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Therefore, with pleasure, I can recommend to the faithful.

Blessing you, and wishing you success. Believe me, to remain, Yours faithfully in Jesus Christ, J. D. FALCONE, Arch. of Laval, Agent, Quebec.

LONDON, SATURDAY, JULY 30, 1904.

RELIGIOUS COMMUNITIES AS ONTARIO TEACHERS.

The case of Gratton vs. the Ottawa Roman Catholic Separate Schools Trustees of Ottawa was an action brought on July 4, by Mr. Gratton, a lay teacher and taxpayer, for the purpose of obtaining an injunction from the High Court to restrain the Board of Trustees from carrying out a contract with the Christian Brothers for the teaching of a Boys' Separate School in the parish of Notre Dame, and from erecting a school building which shall include a residence for the Brothers engaged in teaching.

The number of Brothers to be engaged under the contract was 14, one of whom was to teach English as required, the school being for the French-speaking pupils. The contract was to be for ten years, but terminable from year to year on notice given by either party before January 1st of any year.

The clause in the Separate Schools Act under which this contract was made is sec. 36, which says:

"The teachers of a Separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification in the same manner as Public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or at the time of passing of the British North America Act 1867 in the Province of Quebec, shall be considered qualified teachers for the purposes of this Act."

The contention of the plaintiff was that no person who after the year 1867 became qualified as a teacher in the Province of Quebec is qualified to teach in Ontario without passing the examinations and obtaining the certificate required by section 78 of the Public Schools Act, and that the Brothers who had not passed these examinations are not qualified to teach in Ontario.

The Hon. Justice McMahon, who presided at the Court, gave judgment on July 12th that the Brothers are not qualified, that the Board has no authority to build residences, and that the term of the contract making it for ten years is also invalid. Thus the whole agreement has been set aside as invalid.

G. F. Henderson (Ottawa) was counsel for the plaintiff; N. A. Belcourt, K. C., for defendants.

The effect of this decision is far-reaching, as it affects not only the Christian Brothers, but also the nuns teaching the Separate schools of the province. Many of these have, indeed, teachers' certificates under the Public Schools Act, but many are also without these certificates, and such would be debarred from teaching under the law should the decision be upheld.

It is stated that Judge McMahon's decision will be appealed against, as it is certain that the clause of the Separate school law which makes the Quebec qualification valid for Ontario was intended by all parties concerned in the preparation and passage of the Act to enable religious orders to teach in the Separate schools without further examination than that to which they were subjected in their community.

The clause was so understood by the Government and Opposition alike, by Rev. Egerton Ryerson, the Chief Superintendent of Education, and by the Catholic hierarchy who accepted the law as a fair, though not as a perfect settlement of the School Question so far as Catholics were concerned. The new interpretation put upon it by Justice McMahon seems to come from the tacking on of certain words in 1886 to the 36th section, namely, "or at the time of the passing of the British North American Act in 1867."

These words, added by the Ontario Legislature, change materially the meaning of the Act of 1863, which is the text to which we must refer to ascertain what are the minority rights guaranteed to Catholics in Ontario when the Confederation Act was passed.

We do not deny Justice McMahon's ability and integrity; but we believe these features of the case have been strangely overlooked in the decision, and that the decision must be reserved on an appeal. It seems certain, too, that an appeal will be made.

But why should not members of religious orders subject themselves to the departmental examinations that they may obtain the same certificates as other teachers?

We say, first, because it has been always understood that these certificates were not required; and, secondly, because the Christian Brothers and the Nuns train their members to teach more thoroughly and for a longer period than do the Model and Normal schools.

It has been ascertained that the average school teacher of the Public Schools of Ontario teaches only for three years, and then leaves the profession, whereas the teaching members of the religious orders have made teaching their life-work. It follows that the average experience of a Public school teacher is one year and a half, while the average experience of a Brother or a Nun will probably be more than five or six times that period.

The other points with which the decision deals are important, but none more so than that with which we dealt above more fully. The ten years' agreement was not intended for the purpose of evading any law, as there has not been hitherto anything clear on this subject in the laws prohibiting such an agreement; but it is an important matter in a large community which may make its agreements for perhaps a score or more teachers at a time, to have security that they shall be permanently employed, or at least employed for several years.

The providing of a residence for the teachers is also a matter of importance because their house must be adapted to community life; and further, their salaries are very small in comparison with those of lay teachers. The furnishing of a house for them to live in is regarded as a security that good teachers shall be sent to parishes which employ them; and it is besides but just that their small salaries should be supplemented by the rent of a house by which they consider their salaries somewhat higher than they would otherwise be as they obtain a home by the arrangement, which is equivalent to receiving a somewhat larger salary than that which is agreed upon in the indenture or contract decided upon by the parties contracting.

THE POPE AND THE FRENCH BISHOPS.

A strange despatch has been sent from Paris by the Associated Press to the effect that the Matin newspaper of July 12 asserts that eight days after the recall of M. Nisard, the former French Minister to the Vatican, a number of French Bishops received an order from Cardinal Vannutelli, acting for the Pope, to tender their resignation by return mail. The Bishops, it is said, consulted the Minister of Public Worship and Premier Combes, who directed them not to tender their resignations on the ground that the assent of the State is required by the Concordat before the removals of Bishops can be enforced.

It is then said that the Papal Secretary of State, Cardinal Merry del Val, threatened the Bishops with the termination of their Episcopal powers unless they came to Rome within fifteen days. This order was also submitted to Premier Combes, who forbade the Bishops to leave their posts. Bishops Laval of Dijon, two other Bishops, and three Archbishops having Republican sympathies were those so ordered, and the Matin further asserts that the dismissal of the Bishops without consulting the Government's wishes will be considered as a formal renunciation of the relations of Church and State.

We feel confident that this whole statement is a pure invention whether by the editor of the Matin or by the agent of the Associated Press. Such statements are falsely made from time to time for the sake of sensation and we believe that this is merely a bolder falsehood made for the purpose of creating a greater sensation than usual.

There have been recently several such fabrications, one of which was that the American Bishops had refused to accept and obey the Pope's order for the introduction of Gregorian music into the churches. This was a mere fabrication, and we are satisfied so is the present statement. We have, therefore, no further comment to make on the matter than this, that we shall patiently await news on the subject by mail before saying anything further on the matter.

PREMIER COMBES WHITE-WASHED.

On July 12th the French Chamber of Deputies by a vote of 331 to 154 set aside the report of the Investigation Committee which incriminated M. Combes, the Premier and his son, Edgar Combes who were accused of having attempted to get a bribe of from one to two million francs from the Chartreuse or Carthusian monks for permission to stay in France notwithstanding the Associations Law under which they were expelled along with the other religious orders. We expected nothing else from the present Chamber, which is tied to Premier Combes, and may be expected to sustain him till its dissolution next year. A resolution was adopted declaring that no suspicion attaches to the Prime Minister or Government because of this scandal.

But notwithstanding this vote, the revelations made during the investigation have had a profound effect upon the country, and it is admitted that the Government has been greatly weakened by the exposure. From all parts of France the news comes that there is a great awakening of the people to the tyranny which is being exercised by the Government in its effort to destroy religion, and there is much confidence expressed in Catholic circles that it cannot survive another general election, even though it should be sustained by the present Chamber till the dissolution, which is not far off.

We must say we are not over-sanguine in the expectation that the apathy of Catholic party will be overcome so soon, but we may at least live in hope for better times when the Catholic spirit of the nation will be aroused as of yore to the defence of religion and the setting aside of the infidel rulers of the nation.

THE MORMON PERIL.

The May number of the Canadian Magazine had an article contributed by Mr. James L. Hughes, Public School Inspector of Toronto, entitled "Misconceptions of Mormonism," in which he makes statements in regard to the Mormon system in Utah, altogether at variance with the generally accepted belief that polygamous marriages are still indulged in in Utah and other states, by adherents of the Mormon Church. This article has been copied into the Deseret News, the chief Mormon newspaper printed in the State, and it is said to be already being made use of largely by the Mormons as a missionary document throughout the United States.

Mr. Hughes maintains that the Mormons are a law-abiding people, prosperous and contented, and that violations of the law against polygamy is being obeyed by the Mormon Church, and that the agitation carried on against that Church is founded on a misunderstanding of its actual mode of conduct.

Mr. Hughes declares that during a visit which he paid to Salt Lake City where he delivered a course of five lectures before the Teachers' Association of the state of Utah in 1902, he became acquainted to a considerable extent with the character and conduct of the Mormons, and was led to write his article in order to correct the misconceptions entertained in regard to the Mormons by the public.

In reply to Mr. Hughes, a pamphlet issued recently by the League for social service in New York City has been largely quoted, the writer of which is the Rev. E. G. McNiece, D. D., a minister of the Presbyterian Church in Salt Lake City, who had been in that city for many years, and knows thoroughly the state of morals there. The title of this pamphlet is "The Present Aspects of Mormonism," and it reveals a condition of affairs which is truly appalling. This pamphlet has been supplemented by another more recently issued by others which fully bear out all that Dr. McNiece asserts from his personal knowledge of the case.

Dr. McNiece says: "The American people have recently discovered that they were sadly deceived by the solemn pledges of the Mormon officials in order to secure statehood. They supposed that the troublesome Mormon question was forever settled when those definite pledges were given that all polygamous relations should be at once abandoned and that the laws should be faithfully obeyed. But the constant violation of these pledges since Statehood, culminating in the election of Congress of a notorious champion of polygamy, known to be living with at least three wives, has thrust the Mormon question back again into national politics, and polygamy becomes a disturbing issue in at least three States, Utah, Idaho, and Wyoming."

Outside of the State of Utah, Mormon literature signed with their own names, is largely circulated by the Church officials, asserting that they neither teach nor encourage polygamy, whereas it is thoroughly known by all who are

living in the State that polygamy has been resumed all over the State.

As an instance of this duplicity, Dr. McNiece tells that so far back as 1850, when Apostle John Taylor was holding a discussion with several Protestant ministers in Bologna, France, he denied most emphatically that there was any polygamy in the Mormon Church. At the very time when this statement was made, Apostle Taylor was living with six wives; and this fact is stated in his biography written by Elder Brigham H. Roberts, who was the first Mormon Senator elected by the Utah Legislature, but who was expelled from the Chamber for being a polygamist, as he was living openly with at least three wives.

President Snow on December 30th published a statement in the New York World asserting that the Mormon Church does not encourage or teach polygamy. Nevertheless he is living with four wives, and was doing so when he made that statement.

Dr. McNiece says: "It may be that the Church is not just now, in a formal way, giving instruction in behalf of this doctrine. But we know that official representatives of the Church are publicly teaching polygamy over the State. To be specific, at a Convention of Mormon Young People's Societies on 14th June 1898, one of the twelve Apostles in an address reported by the two daily papers of Salt Lake City the next morning stated that belief in polygamy is as much a part of the Mormon faith to-day as it ever was, and that the young people cannot deny this part of the Mormon belief without, at the same time, denying the prophet Joseph Smith."

Further: In the May number of the Improvement Era, the organ of the Young Men's Mutual Improvement Association, edited by B. H. Roberts, there is an elaborate article maintaining the rightfulness of polygamy, ending thus: "And the fact of God's approval of plural marriage in ancient times, is a complete defence of the rightness of the marriage system introduced by revelation through the prophet Joseph Smith."

In fact the evidence that polygamy is still practiced not only in Utah, but also in Nebraska, Kansas, Iowa, Arizona, Idaho, and other states where it is strong, are numerous though every effort is made to conceal the fact from the outside public.

Mr. Reed Smoot, who is at the present moment Senator-elect for Utah, has declared that he has never practiced polygamy, but when questioned regarding his belief in polygamy as a doctrine he declared in an interview with a reporter of the Salt Lake City Telegram: "As an American citizen, I claim the right to believe as I please, so long as it does not interfere with the rights of any other citizen."

In regard to the teaching of his Church on polygamy, he said on the same occasion: "The Church is living strictly in accordance with the manifesto, and I voted for and approved the same." The manifesto here referred to is a public repudiation of polygamy, the purpose of which is to deceive the people of the United States in regard to Mormon belief and practice.

From Rev Dr. McNiece's pamphlet, it appears that a technical meaning is given in Utah to the word polygamy, which is made to mean that the offence of polygamy consists in marrying wives since President Woodruff's manifesto issued in 1890, recommending the discontinuance of plural marriages; and those who have not married new wives since that date are boldly said to be not living in polygamy, and are ready even to swear that they do not practice this peculiar institution.

During the anti-polygamy trials from 1881 to 1889, which were entered in the courts for the purpose of rooting out polygamy, the wholesale perjury of the Mormons was appalling. The United States District Attorney who was prosecuting said: "The public morality of the community is becoming debauched. There is being reared up here a community of hypocrites and perjurers. That is a strong term to use, but I use it advisedly. I say just what I mean. The one crime begets the other."

By this he meant that polygamy begets hypocrisy and perjury. The Church officials connived at this wholesale falsification and "no word of condemnation by any one in authority has ever been uttered against the perjury daily committed in our courts, and that portion of the press which voices the sentiment of the dominant authority here, so far from speaking a word of condemnation, daily apologizes for, and defends and praises these perjurers for their cunning while on the witness stand.

There is, nevertheless some hope that the evil of polygamy and Mormonism will be overcome. It is still probable that Reed Smoot, whose seat in the Senate as the representative of Mormonism, has been attacked, will be ignominiously expelled. There is also a strong minority among the younger Mormons, who are opposed to the con-

tinuation of the evil of the system, and will help in its overthrow. This minority is becoming stronger day by day; yet it may be a considerable time before it will become a majority. Most close observers are, however, of the opinion that it will grow still faster when the power of the Mormon Church will become weaker, and thus the belief is gaining ground that the present power of Mormonism, even in Utah, will be overthrown.

We are confronted with the Mormon peril even in Canada, as there is in Alberta a large Mormon settlement. It appears to be difficult to ascertain to what extent polygamy is practiced there; but there is little doubt that it is practiced, though the votaries of the system are careful to conceal the fact as far as they can.

We trust that the Canadian Government will keep a strict watch to prevent the evil from taking root, and to eradicate it if it has already obtained a foothold in the territory.

Rev. C. O'Byrne, pastor of St. Nicholas church, Buffalo, will celebrate the 25th anniversary of his ordination to the priesthood on the 27th inst. The event will be fittingly honored by his brother priests in the Diocese of Buffalo, and deserved honors will also come to him from many other places in the United States and Canada. Father O'Byrne has a host of friends in the Dominion, all of whom will extend hearty congratulations and pray that length of years may be his portion. The publisher of the CATHOLIC RECORD also wishes to extend sincerest good wishes to the good pastor of St. Nicholas.

We extend our congratulations to Mr. John Ronan, of Hamilton, on his appointment to the bishopric of the Provincial Institution at Penetanguishene. A better man, and one more deserving, could not have been found. Our brother members of the C. M. B. A. will remember that Mr. Ronan has for many years been one of its most prominent and estimable members, and a notable figure at all the conventions as a member of the Finance Committee.

THE OTTAWA SCHOOL QUESTION.

Toronto Globe, July 25. The attention of Mr. Scott, the Secretary of State, having been called to the judgment given a few days ago in the case of Gratton vs. the Ottawa Roman Catholic Separate School Trustees, he gave to your correspondent the following opinion: "The decision recently given by Mr. Justice MacMahon which debar the Christian Brothers from accepting positions as teachers in the Catholic Separate schools in Ontario without first undergoing an examination would, if upheld, be a violation of the British North America Act. Opinions may differ as to their qualifications. As, however, the members of the Order have from a religious motive adopted the vocation of teaching and are educated for that special purpose it may be presumed that they are qualified up to the particular grade they assume to teach.

It would no doubt meet with more general approval if the members of the Order submitted to the examination prescribed by the Department of Education. One of the questions before the learned judge was: Have the Trustees of Catholic Separate schools the right to engage as teachers members of the Order of Christian Brothers? It is conceded that the Christian Brothers had the right before and at the time of Confederation to teach in the Public Schools of Quebec without first passing an examination.

Section 13 of the Separate School Act, 1863, reads as follows: "The teachers of Separate schools under this Act shall be subject to the examination, and receive their certificates of qualifications, in the same manner as common school teachers generally; provided that persons qualified by law as teachers either in Upper or Lower Canada, shall be considered qualified teachers for the purposes of this Act."

That was the law at the time of Confederation, and the rights and privileges then enjoyed by the minorities in Upper and Lower Canada cannot be withdrawn as the following clauses in the British North America Act clearly show: "In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions: (1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union. (2) All powers, privileges and duties at the union, by law conferred and imposed in Upper Canada on the Separate schools and school trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec."

Christian Brothers undoubtedly belong to a "class of persons," who, at the time of the union, had the privilege of teaching in Catholic Separate (denominational) schools without previous examination. The trustees of Catholic Separate schools at the time of the union had certainly the privilege of engaging Christian Brothers as teachers.

By reference to the debate on the third reading of the Separate School Bill it will be noted that this very question was discussed. The opposition to the clause in the Bill which gives trustees the right to engage the Brothers as Teachers was led by the late

John Hillyard Cameron, then the Leader of the Upper Canada Bar, who pointed out the effect of the proviso, moving an amendment that would require all teachers to take out certificates. The late Sir John A. Macdonald pointed out that Mr. Cameron's amendment would preclude ladies and gentlemen belonging to religious orders from teaching in Separate schools. The following extract of the debate appears in the Globe of the 13th and 14th March, 1863: "Mr. Scott moved the third reading of the Separate School Bill."

He said the Committee went through the Bill, clause by clause, with Dr. Ryerson, and as determined upon; it met the approval of all the members of the committee. He thought this assurance should content the upper Canadian members, who might be sure that Dr. Ryerson had no selfish prejudices. He thought the effects of the Bill were magnified by its opponents. There were men in the House who made political capital out of it, and who would be very sorry when it was removed from the arena. The Separate schools of Upper Canada would, by receiving only \$7,000 out of \$152,000, expended for educational purposes. This paltry sum was all. The agitation was unworthy the House. He understood amendments were to be offered. He should have to resist them, and to call upon his friends to resist. A seemingly fair amendment might mar the Bill. Those amendments would come from gentlemen desiring to amend the Bill by striking out the first and last clauses. He would move the third reading, reserving the right to comment on the amendments.

Mr. J. H. Cameron then moved another amendment—"That it shall be the duty of the Council of Public Instruction, from time to time, to name such persons as they may think fit, in the respective cities and counties of Upper Canada, to grant certificates of qualification to teachers in Separate schools, no one to be employed unless and until such certificate has been obtained."

Mr. Scott moved in amendment—"That teachers of Separate schools under this Act shall be subject to the same examination and obtain the same certificates of qualification in the same manner as common school teachers generally; provided that persons qualified by law as teachers, either in Upper or Lower Canada, shall be considered qualified teachers for the purposes of this Act."

Mr. J. H. Cameron objected to the proviso—"Lower Canada"—"Gentlemen in holy orders and ladies under vows were qualified teachers in Lower Canada but not in Upper Canada, without examination. Under this proviso they could teach without examination."

Mr. J. A. McDonald would accept Mr. Scott's amendment. It yielded half and the House ought to yield the other half. Mr. Cameron's amendment would preclude gentlemen and ladies in Orders, teaching in Separate schools, because the vows or regulations of the Order might preclude their submitting to the necessary examination. He saw no reason to deprive the Catholics of Upper Canada of teachers such as they desired.

Mr. Scott's amendment was carried on a division, and inserted in Committee. The subject was fully discussed not only in the Legislature but also in the Press. The Toronto Leader, 14th March, 1863 said: "The bill as reprinted with the amendments made by the Select Committee gives power to the trustees of these schools to grant certificates of qualification to teachers to be employed therein, to which provision Mr. J. H. Cameron moved an amendment on Thursday night, but the House adjourned without taking a vote upon it, and last night it was thrown out on a division of 44 against 66."

Mr. Scott referred to the practice of the Courts in often giving too strict an interpretation to the language used in statutes instead of being guided by the manifest object the Legislature had in view. From the time the Separate School Act was passed—now over forty years ago—up till the recent decision, the right of the trustees of Separate schools to appoint Christian Brothers and nuns, who are members of the teaching Orders as teachers, has never been challenged; and it does seem rather regrettable that at this late date the question should have now to be seriously considered by the Courts.

STUDY FOR PRIESTHOOD.

In an apostolic letter to the Cardinal Vicar-General of Rome, Pius X. has ordered that all candidates for the priesthood must, before ordination, have made a full course of theology for at least three years and have spent at least three years in an ecclesiastical college or seminary.

Foreign students who come to Rome to be ordained are ordered by the same decree to enter an ecclesiastical college of their nationality, or at least some institution for ecclesiastics. The custom by which many foreign students paid for their tuition by acting as preceptors in lay colleges has been forbidden and is to be taken as a boarders ecclesiastical students or clergymen of any nationality.

No Drinking Man in Their Business.

A great business house in Chicago issues the following notice: "We will not, to our knowledge, place in our business a man who drinks, and, even though a man should apply for a position, whose ability and other all-round qualifications would seem to fit him for the position, if we know or discovered that he was a drinking man employ who acquires the habit of drink we should decline to consider his application. Any man in our even though moderately, is to a certain extent marked down in our estimation, and unless we can remove from him this serious fault, and show him his error, we feel compelled to do without his service. Yours respectfully, MARSHALL FIELD & Co."

CARDINAL

Rev. E. P. Row. On the roll of Oxford University no prominent Cardinal Nechat has passed such a powerful touch sketch brief sketch not, therefore, place in the matter is a matter of life of Card been given contemporary Manning, ha The "Life Purcell, the exhaustive severe criticism. Will be of Cardinal hand, is a m After reading cannot but who has master in the of biography Life of Card the cause m no life work far-reaching has as ye sketch of a importance, quote, n article I p outline of dwelling th the Oxford name must

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