

The Catholic Record

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LONDON, SATURDAY, JAN. 5, 1924

THE CHILDREN'S AID AND THE BIGRAS CASE

When we referred to the Children's Aid Society of Prescott and Russell and their action in placing Catholic children of Catholic parents in Protestant foster-homes we had before us only the newspaper summary of the case that arose out of this illegal action. We have since secured a copy of the reasoned judgment of Mr. Justice Lennox which is so illuminating that we shall take an early opportunity of placing it before our readers in its entirety. It will give our readers an authoritative and lucid interpretation of the Children's Protection Act in so far as it concerns the religion of neglected and dependent children.

Just now the extracts which follow will be of unusual interest:

"The Legislature had fortunately stated its intention in unmistakable language, the clearly expressed intention of the law; and no private or semi-private convention, or contract, or consent, or direction can over-ride or change or modify it: 'Notwithstanding anything in this Act, no Protestant child shall be committed to the care of a Roman Catholic Children's Aid Society or Institution, nor shall a Roman Catholic child be committed to a Protestant Children's Aid Society or Institution, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home.' Sec. 28, sub-sec. (1).

"The facts ascertained, the Statute operates automatically, and, in the face of a provision so plainly and pointedly inhibitive, and impliedly mandatory as well, I cannot escape from the conclusion that the action of this local branch of the Children's Aid Society, in obtaining and acting upon the alleged agreement, was not only beyond their jurisdiction, but was distinctly contrary to the policy and clearly expressed intention of the Legislature, and, if allowed, would be subversive of the fundamental principles of the Children's Aid Protection Act, and a denial of the Common Law rights of the father as well."

Justice Lennox justified his dwelling so long on the construction of the Act because "of its importance as affecting public interest," and he adds the very consideration we urged when first referring to this very unpleasant case, "that upon the judicious and absolutely unbiased observance of its provisions the continued success of this singularly well-conceived and provident Statute depends."

It is of urgent importance that the Government of Ontario, which is ultimately responsible for the administration of Ontario's laws, take cognizance of this flagrant violation of the letter and spirit of the Children's Protection Act.

Judge Lennox thus details the pitiful story of how the poor illiterate father was induced to sign the document directing that his children be brought up Protestants:

"The father, as I have said, is a Roman Catholic and he did not at any time determine, as a matter of choice, that his children should be brought up as Protestants. He is a decidedly illiterate man, and the circumstance that he does not speak or understand the English language was a contributory factor

in the blunder he committed. He was in poverty, he could not even supply his children with necessary food and, having to work for a living, he could not even keep his children off the street. He says he applied to his own church people for help in securing a home for his children and failed. He was 'at the end of the way,' helpless and hopeless. In this situation he applied to his father and Arthur N. Lefebvre, a cousin, for advice and he was advised that there was a way out, namely, to give the children into the care of a Protestant (?) Society to be brought up Protestants. He was made to understand and he did, as I find, understand that the Children's Aid Society of Prescott and Russell was an exclusively Protestant Society, and that he must do as he did or let his children starve or become vagabonds. There are many kinds of duress! I can think of none more benumbing than the alternative presented to this man. He never knew that he had a choice, he had no chance to know; he never knew the truth, never knew that the basic principle of the Children's Aid scheme, so wisely and beneficently planned, and crystallized in the Act I have referred to, absolutely forbade what was done in this case."

Both Bigras' father and his cousin Lefebvre were born Catholics but are now Baptists, and the Judge, noting this fact, remarked that "the unregulated fervor of proselytes to either side is proverbial." Mr. P. A. MacEwan happens to be a Baptist. But he was also an official under the Act. As Inspector of the Children's Aid Society in Prescott and Russell he was present when the Bigras children were committed to the guardianship of the Society.

We want to know if his superiors—ultimately the Government—do not think that Mr. MacEwan should have given Bigras a chance to know the truth? Do they not think that he, as Inspector, should have informed Bigras of "the basic principle of the Children's Aid scheme?" Do they think that Mr. MacEwan's participation in an action that the basic principle of the Act absolutely forbade, is a matter that can be ignored or condoned?

Bad as he appears in this case at the best, it is in only the astounding correspondence with the Judge after the hearing but before the delivery of judgment that MacEwan reveals himself in all the naked ugliness of the unscrupulous proselytizer.

We must quote verbatim: "I have a letter of the 10th instant (I think I had one before) from Mr. MacEwan, which he should not have written. Amongst other things he says: 'The parties who have given adoption to the boys do not now wish to part with them, nor do the boys wish to leave them. It would be unfortunate to disturb present relations.'

Proselytizing is no part of the duty of an officer of a Children's Aid Society. He should have been content with giving evidence at the hearing. I intimated to counsel, by letter, that if the foster parents are disappointed in what they probably regarded as a permanent arrangement, they should be paid some reasonable and moderate sum for the expenditure of clothing and the like, of which they would not get the benefit, and suggested that counsel tentatively agree on the amount. Mr. MacEwan appears to have got track of this in some way, and accordingly argued the propriety of exacting payment of a little bill of Mr. Lefebvre—to whom I shall presently refer as a witness—for \$188.20. Writing Mr. MacEwan this gentleman says: 'I take pleasure in forwarding you a copy of our claim for the four Bigras boys, 13 days \$6.00, \$78.00, etc.' I would think he would, and pleasure, too, in any order conditioned upon payment of the total claim; and a few such claims, allowed, as my correspondent suggests, would be well calculated to prevent any disturbance of 'present relations.' And this, unfortunately, is not all. As supplementary evidence, and to contradict and offset the sworn testimony of the applicant, Mr. MacEwan encloses a letter from Mr. W. T. Erskine, J. P., in reply to Mr. MacEwan's letter written after the motion had been launched, and in his possession actually or impliedly, when the motion was heard, although not referred to at that time. Contrary to the common adage, "second thoughts" are not always best. As appeared upon the return of the motion, Mr. MacEwan was somewhat in evidence—though I did not then think unduly so—when the change of custody was brought about and upon the argument I expressed the opinion that the society acted in good faith and it is undoubtedly a fact that as a body the Society has done and is doing a work of incalculable value to the Province; but it can only act through agents and I regret that as

concerning this branch or County Committee, I cannot, now, in view of the matters just referred to, confidently reiterate that opinion, although it is quite possible that they did.

The italics, the quotation marks, everything is in the original.

Perhaps the dignified language of the learned Judge may be left without further comment. It pitilessly reveals the proselytizer who had the amazing effrontery to suggest that the Judge become his dishonest accomplice by allowing Lefebvre's absurd bill.

The Judge is careful to distinguish between the spirit, the purpose, the general administration of the Children's Protection Act and the unsavory details of its working as revealed in this particular instance. We would have our readers make the same important distinction.

"But it can only act through agents" as the court wisely notes. That the principal is responsible for the acts of his agents is axiomatic. We are insistent on knowing whether or not the principal in this case is going to condone by ignoring the shameful acts of Mr. MacEwan. He should never have been appointed; in the light of the Court sheds on his character and activities he can not be retained.

CATHOLIC GROWTH IN ENGLAND

Reading a recent number of The Universe—a very ably-conducted Catholic newspaper published in London—we were struck with the many evidences of the growth of the Catholic Church in England. One article by the Rev. O. R. Vassall-Phillips deals with the numerical growth. It is a curious fact that the Census takes no account of the people's religion in England. This is due to the objection of Nonconformists. They hold that great numbers with really no church affiliations would as a matter of course put themselves down as belonging to the Church as by Law Established, thus lessening the relative importance of the Nonconformist Churches. The "Nonconformist Conscience" used to play a big role in English politics a generation ago; and though we hear little of it now the omission of religion in the Census enumeration is a reminder or a survival of other days. So that the number of Catholics must be computed from the number of Catholic marriages and Catholic baptisms as compared with the total. In that way he conservatively estimates the Catholics of England and Wales at slightly over 6%. In Scotland it is considerably higher.

A paragraph or two from this article may serve to give Canadian readers a glimpse of the English situation:

"I believe that everything tends to show that, if we are prepared to count as Catholics not only all those who see that their children are baptised as Catholics, but also those who were themselves baptised as Catholics, and have not formally apostatized, we are at least one in ten of the population. But no good purpose is served by this kind of reckoning, since many of these should be written off our lists as hopelessly lost to the Faith in consequence of our terrible want of equipment in the past—for which it need hardly be said that no one is to be blamed. It was the result of the condition in which our fathers found themselves left after three hundred years and more of barbarous, unremitting and unrelenting persecution."

The losses are accounted for by the influx of Irish Catholics into "a land with only a handful of priests, the slenderest means of recruiting for the priesthood, and but few schools."

"What wonder then, if in the 'seventies, the 'eighties, and the 'nineties of the last century the proportion of Catholic marriages and to a great extent the marriages of their child en, steadily lessened? How could it be otherwise? One of the most hopeful of our signs of cheer is that since the year 1911 the tide in this respect has turned, and the proportion of Catholic marriages has steadily increased."

"In the year 1858 there were but sixty boys in St. Francis Xavier's, Liverpool; today there are over six hundred, and seven hundred and fifty in the Brothers' School at Everton. At the Restoration of the Hierarchy frequent Communion on a large scale amongst our people was practically impossible; last year in the Diocese of Liverpool

there were more than six million Communion.

"This is the sort of comparison that is of real use in estimating our hopes for the future. At the time of the Restoration of the Hierarchy large numbers of losses were inevitable. This is no longer the case. Moreover, every year our position is being strengthened enormously."

"This with regard to our own people. As regards the conversion of England, such organizations as the Catholic Evidence Guild and the Guild of Ransom, which never could have been so much as dreamed of as a possibility twenty years ago, are full of energy, preaching the Faith with a zeal and knowledge hardly equalled in any land since the days of the Apostles. We have only to multiply our priests—above all, perhaps, our teaching orders—use to the full the generous enthusiasm of our laity, and the harvest is ready to be gathered in with rich profusion."

Father Vassall-Phillips is himself one of the numerous converts to the Faith from amongst the educated classes of England.

In another column we have an account of the fifth annual meeting of the Catholic Evidence Guild. To get an idea of this work we must bear in mind the fact that it is the custom in England for all sorts of people to air their views on all sorts of subjects. We strolled through Hyde Park one evening and listened to the strangest medley of views propounded from platforms; but Catholic students as to make their return to Oxford and Cambridge desirable, the progress here indicated is marvellous.

There is something refreshing, exhilarating, in the sturdy Catholic spirit of English Catholics.

BISHOP OF VANCOUVER

Many times we have borne witness to the excellent work Monsignor O'Donnell has done in connection with the Catholic Church Extension of Canada. The importance of this great work for the west can not easily be over-estimated.

The magnitude of the task that devolved on Father O'Donnell when he became head of Extension we have several times pointed out; his success in giving vitality to a moribund institution and restoring it in the public confidence was an achievement that will be recorded in the history of the Catholic Church in Canada.

Now comes the good news that the President of Extension has been raised to the episcopate and given in charge of the Western Diocese of Vancouver. This is a fitting crown to the great work he has done for the great Canadian West.

The CATHOLIC RECORD extends to the new Bishop of Vancouver its heartiest good wishes and congratulations. May his career as Bishop of Vancouver be as singularly blessed as was his tenure of the important office of President of the Catholic Church Extension of Canada.

CO-OPERATIVE MOVEMENT AND SOME OF ITS VICTORIES

By THE OBSERVER

The firm of Bell & Son dominated the meat business in Switzerland; controlled the whole meat supply for that country. By a system of packing houses and chain stores that firm dictated the price of meat to everybody. The Swiss Co-operative undertook to break that grip and forced Bell & Son to capitulate and ask for terms. The Co-operative Wholesale insisted on taking over the concern; and that was done, a controlling interest being first secured and then the private stock-holders being bought out. Then the organized co-operators of Switzerland controlled their own meat supply and owned their own packing houses and chain stores.

Another battle of the Swiss co-operators was with the Boot and Shoe Manufacturers' Association. The Co-operative Wholesale had undertaken to supply boots and shoes to its local societies; and then the Trust refused to sell to the Co-operative Wholesale, though willing to sell to the local societies direct. The Co-operative Wholesale acquired a boot and shoe factory, and the Trust offered to come to terms, but too late. The Co-operative took from it one fourth of its business and it was forced to dissolve.

Again, the Co-operative forced the flour trust out of existence. They next engaged, with the sup-

port of the co-operatives in other countries, in war with the Chocolate Syndicate; we do not know how that turned out.

In Sweden, the Swedish Sugar Trust absolutely controlled the sugar market and charged more than the price in any other country. It crushed out individuals who attempted to compete. It would allow the Swedish Co-operative Wholesale to sell only to societies in the neighborhood of the City of Stockholm. The co-operators decided to import for themselves and fight.

The Trust cut prices till they were lower than in other countries. The Co-operative Wholesale stood it longer. The Trust offered to compromise, but the offer was refused. The struggle had called attention to the Trust's methods; and the Swedish Parliament interfered against the Trust and broke its hold on private dealers as well.

At the same time the Swedish Co-operators fought the Margarine Trust. They beat it to a standstill. After a loss of two million crowns it was forced to dissolve.

A great effort was made to destroy co-operation in Sweden. Besides the battles mentioned, the Soap Syndicate and the cocoa manufacturers refused to sell to the Co-operative Wholesale. Worse than that, the Retail Dealers' Defence Association and the manufacturers went to the Bank syndicate and demanded that every Swedish bank should boycott every co-operative society in the country. The Co-operators then started their own bank, and made themselves independent.

In Denmark, the co-operatives have had some success in a fight with the Cement Trust, and have established their own cement works.

THE TEMPORAL POWER OF THE POPE

PRESENTATION OF HISTORICAL FACTS REFUTES ABSURD CHARGES

An explanation of the Temporal Power of the Papacy was given by the Most Rev. John J. Glennon, Archbishop of St. Louis in his sermon at the Cathedral.

"The word 'temporal,' he said, 'may be made to serve many purposes, and the idea of the Pontiff's temporal power is used to inspire fear; as a threat of danger to even our own nation in these days. 'People say that the Roman Pontiff demands a position which would make him a dictator to the world; they say he wants to rule the nations, to eliminate the secular or civil power and substitute the sway of the Roman Pontiff. They push the arguments farther and say that his agents are here, operating to overthrow the foundations of government, and that his 'minions' are making preparations for him at Washington, that after his arrival there will be nothing left but a 'race of slaves.' 'Similar things are said in the countries of Europe, but only locally. In the north of Ireland, Orangemen say they will never yield to the Pope and cry 'down with him.' In England they say they never will submit to any foreign power and that they will always refuse to pay tribute to the Roman Pontiff. 'Only our king shall rule us and our destiny,' they say, and for several centuries their king has also ruled their souls. In the Orient they say they have

own rulers and religion. In France the Gallican idea prevails—all and everything for France."

"And yet," continued His Grace, "the Temporal Power of the Pope is a very simple thing, which has been magnified into a bugaboo. At this very time people may be holding meetings to prevent the Pope from coming to the United States, but this is another case of love's, or hate's, labor lost. I recall that in A. P. A. times we had a celebration in Kansas City for an old Bishop who had just returned from a visit to Rome. One newspaper spread the report that the Pope had come to town and a great crowd gathered along the streets to get a sight of him."

Archbishop Glennon said that years ago in certain parts of Missouri he himself was often taken for the Pope of Rome. "Now, however, they know me better and can no longer be fooled," he said. "Nobody in these days can be made to believe that I am the Pope."

THE BEGINNING OF THE TEMPORAL POWER

The Temporal Power, said His Grace, dates from the year 824, from the time of the Emperor Constantine the Great, who was the first Christian Emperor to raise the standard of the Cross. By his decree both the pagan and Christian forms of worship were given freedom in Rome. Constantine authorized external worship and ceremonies by the Christians, or Catholics, who came forth then from the Catacombs, built churches and schools and other institutions. They were given the right to exist and to continue to grow, their first edifice or church property being the Liberian Basilica, and here was the beginning of the Temporal Power.

As time went on other grants were made, particularly to the chief church in Rome and since those early days the properties have been known as the patrimony of St. Peter. Between the time of Constantine and that of Pepin and Charlemagne there came a break in the old Roman empire; there arose a new order, or disorder; princes and barons and feudal lords were on the rampage in Europe and many nations looked to the Holy Father as their protector. And the Pontiffs did protect the people from the rapacity of barbarians, whom they converted to the Christian faith.

PAPAL STATES DELIMITED

"The Holy See was most threatened by the Lombards," continued the Archbishop, "and when appeal was made to Pepin and Charlemagne in the eighth century, they came to its defense and defined the boundaries of the Papal States, declaring that they should remain under the jurisdiction of the Pope, and so they did so remain until the year 1870, when Garibaldi and his army marched against Rome and destroyed the autonomy of the Papal Government, declaring for a united Italy. The protest then made by the reigning Pope has never been withdrawn."

"That is all there is to the Temporal Power, and at no time between the year 824 and 1870 did the Papal States embrace an area as large as one-half of the State of Missouri. On this narrow basis has been built a huge pyramid of falsehood and even today from his restricted home in the Vatican the Pope is said to aim at dominating the world."

France recently reclaimed Alsace and Lorraine; Poland has claimed again the territory of her ancient kingdom, and several of the Slav nations have had their territory restored; but does anyone declare that because these get back what had been taken from them they are aiming to dominate the world? And if the Papal States were returned to the Pope, this would not mean world power or domination. The Temporal Power is merely a local question, which has nothing at all to do with England, France, or the other countries outside of Italy.

ANOTHER MEANING OF THE TERM

"But we asked if it is not true that in the Middle Ages the Popes ruled over the nations, and is it not Catholic theology that the Pope has power on land and sea? In the Middle Ages, when Europe was emerging from chaos, from paganism, and all had become Catholic, there was a sort of subconscious turning by nations towards the Pontiff, to have him act as arbitrator between kings and princes and their oppressed peoples. The peoples looked to him as their common Father and asked him to sustain them in their moral rights, and it is to the credit of the nations that they listened to his voice. It must be said too, that the Popes invariably decided in favor of the poor and the lowly, as against tyrants and unjust rulers, even suffering exile and persecution themselves in consequence. But even then there was no theology to sustain his Temporal Power."

"And there is proof today of the need of such a power as the authority of the Pope. In Europe at this time we see the squabbling and striving of statesmen, politicians and propagandists, with no moral power to guide or dominate them. There is no common bond between them, but all are grasping and crushing, and there is no fear for the orphan. Even such a man as H. G. Wells admits there is need for some power outside of and greater than the powers of Europe