

The Catholic Record.

"Christianus mihi nomen est Catholicus vero Cognomen."—(Christian is my Name, but Catholic my Surname)—St. Pacien, 4th Century

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BRITISH EDUCATION LAWS

RIGHT OF PARENT TO DIRECT EDUCATION OF CHILD NEVER DISPUTED IN ENGLAND

ARTICLE II.

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(Written for the N. C. W. C. News Service)

London, June 1.—The question as to the right of the parent to control the education of his child has never been debated in England. It has always been accepted as a fundamental principle of English law, which has gone very far, in spite of efforts made towards nationalization of education, to recognize parental rights in the matter of education.

The educational controversies which have waged in England during the past quarter of a century have been concerned with the securing from the State of an adequate allocation of State educational grants for religious schools. Up to 1870 England had no efficient, organized system of popular instruction. Since that time a national system of schools has grown up. But no attempt has ever been made to do away with private or religious schools on the ground that the State should have absolute control of all education.

English law with reference to education is contained in the Statute Law which can only be interpreted by the judges. Such rulings however, do not lay down any new principles because the principles are laid down in the act itself. On the other hand, judicial rulings do not derogate from these principles. English Statute Law, therefore, is final and an analysis of it makes it very clear that the rights of parents and children with reference to education are part of the Statutes themselves.

BRITISH LAW ON EDUCATION

The British Law with reference to education is contained in the Children Act of 1908 and in the famous Education Act of 1921. In these two Acts of the English Imperial Parliament the whole of the Statute Law has been codified in respect to Children, Parents, and Compulsory Education. There are other Statutes in existence, but the two Acts in question cover the main ground so far as Parents and Schools are concerned. These citations from the Statute Law are, therefore, the whole of the Law in this regard.

All schools in England and Wales, for the purposes of the Law in regard to the Education Act, are Public elementary schools. Private schools and private elementary schools are not envisaged in the Act, although there is nothing in the Act which legislates against the existence of such private or private elementary schools.

There are certain elementary schools, for example, the Anglican church schools attached to the parish of Saint Jude in Birmingham, and Saint Peter at the London Docks, which have refused to accept the principle of State control. These schools, and perhaps others like them, receive no grants in aid whatever from the State and rely absolutely for their support on their church members. There appears to be no challenge on the part of the State educational authorities of the right of children to resort to these schools. Indeed, the Statute Law does not appear to lay it down that any particular kind of school is to be resorted to under legal compulsion.

For the purpose of primary education the Statute Law embodied in the Education Act of 1921 takes cognizance of the Public Elementary School. It is necessary to add here that the Act is far from acceptable, in some of its clauses, to the Catholic body.

TWO CLASSES OF ELEMENTARY SCHOOLS

The Public elementary schools fall into two categories: those that are provided by the State educational authorities and are under their control in every way, and those that are not provided by the State educational authorities but by some one or other of the religious denominations.

The former of these are known as "provided schools"; that is, the buildings are provided by the State; these are the State schools, with a non-religious character, and may be said to coincide with the Public schools of the United States. The second category of Public elementary schools consists of those whose buildings are not provided by the State, local educational authorities. They are known as "schools not provided," or, more generally, as "non-provided schools." These latter, which are, or have been, provided by some religious denomination, either Catholic or Protestant or Jewish, receive the State subsidies or grants in aid, known as education grants. These grants are made from funds raised by taxation and granted by the Imperial Parliament purely in regard to secular education, which in schools of this kind is under the control of

the State and conforms to the State syllabus of education.

The fact that a non-provided school is conducted by a Roman Catholic order of priests or brothers or nuns or by the Wesleyan Methodists makes no difference so far as being recognized by the State and receiving State subsidies—since these are paid for the purely secular subjects taught in the school.

PARENTAL RESPONSIBILITIES RECOGNIZED

The English Statute Law considers the parent as having control and jurisdiction over the child. It also places the primary responsibility for the education of the child on the parent. "It shall be the duty of the parent of every child between the ages of five and fourteen, or, if a by-law under this Act so provides, between the ages of six and fourteen, to cause that child to receive efficient elementary instruction in reading, writing, and arithmetic." (E. A. Sec. 43.)

The point at which the State intervenes in respect of the compulsory education of the child is specifically provided for in the Statute Law: "It shall be the duty of the local education authority for elementary education, after due warning to the parent, to complain to a court of summary jurisdiction with a view to obtaining a school attendance order under this Act in the following cases: (a) If the parent of any such child habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or (b) If any such child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals." (E. A. Sec. 42.) The above section of the English Law makes it quite plain that if the parent has a "reasonable excuse" the child may receive instruction in some other place than in a Public school.

In the case of defective children the law is very specific. Clearer still is the deciding right possessed by the parent in the following clause of the Statute Law: "Payments under this Part of this Act in respect of a blind, deaf, defective, or epileptic child shall not be made on condition of the child attending any school certified by the Board of Education for blind, deaf, defective, or epileptic children as the case may be, other than such as may reasonably be selected by the parent, nor refused because the child attends or does not attend any particular school so certified." (E. A. Sec. 66.)

The character of the religious instruction given in the denominational schools is strictly within the purview of the religious body that owns those schools. Regarding parochial schools, the Statute Law lays it down that "The religious instruction given shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers. Provided that nothing in this paragraph shall affect any provision in a trust deed for reference to the Bishop or Superior Ecclesiastical or other denominational authority as far as such provision gives to the Bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed." (E. A. Sec. 39, par. 5c.)

The unsectarian character of the State school is very clearly outlined in the following Statute: "Every elementary school provided by a local education authority shall be conducted under the control and management of that authority in accordance with the following regulations: The school shall be a public elementary school within the meaning of this Act; No religious catechism or religious formula which is distinctive of any particular denomination shall be taught in the school." (E. A. Sec. 28.)

CONSCIENCE RIGHTS OF CHILD

English Law is likewise very explicit on the conscience rights of the child. It particularly stipulates that, in respect to public elementary schools, local authorities may not pass by-laws which violate the religious conscience of the child. "By-laws under this Part of this Act—(a) shall not prevent the withdrawal of any child from any religious observance or instruction in religious subject; and (b) shall not require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs." (E. A. Sec. 46, par. 4.)

The Statute Laws also contain a famous Conscience Clause, the scope of which refers to the State schools and not to denominational or parochial schools. "Every elementary school which is conducted in accordance with the following regulations shall be a Public elementary school within the meaning of this Act; and every Public elementary school conducted in accordance with the following regulations (a copy of which regula-

tions shall be conspicuously put up in every school, namely—(a) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend any Sunday school, or any place of religious worship, or that he shall attend any religious observance of any instruction in religious subjects in the school or elsewhere, from which observance or instructions he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs. The time or times during which any religious observance is practiced or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end of such meeting, and shall be inserted in a time table to be approved by the Board of Education, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school." (E. A. Sec. 27; par. 1, clauses a and b.)

REFORMATORY SCHOOL REGULATIONS

The right of the parent to be consulted and to have his say in the religious rights of the child are clearly shown in the Statute that deals with children placed in reformatory schools. "When an order has been made for sending a youthful offender or child to a certified school which is not conducted in accordance with the religious persuasion, the parent, legal guardian, nearest adult relative, or person entitled to the custody of the offender or child may apply—(a) if the detention order was made by petty sessions court, to a petty sessions court acting in and for the place in and for which the court which made the order acted; and (b) in any other case, to the Secretary of State, to remove or send the offender or child to a certified school conducted in accordance with the offender's or child's religious persuasion, and the court or Secretary of State, shall, on proof of the offender's or child's religious persuasion, comply with the request of the applicant."

EDUCATION LAWS OF SCOTLAND

Scotland has a special body of education laws. These are known as the Scotland Education Act of 1918. They recognize clearly the right of the parent to control the education of his child and do not concede to the State the control of elementary schools. In the Act of 1918 an old clause of a law passed during the reign of Queen Victoria is reaffirmed in the following clause: "Whereas it has been the custom in the Public schools in Scotland to give instruction in religion to children whose parents did not object to the instruction so given, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not receive such instruction, be it enacted that education authorities shall be at liberty to continue the said custom, subject to the provisions of section sixty-eight (Conscience Clause) of the Education (Scotland) Act, 1872."

The responsibility of the parent for the child's education is also legally recognized in Scotland: "The duty of every parent to provide efficient education for his children shall continue in respect of each child until that child has attained the age of fifteen years." And the rights of parents with reference to the education of their children are clearly stated in the following section: "In any case where the Department are satisfied upon representations made to them by the education authority of any education area, or by any church or denominational body acting on behalf of the parents of children belonging to such Church or Body, and after such inquiry as the Department deem necessary, that a new school is required for the accommodation of children whose parents are resident within that education area, it shall be lawful for the education authority of that area to provide a new school, to be held, maintained and managed by them subject to the conditions prescribed in sub-section (3) of this section, so far as those conditions are applicable; and the time set apart for religious instruction in the new school being not less than that so set apart in schools in the same education area which have been transferred under this section."

DROP PLAN TO DRIVE IRISH FROM SCOTLAND

Dublin, Ireland.—The Church of Scotland Assembly appears to be greatly perturbed by the invasion of that country by Irish Catholics. Prior to the meeting of the Assembly the expatriation of the Irish in Scotland had been suggested. When it was seen that

this game could be played by two, the clamor was dropped.

In Ireland there are some thousands of Scotchmen engaged in carrying on successful trades and businesses without interference of any kind. It might not be to their advantage if any attempt were made to expel Irish Catholics from Scotland.

A resolution was adopted by the Assembly urging the Government "to appoint a Commission to inquire into the situation with a view to the preservation and protection of Scottish nationality and civilization."

NUNS RECEIVE HONORS IN PUBLIC

Washington, D. C., June 18.—Eighty-two consecrated nuns were among the 288 successful students who received degrees at the thirty-fourth annual commencement exercises of the Catholic University, held in the Alumni gymnasium.

The public reception of degrees by the sisters marked a precedent in University history. Hitherto they have received degrees at special exercises held at the Catholic Sisters' College, Archbishop Curley, who addressed the graduates after the presentation of the degrees paid particular attention to his remarks to the significance of the public presentation of degrees to the sisters, emphasizing that the public is not sufficiently aware of the high standards of scholarship attained by Catholic teaching nuns and declaring that the work of preparing them for the classroom and for research fields was one of the most important being done by the University.

HAS TAUGHT 4,731 WOMEN

The Right Rev. Thomas J. Shahan, rector of the University, pointed out that 3,206 Catholic sisters had received instruction at the University in twelve years.

"In all the University has given instruction," said Bishop Shahan, "to 4,731 women. This number includes 1,225 women students of Trinity College during the past twenty years. There were 807 women included among the 1,621 students under tuition at the University this year. We may not describe ourselves as a co-educational institution, but we are contributing substantially to the higher education of both sexes."

The graduating class of lay students, numbering 89, and the number of degrees given this year are the largest thus far recorded in the history of Catholic University. Sixteen doctorates were given in the fields of Canon Law, Philosophy, Letters and Law. Three of the sixteen printed dissertations were the work of Catholic sisters, one from Trinity College and the other two from the Catholic Sisters' College.

PREDICTS UNIVERSITY GROWTH

Archbishop Curley, in addressing the graduates following the delivery of the valedictory by C. William Courand of San Antonio, Texas, declared that the institution was destined to become the strongest seat of learning in the world.

"There are 20,000,000 Catholics in this country," said Archbishop Curley, "and with these all united—as they should be—in the interest of the Catholic University this institution will in time be the strongest seat of learning in the world."

"Remember, we are but in our infancy. Thirty-two or thirty-three years is but a small space of time in the life of a university. Witness what we have accomplished in that time and then compare our growth with that of other institutions which have behind them a century-and-a-half of history."

Archbishop Curley appealed to the graduating students, clerical and lay, to foster a deep love and loyalty for the University.

It was announced by Bishop Shahan that a new wing is now under construction for the Catholic Sisters' College, the result of a donation of Mrs. James C. Farrell of Albany. This new wing, which will be completed by September, will enable the institution to accept many students who have been denied admission because of lack of accommodations.

IN RUSSIAN CHURCH

The Chicago Tribune prints the following story from its correspondent at Riga giving an account of one of the interesting experiences of Bishop Edgar Blake of the Methodist Episcopal Church during his conference with members of the Bolshevik Church in Russia:

"The muse of comic irony visited Russia's church congress. Came Bishop Blake, Isidor Hartmann, Editor L. O. Hartmann, and the Rev. J. M. Hecker full of Christian charity and belief in the Russian church, breathlessly awaiting for some one to show them the right road.

"After an impressive meeting the congress went to a church to pray.

The Americans went also. It was impressive.

"On leaving, Bishop Blake and his companions found that their pockets had been picked, their money and watches having been stolen during the church services."

RELIGIOUS SCHOOLS ARE THE BULWARK OF AMERICA

Need for the preservation and defense of Catholic parochial schools of the United States, together with a denunciation of those who are trying to legislate the religious schools out of existence made up the address delivered at the Golden Jubilee Commencement exercises of Columbia College, Duquesne, Pa., by the Right Rev. John F. Carroll, Bishop of Helena.

"The subject I have chosen for your consideration," the Bishop said, "is not Catholic higher education, but those humble parish schools of the Church, which are the basis of her whole educational system—without which the superstructure of her college and university work would topple and fall. I am moved to speak of our parochial schools at this time and in this presence, first, because a nationwide campaign of bigotry has been launched against them, and has achieved a temporary success in a portion of the ecclesiastical province from which I hail; secondly, because the destruction of our parochial schools would logically lead to the destruction of our colleges and universities; and thirdly, because Catholic college men are the natural and most able defenders of our religious schools.

CHURCH NOT IN POLITICS

Holding up to ridicule the charge that the Church is seeking political supremacy and is using the parochial school to aid her aspirations, Bishop Carroll said:

"Indeed, far from seeking political supremacy, the Church lays down as a formal part of the religious instruction imparted to the children in her schools, the obligation to loyalty and obedience to temporal rulers. She brings before them in her little catechism, and more fully in her higher books on Christian doctrine, the command of her Divine Founder: 'Render to Caesar the things that are Caesar's as well as to God the things that are God's.'"

The Bishop reviewed the development of the Public school system in the United States and pointed out that leading Protestant educators today are anxious to bring about the teaching of religion in the Public schools.

DANGER IN LACK OF RELIGION

"The action of the Catholic Church," he declared, "in insisting on religion in the education of her children cannot be construed as opposition to the Public schools, any more than the efforts of Protestants to put religion back into the schools of the State can be called opposition to the Public schools. The Catholic Church has simply made use of the liberty guaranteed under the Constitution to protect and preserve the religion of her children.

"The enemy of America is not religion but the absence of it. And because of the absence of religion, socialism, anarchy, and bolshevism have grown apace. They have even dared to mount the rostrum in some of our secular universities and attempt to poison the youth of the land. If their inroads are not speedily and resolutely checked, many of us may live to witness here in America a repetition of the horribly blasphemous scenes enacted in Soviet Russia last Christmas day—scenes the mere report of which made our blood run cold—scenes which for downright blasphemy seemed to surpass even the horrors of the French Revolution. The only sure antidote to these foes of the social order and Christian civilization is the religious education of the young. Instead, therefore, of legislating religious schools out of existence, as did recently majority of voters in Oregon, all sincere patriots, all true lovers of America, regardless of creed, should unite to increase their number and to aid in their development. Religious schools are the bulwark of America."

FREE STATE DELEGATE TO PASIEUR CENTENARY IS CATHOLIC LEADER

Dublin, Ireland.—Dr. Sigerson, appointed by the government to represent the Free State at the Pasteur Centenary celebrations in Paris, has had a distinguished career in literature, medicine and science. He is eighty-four years of age. Fifty years ago he went to Paris to present to Marshal MacMahon, in the name of the Irish people, a magnificent mounted sword Dr. Sigerson pursued his studies in arts and medicine chiefly in the French capital. As a practitioner he made

his reputation as an authority on nervous diseases.

He has written many works elucidating obscure points in Irish History. In Catholic and National movements he always took a keen and lively interest. Dr. Sigerson is a Fellow of the National University, and is one of the best living commentators on Shakespeare. The N. C. W. C. News Service is authorized to publish the fact—not hitherto disclosed—that the National Aid appeal, so remarkable for its literary style, addressed to the Irish Race after the 1916 Rising, was the product of his pen.

A CHARACTER SKETCH OF NEW PREMIER

Mr. Baldwin, in a jocular speech at the complimentary luncheon to Mr. T. P. O'Connor, says the Times, expressed the hope that he might go back to Worcestershire "to read the books I want to read, to live a decent life, and to keep pigs."

This hope must remain unfulfilled for the present, as exactly a week later Mr. Baldwin became Prime Minister of Great Britain. The luncheon-table aspiration of a week ago was no empty jest. It revealed something of the many-sidedness of the man who has so suddenly and unexpectedly been raised to the highest position in the State. Mr. Baldwin is a blend of several characteristic English types. He is at one and the same time a captain of industry, a country gentleman, a scholar, and a politician. When he entered Parliament for Bewdley, on the death of his father in 1908, he controlled one of the largest engineering firms in the country, Baldwin, Limited. He had reached the mature age of forty when he came down into the rough-and-tumble of politics, and had had time to gain a great deal of industrial experience. This lesson was learnt not from the directors' table, but from a sympathetic understanding of the problems of working men and women. In a notable speech delivered when he was President of the Board of Trade, Mr. Baldwin asked manufacturers to devote more attention to the human factor in industry. Speaking as a business man, he recalled the fact that at the time when he entered his father's business he knew the Christian names of hundreds of the workers, and he deplored the way in which the employing class had during the last half-century drifted away from those whom they employed. He put the responsibility for re-humanising industry upon the large employers. These are not the sentiments commonly ascribed to the "die-hard" reactionary in the Socialist's nightmare.

Life offers Mr. Baldwin no keener enjoyment than to tear himself away from London for a few leisure hours in his Worcestershire home in the company of his dogs and his pigs. His scholarship is attested by those other week-ends which he loves to spend with such men as Mr. Rudyard Kipling and Professor Mackail, who are his first cousins. He has an equal affection for the classics and his pipe.

BISHOP TO WELCOME C. P. A. TO INDIANAPOLIS

Indianapolis, June 18.—Approximately two hundred delegates are expected to attend the eighteenth annual convention of the Catholic Press Association, which will be held here June 29 and 30. The Right Rev. Joseph Chartrand, Bishop of Indianapolis, will welcome the delegates, who will come from every part of the United States and Canada.

The program arranged for the convention will include addresses on many important phases of Catholic journalism by experts in particular fields.

Henry Bourraso of Le Devoir Canada, will discuss "Catholic Dailies." The Rev. John Danihy, S. J., of Milwaukee will speak on "The Training of Catholic Journalists." E. Lester Muller of the Baltimore Catholic Review has been assigned the topic "Religious Advertising." Other speakers and subjects will include: Dr. Thomas P. Hart of the Cincinnati Catholic Telegraph, "How to Get Renewals;" J. P. O'Mahony, Indiana Catholic and Record, "How the Clergy Can Cooperate with the Catholic Press;" Justin Casey, the Catholic Register, Kansas City, "Mechanical Requirements of a Catholic Newspaper;" Justin McGrath, Director N. C. W. C. News Service, "The National Catholic Welfare Council and the Catholic Press Association."

F. W. Harvey of Extension Magazine is president of the Association; William A. McKeeney of the Catholic Universe, Cleveland, secretary and L. J. Wey of The Catholic Bulletin, Cleveland, arranger. The committee on arrangements for the convention is headed by H. P. Pagani, of the Indiana Catholic and Record.

CATHOLIC NOTES

Fordham University, New York, has just conferred the Honorary Degree of Doctor of Laws on the Honorable Charles Murphy, B. A., K. C., Postmaster-General of Canada.

Paris, France.—A member of the Academy of Inscriptions and Belles-Lettres has reported to that learned body the wonderful discovery made by Abbe Hermet, at Granesse, department of Aveyron, where he has found the ruins of a large pottery plant destroyed in the second century of the Christian era.

Dublin, June 11.—Rev. Hugh O'Toole, C. S. Sp., who died recently at Blackrock College was a scientist of distinction. Originally he entered the civil service, having secured an exceptionally high place in open competition. Soon afterwards he joined the Holy Ghost Fathers at Blackrock College and became one of its most distinguished members.

San Fernando, Cal., June 15.—The Rev. J. R. Purtil, rector of St. Ferdinand's Church here, has been decorated with the "Liston de Tri-color," a Mexican decoration, in recognition of his work among the Mexicans of San Fernando and Paoima. The decoration entitled the wearer to take prominent place among the officials at all important Mexican public affairs. It is believed that Father Purtil is the only American priest who has ever received this decoration. He is a native of Connecticut.

A German family in Hehman, Bavaria, is rejoicing over having received news from a son, the Rev. Anton Hess, who left for the United States in 1909 and was not heard from until a few weeks ago. Father Hess had been laboring for more than a decade in the Alaska missions and he did not hear of the World War until the War was over for more than four years. He arrived in the United States in March and immediately wrote his parents in Bavaria.

The ratio of divorce to marriage in Paris last year was nearly one to seven, the statistics showing that there were 38,659 marriages and that 5,287 divorce decrees were granted. Court officials declare that a very large number of the divorces were granted to foreigners, including many Americans, who did not contract marriage in Paris. In Versailles the proportion was one to eleven; in Rambouillet, one to twelve; Lyons, one to thirteen; and in Marseilles and Bordeaux, one to fourteen.

Washington, D. C., June 18.—The crypt of the National Shrine of the Immaculate Conception at the Catholic University is expected to be completed by September, 1924, according to an announcement made by the Right Rev. Thomas J. Shahan, rector of the University at the annual commencement exercises. Bishop Shahan announced that Sir James J. Ryan, of Philadelphia, had given to the Shrine the sum of \$50,000, with permission to use the donation in the construction of the crypt. According to specifications, the crypt will be two hundred feet in length, twenty-two feet in height, and will seat 1,800 persons.

Cologne.—The appointment of Dr. Reissmann, a Catholic, as headmaster of one of the high schools in Bochum, Westphalia, has resulted in a protest on the part of the Protestants, who are headed by Mrs. Hoffmann, the German national deputy. It is claimed by the opposition that there are only 31% Catholics in the high school to which Dr. Reissmann has been appointed. Bochum has a Catholic population that numbers about fifty per cent. of the people in that place and Protestants in the other two high schools.

Cologne, June 11.—The power of the Socialists is waning in Saxony, if one can judge by the votes cast in the recent elections, when the rights of Christian education were at stake. Previously the Socialists were able to muster a very large vote, not only in the large cities, such as Leipzig and Chemnitz, but also in the towns and hamlets. The results of the elections were such as to indicate that large numbers of the former followers of the Socialist Party have forgone their allegiance, or that they are not willing to follow the dictates of the party leaders regarding the stifling of Christian teaching.

Paris, June 6.—In the course of a trip through the Juré for the purpose of rendering homage to Pasteur in his native country, the President of the Republic received a visit from the bishop of the diocese of Saint-Claude, Mgr. Maillet, who presented to him the good wishes of the clergy. The prelate thanked M. Millerand for the kindness he has always shown toward the clergy and the will expressed by him to maintain the sacred union. He had opportunity to allude incidentally to the precarious material situation of the clergy since the Separation.