

The Catholic Record

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A PRONOUNCEMENT ON SEPARATE SCHOOLS

Elsewhere in this issue of the CATHOLIC RECORD we publish Bishop Williams' remarkable pronouncement on Separate schools. Together with it we give Bishop Fallon's trenchant analysis of the Anglican prelate's total misconception of both the law and the facts with regard to the much discussed question of corporation taxes. Indeed, Bishop Williams' pronouncement is chiefly remarkable for its evidence of an astonishing lack of study of the question. Occasionally, however, he is right, as in this extract:

"The Act of 1863 classifies the Separate schools always with the Common schools. The preamble of the Act so classifies them. They share the same grants, and their trustees have the same powers as the trustees of the Common schools. The aims, duties and scope of the schools are the same as those of the Common schools. There is not a hint anywhere in the Act that they have any powers other than those of the Common schools as regards the scope of their teaching."

That Separate schools were by the Act of '63 made equal in all respects to the Common schools is our whole contention, and it is based on the clear and unmistakable terms of Paragraph VII. of this Act:

"The Trustees of Separate schools forming a body corporate under this Act . . . shall have all the powers in respect of Separate schools that the Trustees of Common schools have and possess under the Act relating to Common schools."

But Bishop Williams quite evidently makes the mistake of supposing that the Common schools of 1863 were the counterpart of the Public schools of today.

This is an egregious error.

Public schools, in the specific sense in which that term is now used, were unknown in 1863; though the Common schools were public schools in the generic sense of the term.

And the Common schools had by law the right to do the work from the alphabet to matriculation.

And they, as well as the Separate schools, did that work quite generally.

It is unnecessary here to cite the law in the case. The official interpretation of the Act of 1863 given by the Chief Superintendent of Education will suffice to show that the Common schools enjoyed the full and unquestioned right to do the work now divided between the two sections of the Common school system and specifically denominated Public and High Schools.

In his "Circular to the Boards of School Trustees in the several Cities and Towns on their duties under the Common School Act of 1850" Dr. Ryerson writes:

"Our School Law confers upon each Board of Trustees all the powers of establishing and maintaining the various kinds of schools (Classical as well as Common—see Twelfth Section of School Act, 4th clause) which are conferred on the School Corporations of the Cities referred to, and my earnest desire and prayer is, that you may be disposed and enabled to exercise these powers with like wisdom, patriotism and success."—Dr. Hodgins' Documentary History of Education in Upper Canada, Vol. 9, page 205.

Additional proof that the Common School Trustees of Cities, Towns and Villages have the right by law to conduct High Schools or Secondary Schools is found in the "School

Manual." The full title of this important volume follows:

"SCHOOL MANUAL: The Consolidated Acts relating to Common Schools in Upper Canada with the Decisions of the Superior Courts and Forms, General Regulations and Instructions for executing these Provisions, edited with Notes, by authority of the Chief Superintendent of Education, by J. George Hodgins, L.L.B., Deputy Superintendent, Toronto, 1861."

In this official Manual, pages 75-7, paragraph 79 of the Consolidated Common School Act, we read:

"It shall be the duty of the Board of School Trustees of every City, Town and Village respectively and they are hereby authorized . . .

"(8) To determine (a) the number, site, kind and description of schools to be established and maintained in the City, Town or Village. "This permission includes schools for boys, girls, colored children, High Schools, etc.

Here, again, we have an official interpretation given in 1861 that the Common School Trustees have by law the right to establish and maintain in Cities, Towns and Villages, High Schools, that is, schools devoted to secondary education.

So, though "there is no hint in the Act that Separate schools have any powers other than those of the Common schools as regards the scope of their teaching," there is express provision that the full right of the Common schools "as regards the scope of their teaching" was conferred on Separate schools.

In the light of the foregoing this argument of Bishop Williams will be seen at a glance to be "wholly fallacious."

"The establishment of Grammar schools as the Government provision for secondary education to prepare men for the university, for which Roman Catholics were taxed equally with others without opposition or protest, excludes the contention that the Separate schools were potentially empowered to give secondary education. The argument from the limit of Common school age between five and twenty-one is wholly fallacious. If the reasoning of the supporters of Separate schools is correct, then all the Public schools are empowered in like manner to teach from the alphabet to matriculation, which is absurd. The demand for Separate secondary or High schools is therefore something entirely new and not specified or even implied in the Act of 1863."

Grammar schools were not established "as the Government provision for secondary education;" they were "respectable schools" for "gentlemen's sons."

They were not supported by taxes; therefore Catholics paid no taxes for their support.

As "class schools," and distinctively denominational at that ("the masters and trustees were Anglicans, and religion was a school subject") they did not enjoy popular support but "called out a steadily swelling volume of protests and petitions" against Government grants to such schools.

Though Grammar schools were supposed to be Classical schools, often they were merely select schools for the children of "respectable people."

In 1850, Ryerson attacked them because "forming as they do no part of a general system of public instruction, teaching has to be done in them of so elementary a character as would clearly be better left to elementary schools."

In the long run these unsatisfactory Grammar schools were absorbed into the Common School System by the High School Act of 1870-71.

The mistake of regarding present day "Public" schools as the successors of the "Common schools," and of the "High schools" of today as the successors of the "Grammar schools" is due to ignorance of the history of educational development in Ontario.

Also it is due to the unwarranted substitution of "Public" for "Common" in the Separate School Act. This change, of course, does not and can not curtail the rights conferred in 1863.

The argument—for the right of Separate schools to do secondary work—based on the age limits of school attendance may be "wholly fallacious;" but fortunately, the right rests on other and indisputable grounds. That the Common schools regularly and legally did such work at the time of the passing of the Act of '63 is susceptible of proof from an overwhelming mass of evidence. That the Act of '63 gave Separate schools precisely the same rights and powers "as regards the scope of their teaching" is admitted and asserted by Bishop Williams himself.]

The charge of the good Bishop to his clergy radiated heat but left them in darkness as to the merits of the question. A layman of his communion who knows whereof he speaks sheds light without heat on the subject.

In a letter to the Bishop of Hamilton which, with the writer's permission, has been given to the press, the Hon. Richard Harcourt, ex-Minister of Education, says in part:

"Having regard to rights and privileges long enjoyed and after much discussion confirmed at Confederation, it was thought best to adopt a policy at all times conciliatory to minorities, to view with sympathy and to heartily encourage all work of the Separate schools, primary and advanced, to regard always the spirit of the law and regulations rather than the mere dry letter, and to admit frankly that our Roman Catholic friends were as sincerely desirous as their Protestant brethren of imparting the best available education to their children, in their own schools. To think otherwise would be both narrow and uncharitable.

"It was further thought that to discourage advanced work in the Separate schools by a strained, aggressive construction of law or regulation, would result sooner or later in the opening of exclusively Roman Catholic High schools, which in turn would, of course, intensify the suggested evils, which the theorist claims must follow in the wake of educational segregation.

"Our Roman Catholic friends have the legal right to establish High schools of their own. "Instead of availing themselves of this right, they send their children in considerable numbers to our High schools, with results, it is gratifying to know, pleasing to all concerned. "I cannot imagine any appreciable harm resulting from a departmental encouragement of advanced Separate school tuition, subject, of course, to generous reasonable supervision. To curtail advanced work in the Separate schools involves, there is no doubt about it, shortening of the school life of tens of thousands of our children. (Italics ours.)

The rest of Bishop Williams' charge to his Synod in so far as it concerned Separate schools betrays a similar lack of information on the subject where it is not inspired by positive misinformation.

BEGGING THE QUESTION OR EVADING IT

In a recent issue we showed clearly and conclusively that if religion is to be taught in the schools the radical, essential and irreconcilable difference between the Catholic Church and the Protestant sects make Separate schools inevitable.

Also, that the constantly swelling chorus of demands for the teaching of the Protestant Bible in the Public schools showed that our Protestant friends were coming rapidly to the Catholic position on the question; and that position is that it is disastrous to divorce education from religion.

The second part of the article showed the contention that Separate schools tended to "religious strife," "hatred," and "disunion" was sheer assumption with not only no basis in fact but in flagrant contradiction to outstanding facts.

In Quebec there are Separate schools for Protestants and Catholics all through the piece, yet confessedly there is a marked absence of religious strife, hatred and disunion.

The Christian Guardian referring to this very pertinent and significant fact says:

"He [the editor of the CATHOLIC RECORD] tells us how well the French Catholics treat the English Protestants in Quebec."

As a matter of fact the editor did nothing of the kind. The Christian Guardian suppresses the fact that we quoted the remarkable testimony of the Hon. Mr. Mitchell, M. P., a Quebec Protestant, to show the utter groundlessness of the charge repeatedly assumed by the Guardian as a dogmatic truth, that Separate schools tend to foster strife and disunion.

It so completely refutes the Guardian's charge and proves so pointedly the utter groundlessness of the Guardian's favorite assumption that we shall again quote Mr. Mitchell's manly testimony to the truth:

"Quebec was an example of broad-mindedness in many things. He had been the representative of the English-speaking Protestant minority in two provincial governments, and during that time they had never had a question raised as to their rights. They had at all times received just and generous treatment from the people of the dominant faith. Out of eleven English-speaking Protestants in the Legislature, he said that only one repre-

sented a constituency where the majority of voters were English-speaking Protestants.

"He detailed several instances where French Roman Catholic communities elected English-speaking mayors. His own father had been mayor of Drummondville for ten years, mostly unopposed, and yet he could not speak a word of French. There was a population of 2,500 French people, with probably 15 families that knew English. The council meetings over which his father presided, he said, were odd gatherings, for everything had to be translated for the mayor, and vice-versa. At St. Francois Xavier de Brompton he had called at what was apparently a French Roman Catholic function, only to find it presided over by an Englishman, a member of the Anglican Church, and without a word of the French language."

Instead of religious strife and hatred and disunion, Separate schools in Quebec are productive of a broadmindedness, a generosity, in social and political relations that Ontario some day may be proud to emulate.

Of course the Guardian side-stepped Mr. Mitchell's testimony; but though it suppressed this telling and pertinent truth, and evaded its obvious bearing on the argument, it need not have gone so perilously near to downright misrepresentation as to attribute Mr. Mitchell's words to the editor of the CATHOLIC RECORD.

We pointed out also that the teaching in the Separate schools so far from promoting strife, hatred and disunion, emphasized Christian charity as of the very essence of the Catholic religion; and Christian charity is of a thousand fold greater force in securing real, social and national unity than any haphazard association of all creeds and none at a Public school whence religion is avowedly banished.

But, as everyone knows, Protestants are continually advocating the use of the Protestant Bible in the Public schools. Where Catholics have Separate schools so much the better; but to insist on the Protestant Bible and at the same time oppose Separate schools is, to say the least, a different sort of "broad-mindedness" from that which Mr. Mitchell commends in Quebec.

This pertinent and pregnant consideration the Christian Guardian as usual evades altogether.

We might here subjoin an extract or two from an article from a College Instructor in the current number of Scribner's Magazine. It is one of a thousand voices raised in favor, whether consciously or not, of the Catholic position on education:

"If the colleges are to retain their importance," says Mr. E. S. Martin in a recent number of Harper's Magazine, "they must be able to impart . . . spiritual leading to minds that are fit to receive it." "If they do not," he continues, "they fail in their most vital office, in the use that most of them were originally founded to serve. If they fail in that they lose man of faith, as it always does." So Mr. Martin reaches the conclusion that what the colleges need is what all the world needs—religion.

The writer of the article agrees with Mr. Martin. We can only quote a paragraph or two and refer our readers to Scribner's for May, 1922.

"The Young Men's and Young Women's Christian Associations are performing valuable services in our institutions. But if the philosophy and ethic of Christianity are not presented on a basis of intellectual parity with the non-Christian systems of thought with which every student of philosophy is brought into contact, all the organized and unorganized, paid and volunteer, work of a religious nature operating on our campuses lacks the solid foundation which the superstructure calls for."

The chapel services, both Sunday and daily, are pressing problems in many places. The complaint is made that the students are unresponsive to the eloquent appeals to which they listen Sunday after Sunday. And why not? If we do not care enough to raise the philosophy of life of the Great Teacher to the intellectual level of other systems of thought, if we fail to consider it worth our while, at least to offer instruction in Christian ethics, how, I ask, can a student's mind be prepared for the truth preached from the college pulpit on Sunday? It would seem palpable that it is futile to appeal to young people to rise above the materialism of the day and follow the teachings of the Master, when no really adequate instruction in Christian fundamentals is afforded."

It is hardly necessary to follow the Guardian's puerilities about the Michael Fallons and Horatio Hockens going to the same school—and even to the same church!

Underlying all that the Guardian has ever said on the subject of Separate schools lies the assumption that we have shown to be utterly groundless.

A LAYMAN'S LESSON TO SOME CLERGYMEN

Sir Clifford Sifton's article, "Some Canadian Constitutional Problems," in the Canadian Historical Review, contains these paragraphs whose tone, spirit and matter as well as its statesmanlike grasp of realities we commend to those clergymen who need it:

"The British North America Act was the result of a compact between the four original provinces. Before this compact was entered into, it was recognized that there were certain things which required special treatment. There were safeguards which certain elements and classes of the community insisted upon having before they would consent to the Confederation compact. These concerned the position of Lower Canada and its French-Canadian inhabitants with respect to their language and educational affairs. There was also the position of the Protestant minority in Lower Canada and the position of the Roman Catholic minority in Upper Canada. Safeguarding provisions with respect to the French language and the educational rights of the minorities of both Upper and Lower Canada were insisted upon, and were duly provided, to the entire satisfaction of those who were interested."

"It must be said at once that all such provisions, and any provisions of a similar character that have come into effect subsequently, are fundamental and of the very essence of Confederation. No change can ever be made which will in any respect diminish or impair these guarantees. To suggest any such change would be to court the disruption of the Dominion. In considering the question of constitutional changes, therefore, it must be premised as a first and essential condition that all these guarantees should be protected."

NOTES AND COMMENTS

ASTRIKING demonstration occurred recently in Scotland—a demonstration such has not been seen since the ages of faith four hundred years and more ago, and which must have come as a genuine revelation to the prosaic Presbyterian citizens of Glasgow.

THE SCENE referred to occurred on the anniversary of the beatification of Ven. John Ogilvie who suffered martyrdom for the Faith at the hands of the Calvinists in the seventeenth century. The very scene of his martyrdom is in the heart of the modern city, and on the morning in question a little knot of Catholics, drawn together by devotion to the martyr, gathered on the spot and devoutly recited aloud the Litany of the Saints. This unusual sight naturally attracted attention, particularly as the first few were presently joined by others, including several priests. There was no disorder or hostile demonstration on the part of the lookers on, but as traffic became somewhat congested the police politely requested the pilgrims to adjourn to a vacant spot nearby, which request was readily complied with. The demonstration, it may be added, has given rise to a movement to erect some memorial to Blessed Ogilvie, on the spot rendered sacred by his martyrdom.

THAT THE periodical outbursts against "Romanism," which we in Canada have learned to regard as inevitable, sometimes find their counterpart in Scotland, perusal of the secular papers makes evident. Recently a zealot whose animus outran his discretion tried to arouse feeling against Catholics on the plea that the country was being overrun by Italian and Irish priests who "are scheming to undermine the precious fabric of religious liberty." Strange, is it not that a handful of men representing so decided a minority should have such remarkable powers? If the Presbyterianism of Scotland, backed by all the wealth and vested interests of the country, is after all so fragile a thing that it can be undermined so easily, it must indeed be in a bad way.

BUT IS it a fact that Italian and Irish priests have supplanted the old Scottish clergy? In Glasgow, where Irish Catholics, attracted originally by means of livelihood denied to them by alien laws in their own country, have found permanent abode and now form a large percentage of the population, it is surely no matter of surprise that they should

have likewise contributed largely to the ranks of the diocesan clergy. But, as a competent observer points out, in the Highlands and the Islands of the West, where in spite of fire and sword the Faith has maintained a continuous existence, the whole trend has been towards the conservation and extension of national traditions. It is, indeed, not too much to say that as in pre-Reformation days, Scotland's national heritage, bartered away by the so-called reformers of the sixteenth century, has in our day found no more thorough or consistent guardians than the Catholics, cleric and lay.

THE BEST proof of this, and of the thoroughly national character of the Highland clergy is to be found in the current Catholic Directory for Scotland. A glance at the clergy list for the diocese of Argyll and the Isles, for example, shows five Macdonalds, four Mackintoshes, two each Macdougalls, Gillieses, Macneils and Campbells, and one each Chisholm, Macrae, Walker, Maclellan, MacIntyre, Cameron, MacIsaac, Galbraith, and Macmaster—all names interwoven indelibly in the proudest history of the country. It was but a few weeks ago that in these columns we quoted from an address by Bishop Graham of Edinburgh (himself a convert from the Presbyterian ministry) urging upon Catholics even greater cultivation of the old Scottish melodies of Burns and other national bards as against the shallowness and really meaningless productions which, overflowing from England, threaten to become popular in Scotland also.

WHAT REALLY has occasioned the latest outburst of bigotry in Glasgow is the undoubted progress being made by the Catholic Church in Scotland. Every year sees its quota of converts by the hundred, from the educated and thinking classes, and the very great extension of interest in the past history of the country. The latter in itself cannot but redound to the advantage of the Church, for the more men come to realize the iniquitous background of the "Reformation" the more will it tend to disillusionize them as to the nature of the revolt itself. That such a development should anger and irritate the fanatical elements who alone are the legitimate descendants of the "Reformers" is to be expected. Meanwhile the most consistent and effective attitude which Catholics can adopt is to treat the whole movement with the contempt it deserves.

HIGHLAND SCOTSMEN settled in Canada, or their descendants, will be interested in some details of bird life in Scotland, as incorporated in a lecture recently delivered at the Royal Institution, by Mr. Seton Gordon, the well-known naturalist. That familiar object in olden time, the golden eagle, which had increased during the War, is, he tells us, now holding its own. This bird sometimes carries fir branches for miles to build its nest, and the lecturer affirmed that he had himself seen eagles nesting in the Highlands with three feet of snow on the ground, the nest being the only black object distinguishable for miles. Some birds—the dotterel for example—never nested below 3,000 feet above sea-level, and the ptarmigan, never below 2,500 feet. The raven and the buzzard were found quite down to the sea on the West Coast, but inland never below 1,500 feet. To those who have spent any portion of their lives in the Scottish Highlands and have an interest in natural history, these few details will be reminiscent of youthful happiness.

GERMAN PROTESTANT'S GIFT

Cologne, Germany.—With a gift of 100,000 marks from an anonymous Protestant donor, the rector of the Catholic parish of Lindau, on the Bodensee, Bavaria, is to undertake the rebuilding of the church which was destroyed by fire some time ago. The generous donation was presented to the Catholic rector through the pastor of one of the Protestant congregations in Lindau.

Following the burning of the Catholic church, the wardens of the Protestant congregation sent word to the Catholic pastor that he might use their place of worship until other provision had been made. This act of Christian fellowship has been made the subject of comment by the religious and secular papers.

AN OPEN LETTER

TO THE MEMBERS OF THE ONTARIO LEGISLATURE

Honorable Gentlemen:

The Separate Schools Act of 1863 established a Common School System for the Roman Catholics of Ontario; that school system was made a part of the Constitution of Canada by the Confederation Compact of 1867. At the same time the educational rights and privileges of the Protestant minority of Quebec and of the Roman Catholic minority of Ontario were guaranteed forever by constitutional enactment.

By Legislation and by Regulation these rights and privileges of the Roman Catholic minority in Ontario have been repeatedly infringed and abridged, and grievances have been thereby created.

The representatives of Roman Catholic Separate Schools exposed and explained these grievances to the Prime Minister of Ontario and his Cabinet on the 31st of May, 1921. No reply having been made to their representations, they were repeated by letter on December 20th last. At length in the month of March of this year, the Prime Minister, lumping our grievances together and refusing to make any distinction between them, definitely told us to go to the Courts. It was a vague and perhaps convenient answer; whether or not it was just and courageous, is quite another matter. Unquestionably it was a disappointment to the Roman Catholic minority, which constitutes more than one-fifth of the total population of this Province, and whose schools form a very efficient and constantly increasing portion of the public educational system of Ontario.

This Letter is a first act of compliance with the directions of the Prime Minister. It is an appeal to the Courts.

You, Honorab'le Gentlemen, comprise the High Court of Ontario. To establish this fact we have, if it be necessary, the recent declaration to that effect of the Honorable, the Attorney-General. As a citizen of Ontario and a supporter of Roman Catholic Separate Schools I take the liberty of placing before you a few of our grievances, and of humbly and respectfully requesting that immediate and effective redress which lies within my right to ask and your power to grant.

By the provisions of the Boards of Education Act, Roman Catholic Separate school supporters are prohibited by law from voting at the election of members to these boards; they are nevertheless obliged by law to pay their taxes to High Schools and Collegiate Institutes; they have no effective control over the persons who spend these taxes and who direct the policy of these institutions. They are suffering from that form of tyranny which is called taxation without representation. Colored people, Jews and infidels may vote at these elections; Roman Catholic Separate school supporters may not. It is idle to refer to the power of Separate School Boards to appoint one or two representatives; such power is a sham and a false pretence, and but renders our inferiority more offensive to ourselves. The Attorney-General, the Hon. W. E. Ramey, spontaneously and with righteous indignation characterized this condition as "a rank injustice." This injustice was created, unwittingly I readily admit, by the Legislature of Ontario; let it be removed. Roman Catholics should not be expected or requested to go into the Law Courts for relief from a grievance which the Chief Law Officer of the Province, the official protector and promoter of justice in our midst, has stigmatized as "a rank injustice."

The late Sir James Whitney placed upon the statute books of Ontario The Continuation Schools Act. It marked the most progressive step in education taken in this Province in a quarter of a century. It brought the advantages of secondary education to the doors of the children in rural communities. It was enough to immortalize the name of that courageous and fair-minded statesman. Its benefits extended equally to Public and Separate schools. But its benefits no longer exist for Separate schools. A Regulation issued in 1915 by the late Superintendent of Education made the Act nugatory as far as Separate schools are concerned. Is it your desire, Honorable Gentlemen, that the Roman Catholics of Ontario should be forced into the Law Courts for a judicial determination as to whether or not an irresponsible official of the Department of Education may over-ride and nullify at will an Act of the Provincial Legislature?

There are certain properties in this Province that are owned by the public. Such are the National Railways, Radial Roads, the Hydro Electric Enterprises, and so on. Have Roman Catholics been exempted from their share of the burdens involved in the purchase, the construction or the up-keep of these properties? Why, then, should their portion of the public educational system be denied participation in the school taxes levied on these publicly-owned properties? It is obvious that Roman Catholics form a part of the public; it is indefensible to hold the contrary. Are the obvious and the indefensible a proper subject of dispute and decision in the Law Courts? Is it fair to make more than half a