people.

Often, without knowing any particular cause, we feel special influences, such as the nearness of God and the holy angels.

Think twice before you speak, or act once, and you will speak or act the more wisely for it.

When a friend offends you he as good as the lawyers and give him the advantage of a technicality or two.

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