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LONDON, SATURDAY, DEC. 14, 1918

THE TREATY OF PARIS AND SPANISH INFLUENZA

In the daily papers which we have seen, and doubtless in all others throughout the country, appeared this despatch from Hamilton:

Hamilton, Dec. 4.—The right of the health authorities to close Catholic churches during such epidemics as Spanish influenza is to be tested in the highest courts in the land. Father Tarasiuk, rector of the Polish Roman Catholic Church here was fined \$20 today for ignoring the health board's "fla" order on Sunday and City Solicitor Waddell announced that if the church was opened next Sunday the police would close it.

The case is to be appealed, the Catholic clergy insisting that under the articles of capitulation of Montreal and the Treaty of Paris, signed in 1763, the free exercise of the Catholic religion cannot be interfered with, directly or indirectly.

Whether or not the order closing the churches and other places during the epidemic of influenza was a wise measure justified by considerations of the common good we do not pretend to be competent to decide. It may, however, be safely inferred that it is based on the general assent of those technically competent to pronounce on such matters. We are told by competent authority that the disease is infectious; that the bacillus lives but a short time away from its habitat in the human body; that practically it is only from one diseased person that another can be infected; and, consequently, when the disease is prevalent, that assemblies of any kind are almost certain to spread the infection. This seems to be borne out by the fact that where the prohibiting order was rescinded too soon a marked recrudescence of the disease ensued.

That any animus against Catholics lay behind the order temporarily closing churches, schools and places of amusement there is no evidence whatever. It applied to all without distinction or discrimination. Catholic medical health officers and Catholic boards of health in the province of Quebec as well as those outside the household of the Faith in Ontario seem to have been governed by the expert opinion that such closing orders were an effective means of preventing the spread of the disease; and therefore put them into force for the common good.

Washington estimates that between 300,000 and 350,000 deaths from influenza and pneumonia have occurred among the civilian population of the United States since Sept. 15th; and the War Department records show that about 20,000 died in the camps. Incomplete reports place the number of deaths in Ontario from the same cause at 5,638.

This appalling mortality surely furnishes the gravest possible reason for taking such measures as the consensus of medical opinion deems advisable to protect the people from even greater ravages of this dread disease. Measures so unusual and drastic as those involving, even temporarily, the closing of the churches on Sundays are not to be lightly admitted; but in the actual circumstances of the recent epidemic seem fully justified. It will be remembered that during the epidemic of thirty years ago Leo XIII. dispensed Catholics throughout the world from fasting and abstinence—even the Friday abstinence—for the whole year in which the visitation occurred though the Gripe—whether identical with it or not—was as transient as the Spanish influenza. Despite all this there may be room to question the wisdom or necessity of closing the churches. But, we submit,

the order being made by competent authority, it is the part of wisdom and prudence and good citizenship for Catholics to obey it until such action be taken, if deemed advisable by competent Ecclesiastical authority, to enter an effective protest.

Beyond the despatch quoted at the head of this article we know nothing of the particular conditions which may exist in Hamilton. The reason therein given for resistance to the order closing the churches is that it constitutes a contravention of the articles of capitulation at Montreal and the Treaty of Paris signed in 1763.

In the matter of the free exercise of the Catholic religion the Treaty of Paris (1763) secured to the late subjects of the French king only a very qualified guarantee; that in any way it applies to the Catholics of Hamilton in 1918 is a rather far-fetched assumption. The clause relating to this subject reads as follows:

"His Britannic Majesty agrees to grant the liberty of the Catholic religion to the inhabitants of Canada and will in consequence give the most precise and most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman Church as far as the laws of Great Britain permit."

The italics are ours.

"His new Roman Catholic subjects" refer of course to the late subjects of the French king who became by the Cession subjects of His Britannic Majesty. The parties to the treaty were the Kings or Governments of France and England, and the object sought by France was to secure to the French colonists the free exercise of their religion as a condition of the Treaty ceding the sovereignty of Canada to England.

The last qualifying clause restricted very materially all that preceded. The laws of Great Britain in 1763 permitted very little freedom to the Catholic Church. And this fact was well known and duly considered by the high contracting parties.

On August 13th, 1763, the Earl of Egremont wrote thus to General Murray on the subject:

"The His Majesty is far from entertaining the most distant thought of restraining his new Roman Catholic Subjects from professing the worship of their religion according to the rites of the Roman Church; yet the condition expressed in the same article must always be remembered, viz., as far as the laws of Great Britain permit, which laws prohibit absolutely all Parish Hierarchy in any of the Dominions belonging to the Crown of Great Britain, and can only admit of a toleration of the exercise of that religion; this matter was clearly understood at the definitive Treaty: the French Ministers proposed to insert the words *comme ci devant*, in order that the Roman Religion should be exercised in the same manner as under their government; and they did not give up the point until they were told that it would be deceiving them to admit those words, for the King had not the power to tolerate that religion in any other manner than as far as the laws of Great Britain permit."

The italics are in the original.

The same year—1763—General Murray was appointed Governor-General. With regard to the matter under consideration the instructions accompanying his commission read as follows:

"You are not to admit of any Ecclesiastical Jurisdiction of the See of Rome or any other Ecclesiastical Jurisdiction whatsoever in the Province under your government. . . . To the end that the Church of England may be established both in Principles and Practice, and that the said inhabitants may by degrees be induced to embrace the Protestant Religion, and their children be brought up in the Principles of it: We do hereby declare it to be Our Intention, when the said Province shall have been divided into townships. . . . [that] all possible encouragement shall be given to the erecting of Protestant schools in the said District, Townships and Parishes. . . . and that you are to report to Us . . . by what other means the Protestant Religion may be promoted, established and encouraged in Our Province under your Government."

We have seen the terms in which the Treaty of Paris (1763) guarantees the free exercise of the Catholic religion; and the Treaty carried out, completed, and superseded the articles of capitulation. We have seen the interpretation England put upon these terms without protest from France.

In the light of this interpretation the religious guarantees of the Treaty of Paris come practically to this: The French Catholics are to enjoy all the rights and privileges which British law concedes to other Catholic subjects.

Without presuming to sit in final judgment on questions medical or legal one may, given sufficient data, come to rational conclusions on one and the other. And one must be in a very, very optimistic frame of mind to interpret "the articles of capitulation of Montreal and the Treaty of Paris signed in 1763" as guaranteeing that "the free exercise of the Catholic religion cannot be interfered with, directly or indirectly," even in so far as the church closing order during the prevalence of Spanish influenza may be considered an infringement on that freedom.

Fortunately the right to the free exercise of the Catholic religion in Canada in this twentieth century rests on a more secure basis than a seventeenth century treaty conceived and expressed in the spirit of the Penal Laws which in large measure still prevailed. It rests on the spirit of toleration of religious differences, of mutual respect and good will which has now supplanted the spirit of three centuries ago. Anything that needlessly affronts that sentiment is more harmful than the remnant of the seventeenth century spirit which still survives.

As we have said, we have no knowledge of particular conditions in Hamilton; nor do we know how far the press despatch represents or misrepresents the views of Catholics there. It is the despatch itself we are considering; it is this despatch which will have come before every Canadian, Catholic and Protestant, from ocean to ocean. It is on this despatch that discussions will be based and opinions formed. There is good authority for urging that, in such matters, things should be done decently and in order. It appears to us that before such a question is "tested to the highest courts of the land" the bishops of the Province should determine whether or not there is any invasion of Catholic rights in the premises; and in the event of decision in the affirmative, prudent and adequate consultation, recommend the course to be pursued in vindication of these rights. From the very circumstances and nature of the case it becomes a matter not of local interest and importance merely; but a public question of national importance involving as it does the Catholic name and—alleged or real—Catholic rights.

"THE DIVINE RIGHT OF KINGS"

"Governments derive their just powers from the consent of the governed."

This statement from the Declaration of Independence has been, through the Great War's clarifying influence on political thought, accepted as the minimum requirement, and at the same time the bed-rock principle, of Democracy.

In the current number of the Catholic World, Dr. John A. Ryan of the Catholic University at Washington, discusses "to what extent this political doctrine is in harmony with the principles of the Catholic Church."

That is a question which at any time no educated person could afford to ignore, but which at the present time must be of absorbing interest to every intelligent Catholic. We are not going to try to summarize Dr. Ryan's masterly article; but we shall avail ourselves of the scholarly professor's words to dispel a popular illusion about the familiar phrase—"The divine right of Kings. Popular ignorance and popular prejudice regard the doctrine of the divine right of Kings as distinctively medieval and Catholic; whereas it is, as a matter of historic fact, as Protestant and as modern as the Kaiser.

The origin of the doctrine of "The divine right of Kings" is not only not of Catholic origin but rather anti-Catholic and certainly anti-Papal. "Even before the Reformation," says Father Ryan, "a tendency had appeared among some monarchs to claim authority directly from God. Kings who got into conflict with the Pope made this claim in the hope of strengthening their position; for if their authority was conferred on them by direct divine grant, it was on as high a plane as that of the Pope himself. This was the position taken, for example, by the rebellious princes of Bavaria in the document addressed to the Pope toward the middle of the fourteenth century. In passing, it is worthy of notice that the monarchs who set up such a claim used it to exaggerate their own power, not only as against the authority of the Roman Pontiff, but as against the rights and liberties of their subjects. They were gradually approaching that claim of

absolute power 'which was reached by many post-Reformation monarchs' but which 'was wholly foreign to the Middle Age.'"

The doctrine of Cardinal Bellarmine, who wrote in the last quarter of the sixteenth century, is thus summarized by Dr. Ryan:

"Political authority in general comes directly from God to the whole community. Since God has not given it to any one in particular, there is no natural reason why it should reside in one rather than another of many equal individuals. Inasmuch as the community is unable to exercise this authority directly it must transfer the function to one or to a few persons. The community, the 'multitude,' also has the right to determine the form of government, whether it is to be a monarchy, an aristocracy, or a democracy, and, for a legitimate reason, to change any one of these forms into another. While the authority is, indeed, from God, it becomes particularized in one or more individuals through human counsel and choice."

James I. of England in an attempted refutation of Cardinal Bellarmine contended that the King derived his authority not from the people, but from God immediately.

"Against this assertion the Spanish theologian Suarez, wrote several chapters in his 'Defensio Fidei Catholicae.' He pointed out that the opinion enunciated by the King of England was 'new and singular, invented to exaggerate the temporal and to minimize the spiritual power; and that the doctrine of Bellarmine was 'the ancient, commonly accepted and true teaching.' Supreme political authority, he maintains, is given by God directly to the political community as a whole, inasmuch as He made men of such a nature that they need to have a political organization. There is nothing in the nature of things to show that this organization should take the form of a monarchy or an aristocracy, nor that the ruling authority should be located in any given person or group of persons. Political authority resides in the community as a whole, and may be transferred by the community to one or more persons. Whence it follows that no monarch has ruling power immediately from God, but through the medium of the human will and human institution."

"Suarez concludes this part of his argument with the statement that this doctrine is not new, nor invented by Bellarmine, but he gives a long list of theological and canonical writers in proof of its universality and antiquity. Otto Gierke, a distinguished non-Catholic authority, tells us that, 'an ancient and generally entertained opinion regarded the will of the people as the source of temporal power. . . . Indeed, that the legal title to all rulership lies in the voluntary and contractual submission of the ruled, could therefore be propounded as a philosophic axiom.' According to Dr. A. J. Carlyle, 'the fact that in mediaeval theory the authority of the king is founded upon the election or at least the recognition of the community, does not in truth require any serious demonstration.'"

And so another "Mediaeval" myth that falls trippingly from the tongues of glib ignoramus is shown to have as little foundation in historical fact as most of the familiar anti-Catholic prejudices and catch-words.

Indeed Mr. Gaillard Hunt of the Library of Congress declares that Thomas Jefferson got from Bellarmine substantially the very wording of the famous doctrines of the Declaration of Independence. "It should be a satisfaction to Catholics," writes Mr. Hunt, "that the fundamental pronouncements upon which was built the greatest of modern revolutions found their best support in the writings of a Prince of the Church."

THE LATE FATHER RICHARDS

The Rev. Father Herbert T. E. Richards, B. A., assistant pastor of St. Mary's Church of this city, died with startling suddenness at St. Joseph's Hospital on Wednesday, Dec. 4, at 10.30 p.m.

Born in Liverpool in 1871 the late Father Richards was an honor graduate in Classics of the famous English seat of learning, Cambridge University. After coming to Canada he took up journalism and was for some time on the staff of the Montreal Gazette.

The son of a Church of England clergyman it was while studying for the Anglican ministry in Montreal that the late Father Richards responded to the grace of faith and entered the Catholic Church.

While teaching English in St. Albert's Seminary, Edmonton, and the Jesuit College in Montreal, he studied theology, completing his course by spending two years at St. Peter's Seminary, London, after which he was ordained to the priesthood, June 17th, 1916.

Since then he had been assistant pastor at St. Mary's Church, and by his earnestness, sincerity, and energy

in church work, had won for himself the respect and love of the members of the congregation. The announcement of his sudden death has caused widespread expressions of regret, not only among the members of the St. Mary's congregation, and the clergy and Catholics of the city, but also among citizens generally.

Scholarly and studious always he found time amidst the exacting duties of the pastoral ministry to devote himself to those studies for which he was peculiarly well fitted. Our clerical friends will be familiar with his articles from time to time during the past two years in the American Ecclesiastical Review. During the summer holidays of 1915 and 1916 Father Richards was substitute editor of the CATHOLIC RECORD.

Of relatives there is none nearer than Liverpool, England. His conversion out him off from old associations and friendships; but he found consolation in wholehearted devotion to his duties as a priest.

As a priest may we not hope that he will find amongst our readers, many, very many who will show him the last and best of evidence of human affection in praying that God may grant him a place of refreshment and light and peace.

POLAND AND THE JEWS

Elsewhere in this issue we publish a couple of articles about the alleged pogroms against the Jews in Galicia. The director of the Polish information bureau in the United States makes a very significant and timely reference to the Prussian propaganda which preceded the first partition of Poland. There is no people in Europe with less anti-Semitic sentiment than the Poles. But Germany has a very distinct and definite object to attain in weakening the very marked sympathy the world feels at the present time with the aspirations of Polish nationality; an object quite as real as the means by which they prepared the way for the partition of Poland in the first place. With the avenues of world trade barred by the consequences of the War,—not the least of which is the popular loathing of German brutality and frightfulness which may oppose a more effective barrier to German goods than tariffs or a concerted economic boycott,—Germany's great hope of regaining her commercial position in the world lies in the opportunity of exploiting the limitless resources of Russia. Proximity, the genius for organization, and the anarchic condition of her great but helpless neighbor, will make economic penetration and control of Russia by Germany easy, almost inevitable. A free, independent, and prosperous, anti-Prussian and pro-Ally Poland would deprive the latter country of much of the advantage of her geographical position in the development and exploitation of the natural resources and potential wealth of ruins of the Russian Empire.

With these considerations in mind it is a bit surprising to find our papers publishing despatches under such startling headlines as "Poles seek to Crush the Jews;" but when we read further that these charges are "made by the Lemberg correspondent of The Berlin Tageblatt," and then: "He telegraphs to his paper from Breslau" followed by a lengthy verbatim reproduction of the German correspondent's despatch to his German paper, we are hardly prepared just yet to accept such authority as unquestionable. We have not had time to forget the decision with which news from such a source was so recently greeted, and how the very headlines used to laugh it to scorn. Now, not even a modest reminder that perhaps it should be taken with a grain of salt.

Our lessons in Hun propaganda should not be entirely forgotten when we read news items calculated to weaken the sense of justice which the world feels and which President Wilson expressed when he laid down as one of the conditions of peace that the ancient kingdom of Poland should be reestablished and given a port on the sea.

DRASTIC MEASURES

In referring in last week's issue to the popular homage paid to the memory of an evidently sincere but erratic street preacher, we ventured to opine that the Church in our midst would be obliged to depart from traditional custom in the dissemination of truth if she is to reach the masses outside her fold. This has been done in the United States, where, under the auspices of the Knights of Columbus, two laymen,

Messrs. Collins and Goldstein, have for some years with marked success been lecturing in public halls to non-Catholics. A similar movement was set on foot in Toronto before the outbreak of the War. What fruits it bore we are unable to say, but immediate fruits of such a crusade are not to be looked for, nor should their absence be a cause of discouragement to zealous lay apostles.

In large cities, Protestants will attend a mission for non-Catholics because they can do so with social impunity, but in smaller centres where people are more interested in their neighbor's business the only time the majority of them will venture to enter a Catholic Church is on the occasion of a wedding or a funeral, when they feel that they will be immune from criticism. It is necessary, therefore, to go out after them. Laymen can catch their ear much more successfully than can the clergy, for the reason that there is less antipathy to the layman and the suspicion of self-pleading cannot be attached to him. The difficulty is to find volunteers for this work who are competent to explain the Church's teaching in regard to the eternal verities and the attitude of religion to the social movements of the day. Educated Catholic laymen who can expound correctly the doctrines of the Church, and who enjoy the gift of felicitous expression are unfortunately few in number, and of that few only a very small percentage are imbued with the zeal and the spirit of self-sacrifice that the work entails. It would seem, therefore, that since circumstances call for immediate action the onus rests with the clergy to spread the truth. Whether it is expedient to emulate the example of a St. Francis Xavier and preach in the market place we would not venture to decide; albeit the situation is not unlike that which confronted the great Apostle of the Indies.

One thing, however, the clergy can do. When they are called upon, as they frequently will be, to address public meetings held to arrange for the return of the soldiers, to decide upon public memorials to them, or to discuss ways and means in reference to the work of reconstruction, they can avail themselves of the opportunity to teach Catholic truth and to enunciate Catholic principles, not ex professo but as citizens. Experience proves that the people are hungry for the truth and weary of the materialistic vapors of men who know nothing of the principles that are the key to the solution of the problems of life. They will give the priest an attentive hearing for they can do so without compromising themselves; and the great object is attained in removing prejudice and infusing the leaven of truth.

A writer in a current issue of "America" calls attention to this very matter. He tells of attending a public meeting which was addressed by a priest well known for his oratorical powers. As an appeal to the emotions and as a series of graphic word pictures, his speech was all that could be desired; but it was a failure in as much as he let slip an opportunity of stating clearly the Catholic principles that would solve the difficulties that the meeting was called to consider. It is hard for us to realize just how helpless non-Catholics are not only as regards the spiritual interests of their souls but even the material problems that are the consequences of the War. Surely the suggestion made by the Ontario Minister of Education that returned soldiers be trained for the teaching profession, and the letters of an Anglican Bishop relative to the creed of his church, which have appeared in the press, are indicative of mental aberration among the very leaders in the people's civic and religious life. The only pronouncement made recently by a prominent non-Catholic public man that was logical in its reasoning and Christian in its sentiments was President Wilson's peace proposal. It is an open question if that gentleman was not beholden for his sweet reasonableness to the representative of the Prince of Peace or perhaps not a little to Catholic secretarial brains.

Bolehivism is not confined to Russia and the Central Powers. It is spreading to England. It is being preached, almost with impunity, on the streets of Toronto. Blasphemous letters are finding their way into the public press. The devil is indeed going about like a roaring lion trying to create discord and turn men against God and religion. If our country is to be saved from anarchy, from mob rule and from the unrestrained passions of misguided men

who are suffering many injustices, our Catholic clergy and well informed laymen must lose no opportunity of inculcating those principles which alone will bring about peace and order.

NOTES AND COMMENTS

NO ACT in the career of Marshal Foch as Generalissimo of the Allied Armies will be more cherished by posterity than his renunciation of the great victory undoubtedly within his grasp in favor of an immediate peace. When, as related by the British Headquarters Staff, the German delegation came to the Marshal in regard to the armistice, he, as well as the British and American High Commands, knew perfectly that a few days more would have produced the greatest victory of all the ages, and the surrender or complete destruction of the German armies. The masterly tactics of the great soldier had made that mathematically certain. The great crisis had come: the issue lay with the Allied command.

THE GREATNESS of the glory thus renounced by Marshal Foch it would be hard to overestimate. Military genius, especially when crowned with the glamour of success, has ever been applauded and acclaimed by men, of whatever race or clime. The world never tires of exalting the military genius of Napoleon, even though in the end defeated and unthrone, and the conquests of Caesar are the cherished theme alike of historian, poet and philosopher. No field of greatness appeals to so wide an audience or, in its visible effects, is so praised and understood by men. For this reason the fate of nations and the welfare of peoples have rarely been allowed to stand in the way of the personal triumph of a commander, and oceans of blood have been shed that the laurel leaf of victory might adorn the brow of the conqueror.

THAT MARSHAL FOCH should have renounced a specious glory of this kind is therefore to his credit immortally. He knew that to prolong the struggle for a single day meant the extinction of thousands of precious human lives, and he would not have it on his conscience that one should be extinguished unnecessarily. Therefore, putting aside the immediate gratification of the greatest triumph of arms in history, he exercised the prerogative placed in his hands by the Allied governments, and accepted the virtual surrender of the enemy as the fitting termination of the War. Great, is the term applied to Caesar, to Alexander and to Bonaparte, but in comparison of results achieved, General Ferdinand Foch will rank in history above them all.

THE COST of the War will be the subject of deliberation for months to come. It is common knowledge that in respect to material outlay, no less than in the sacrifice of human life, and the suffering entailed, it far transcends any previous war in history. The cost to the several Governments concerned will no doubt be accurately arrived at, but the sum of loss to the individual in the countries devastated by military operations no statistician or group of statisticians can ever even approximately appraise. The ruined homes, the destroyed or looted belongings, the cherished heirlooms scattered to the four winds of heaven—who can undertake to estimate the loss in this regard to individuals and to families! Even this, however, is as nothing compared with the vacant chairs at the hearthstones, the children robbed of their parents or parents of their children, and the awful cataclysm of horror which followed the tramp of the invader in the several countries which lay in his path to conquest and to power.

AS TO THE material cost of the War to the nations involved, the United States Federal Reserve Board, in its latest bulletin, has presented a statement, based upon calculations, which sheds some light upon the subject. It is obvious that Germany, "prime instigator of the War, is the chief sufferer by reason of the Allied triumph, for, as the Teuton had calculated, had the result gone in her favor the entire cost of the stupendous struggle would have been placed on the losers. This of itself must be a bitter pill for Germany to swallow. But she cannot shift the blame from her own shoulders. As conquest was her object nemesis is her reward.