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VOL. XII., No. 29

TORONTO, THURSDAY, JULY 21 1904.

PRICE FIVE CENTS

POWERS OF CATHOLIC SCHOOL TRUSTEES

Sitting in Single Court at Osgoode Hall on July 11th, Mr. Justice MacMahon gave judgment in the case of Grattan v. Ottawa Roman Catholic Separate School Trustees. On motion for judgment (heard at Ottawa) in action for an injunction to restrain defendants from entering into a contract with the Brothers of the Christian Schools for the direction of a boys' separate school for the parish of Notre Dame, in the City of Ottawa, and from constructing a school building such as is proposed by the contract, or, if the contract has been entered into, restraining defendants from carrying it into effect. Plaintiff is the owner of property in the City of Ottawa, and is assessed as a separate school supporter, and in his affidavit states that the order of the Brothers of the Christian Schools, who are proposed as teachers, do not possess certificates of qualification as prescribed by the regulations of the Education Department of the Province of Ontario. On 19th May a resolution was passed by the Separate School Board that from and after the 1st of September next the services of the Christian Brothers be secured as teachers of the boys' school on Murray street, and that a new school be erected, at a cost of \$20,000, etc. The contract contained the following provisions: (1) The residence of the community shall be suitable to the common life followed by the Brothers, and shall contain the various apartments necessary for the religious institution, etc. (2) Water, fuel and light to be furnished for the establishment, the premises to be in keeping with the number of Brothers who there reside. (3) The director's salary to be \$300, that of the other Brothers, 13 in number, \$250 each. The janitor to be at the expense of the School Board. (4) The trustees are to pay for each Brother, independently of salary, one for all \$100 for house furnishings; the Brothers to acquire the said furniture a fifth per year, and, consequently, at the expiration of five years, they will remain indisputable proprietors of said furniture. (5) Should it happen that the trustees would not require the Brothers of the Christian Schools, or that the latter should decide to withdraw from the school, notice should be given in each case, by writing before 1st January of the scholastic year, but the said contract to cease with the scholastic year. (6) The Brothers of the Christian Schools are to give by 1st September the necessary Brothers for twelve classes, that is, fourteen. (7) A Brother, who speaks the English language in teaching said language in the school, when the thing becomes possible. (8) The Brothers are to live in community, according to their rules, and under the direction of their Superior. (9) The present contract is made for a period of ten years, but the cancelling may be effected from year to year, by either parties in giving the above mentioned notice. (10) It was not contended that the Brothers of the Christian Schools possessed certificates of qualification as prescribed by the regulations of the Education Department, but it was shown that the affidavit of a member of the community that they had been established in the Province of Quebec since 1837, and in the City of Ottawa since 1877, and by section 30 of the separate schools act, R.S.O., ch. 294, "the teachers of a separate school shall be subject to the same examination and receive their certificates of qualification in the same manner as public school teachers generally; but the persons qualified by law as teachers, wither in the Province of Ontario or at the time of the passing of the British North America Act, 1867, in the Province of Quebec, shall be considered qualified teachers for the purposes of this act." Held, that the latter part of the clause was an addition made in 1886 to sec. 30 of R.S.O., 1877, ch. 206, and is an enabling enactment solely for the benefit of those who in 1867 were qualified teachers under the law as it then existed, either in Ontario or Quebec. And 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

OTTAWA SEPARATE SCHOOLS DECISION

To the Editor of Catholic Register:
 According to some of our daily papers the recent decision of Judge MacMahon, to the effect that there shall not be two standards for Separate School teachers, and that all shall alike possess the certificates required by the Education Department, is the thorniest subject Catholic circles have had to deal with for years. It is a pleasure to acknowledge that there is no effort on the part of these papers to inject irritating matter. Their comments (that is those which count for anything) have been conspicuously fair.
 Now there is no reason why this subject should be particularly thorny although it can be made so by ill-advised action. If an attempt is made to represent this as an act of hostility to Separate Schools then indeed a very ugly situation may be created. It may be that some of those who were instrumental in obtaining this decision may be actuated by such a spirit. With that we have nothing to do, though unfortunately the despicable habit of attributing bad motives when actions should have been discussed on their merits has been responsible for much bitterness and clouding of issues in the past.
 Leaving motives aside, let us take the decision as it stands. It prevents the employment of teachers who have not the certificate of efficiency demanded by the Government of Ontario. These teachers may be more efficient, may be trained to do far better work than those who hold such a certificate. But who will certify to this fact? It will be answered that the bodies to which they belong will do so, but this is doing away with the principle of responsibility to the people who foot the bills. If any body wants to run an educational establishment with teachers for whose efficiency it alone is responsible, then its province is the private school or academy. But when it is a question of schools supported by the Government, then the Government test of efficiency ought to be complied with. There is nothing very alarming in this—nothing which has not been maintained for years by the best of our Separate School trustees and insisted on by the ecclesiastical authorities in various portions of the province.
 No doubt the universal and instantaneous enforcement of this judgment would create considerable difficulty. There are excellent teachers whose attainments in many ways go far beyond what is necessary to gain a government certificate, who would be thus prevented from teaching for the time being. They could pass the requisite examination in short order. Their chief difficulty, however, would be the Normal School term, which is just as necessary as the scheduled examination for the officially qualified teacher. But this could be arranged with the Minister of Education, who has shown himself most willing to afford every reasonable accommodation.
 Instead of appealing to the Privy Council against a judgment which on the face of it seems thoroughly fair and which would have been established years ago had proper counsels prevailed, it seems to your correspondent that the best course under the circumstances would be to pull our educational forces together and enter as soon as possible on a course which will set at rest once and for all the legal standing of our teachers. The plea that community rules and regulations stand in the way should be firmly set aside. A rule is of use only in as far as it enables work to be done more efficiently. When it is an obstruction it should be either modified or its votaries ought to restrict themselves to those spheres which would not militate against its observance. The most recent of the disputes which have made Ottawa the Catholic storm centre will not be without profit, it is the means of inaugurating a policy which should have been put in force long ago.
 CATHOLIC.

Instructions to C.M.B.A. Delegates

Editor Catholic Register:
 Dear Sir,—At the meeting of Br. 111, C.M.B.A., held on Thursday, July 11th, the following resolutions were unanimously passed:
 Moved and seconded that Br. 111 put itself on record as favoring Grand Deputy Bro. M. J. Quinn for the office of Grand Trustee.
 It was also resolved that this Br. favors the amendment of the constitution by making any delegate eligible for all elective grand offices.
 W. J. MARKLE,
 Rec. Sec. Br. 111.
 obtaining the certificate required by sec. 78 of the act. The contract proposed to be entered into is, therefore, invalid. The duties of the Board of Trustees are defined by sec. 33. No authority is conferred upon the board to expend the money of the supporters of the schools in providing a residence for the teacher or teachers or for a chapel, common room for studies, or for cells, infirmary, dormitory, etc., as set out in clause 1 of the contract. The onus authority conferred on trustees to implement the salary of a teacher is by sec. 34, and it gives the trustees no power to expend school moneys in the erection of a residence for the teacher. There is no authority in the trustees to make the expenditure provided for in clause 6. Boards of trustees are not authorized to enter into a contract with any teacher before the period of one year, and beyond clause 15 is, therefore, invalid. Judgment for plaintiff with costs, declaring the whole agreement invalid and restraining defendants from entering into it. G. F. Henderson (Ottawa) for plaintiff. N. A. Belcourt, (K.C.), for defendants.

SAVINGS Accounts of small sums receive our special attention. One dollar and upwards taken on deposit.

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ACCOUNTS

LORD DUNDONALD'S RECEPTION

To the Editor of The Register:
 The reception given to Lord Dundonald on Friday evening was, in the language of the "local," a pronounced success. The hall was filled to its utmost capacity and the applause was frequent and warmly sustained. The ladies were most enthusiastic and gave vent to their feelings by frequent waving of the daintily perfumed handkerchiefs. Viewed from the audience, Lord Dundonald possessed all those traits which are more characteristic of a politician than of the soldier. The biographical sketch given us by The Globe some two or three years ago seemed more than amply verified on Friday evening on the platform at Massey Hall.
 The hall was prettily decorated and it is known that a Toronto officer of a local corps had a hand in the arrangements. Whatever may have been the object of the vast audience who attended the mass meeting, whether it was to hear a man of Lord Dundonald's acknowledged distinction, to add to the smouldering fire of the Conservative opposition, or to know with accuracy whether Lord Dundonald did or did not advocate a line of forts on the north shore of the lakes and along the forty-ninth parallel, I confess that the last idea accounted for my own attendance. I knew there were men upon the platform that evening who could, if they would, have thrown a local searchlight upon this matter, but they did not see fit then to make a clean breast of it. Lord Dundonald absolutely denied the allegation and stated in the most explicit terms that he never at any stage of the proceedings had anything to say with regard to this extraordinary proposal. Lord Dundonald declared that upon his arrival at Ottawa that he was directed to prepare the plans for two forts by the authorities of the Militia Department. Though advising against such a course, the plans and specifications were by him prepared and adopted.
 Lord Dundonald arrived in Ottawa in the year 1902. In the month of May of that year at a meeting of the British Empire League held in St. George's Hall, Toronto, Mr. G. R. Parkin, in a vigorous speech, bubbling over with enthusiasm advocated the plan already referred to, which, upon motion, was unanimously adopted and a committee was appointed to wait upon the government with the view of carrying out of the proposal. At that meeting there was but one voice raised against it and that was the protest of Mr. Sherwood, who has been so prominently associated with international movements, who declared this resolution to be contrary to the spirit of amity existing between the United States and Canada. That the Globe, if not approving of the plan, must at least have cherished warm affections for the author of the suggestions, was apparently a few months later, when it earnestly advocated the appointment of the then Principal of Upper Canada College, Mr. G. R. Parkin, C.M.G., as the one most worthy in every sense for the carrying out of the behests of the Cecil Rhodes Scholarship.
 At the time, sir, you pointed out the utter inconsistency of the demand for forts resolution and the Rhodes idea, and we have had only to live a few months to realize The Globe's untenable position. No prof-it was made at the time by any of the Toronto press against this act of building forts which Lord Dundonald so roundly denounced. And, as I have said, The Register was the only medium which declared against this now admitted method of creating international strife.
 CANADIAN.

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A.O.H. INSURANCE RATES

Editor Catholic Register:
 Dear Sir,—I am instructed to request you would give place in your columns to the following, which is of considerable importance to the body to whom it is addressed.
 I am, dear Sir,
 Yours sincerely,
 JAS. BENNETT.
 Ottawa, July 18, 1904.

Ottawa, June, 1904.
 Dear Sir and Brother,—A committee selected from amongst the five hundred Hibernians of Carleton county and under the guidance of one of the best actuaries of the capital city, have been giving for the last five months considerable of their time and thought to the advisability of adopting increased insurance for the members of our Order, with the result that we are now prepared to offer for the consideration of the Hibernians of this province, a definite scheme and one in which we have much confidence.
 The scheme attached herewith and which speaks for itself, has received the unanimous and hearty endorsement of the Divisions of the County, and also of the County Board.
 We are now appealing to the Divisions of the A.O.H. throughout the Province of Ontario requesting for the appended scheme, firstly, the fullest measure of consideration from the divisions, and secondly, their approval and endorsement at as early a date as possible, if the scheme is believed by them to be practical.
 I might add that the plan here proposed although well weighed and of attested worth, is not necessarily final, but may rather be considered a skeleton from which should be built, with the aid of suggestions from the many divisions, a scheme to be presented at the next Provincial Convention.
 With fraternal greeting, Mr. President, and good wishes for you and the members of your estimable division, we most respectfully and humbly beseech you to give to the matter herewith contained your personal consideration and attention, and request your valuable co-operation and assistance in prosecuting to a successful issue the proposed scheme.
 An early reply solicited.
 Yours fraternally,
 WILLIAM BURKE,
 Chairman.
 JAMES BENNETT,
 Secretary.
 55 Sweetland Ave.
 Ottawa, April 25th, 1904.

To the President and Members of Divisions 1 and 2, A.O.H., Carleton County, Ontario:
 Dear Sirs and Bros.—The Joint Committee of both Divisions which was appointed some months since to prepare an equitable scale of rates for an increased insurance of \$500 and \$1,000, beg leave to report:
 We have had several meetings at which this important matter was fully discussed; at no time was there any opinion expressed unfavorably to an increased amount, on the contrary we have been very clearly seized of the vast importance of the step, firmly believing it is the one essential requisite to place our dearly cherished A.O.H. in the front rank of any and every fraternal insurance organization to our knowledge now seeking the patronage of the public. Should this project be received favorably at our next Provincial Convention we are convinced that the progress of the A.O.H. in Ontario would be rapid and substantial and of a class most desirable to the welfare of an organization such as ours. It must be evident to those who have taken a keen interest in the work of our society in past years, that an insurance for a substantial amount is necessary, to attract new members to our ranks as well as to hold those already within our fold, and to place our society on an equal footing with those other Catholic societies who have those attractive advantages to offer.
 Those ideas no doubt prompted the action of both Divisions when appointing this Committee and entrusting to them the task of preparing a scale of rates for the sums we have indicated.
 In arriving at those rates which accompany this memo. will also be found in tabulated form, those charged by some eight other fraternal societies now in existence in the province giving the rates at different ages per assessment, the cost per annum and the average cost for each society for one thousand dollars insurance. The knowledge of those rates already in force by the societies named herein, lightened our labors and assisted us in striking a rate for the A.O.H., which we are confident if accepted at our next Con-

Died at the Altar
 New York, July 18.—Very Rev. Stephen Kealey, Provincial of the Passionist Order in the United States, dropped dead yesterday while celebrating Mass in the monastery at West Hoboken, N.J. He was stricken with apoplexy and fell on the altar steps, dying almost immediately. He preached yesterday from the text, "Render an account of thy stewardship."
 Father Kealey was born in Ireland, Sept. 23, 1848, and celebrated the silver jubilee of his ordination a year ago. He was elected to the head of the Passionists August 2, 1899, and was re-elected two years ago.

Branch 49, C.M.B.A.
 The members of the above branch are making every effort to elect their fellow member District Deputy Bro. M. J. Quinn as a Grand Trustee and sister branches are earnestly requested to help in giving the Queen City representation on the Grand Council.
 Bro. Treasurer Mulqueen will receive a hearty welcome on his return from his very successful trip to England. He went over with Lou Scholes, and is now returning with the champion of the diamond skulls.
 The special prize of \$25 was awarded to Bro. Edward Cahill for securing the largest number of new members during the six months' competition.

Bro. President Irvine has gone on a business trip to Dayton, Ohio.
 Miss Teresa, daughter of Bro. E. F. Rush, has gone on a four months' visit to Broadview, Assiniboia. She was given a hearty send-off from her numerous friends.

Speak not of other men's faults—think of your own—for you are going to ask forgiveness.

"..... and so I decided to start at once." He's here with us now, booked for a six months' course. Thought, before he got our letter, that schools fizzle out in June—closed up entirely in July and August.

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 President.

vention will prove in its practical adoption to be fully adequate to meet all legitimate calls together with allowing a liberal margin for a reserve fund, always provided that the closest vigilance and strictest scrutiny must be exercised in allowing none but those physically sound to enter our ranks. Should this most necessary caution be overlooked then no rate however well adjusted could be considered safe, on the contrary, a spectacle most disagreeable to contemplate would be the inevitable result.
 You will also observe, Brothers, that provision is contemplated of allowing those who are now in our ranks, exceeding the age limit ranging from 45 to 55 years, to participate in the benefits of the proposed insurance, provided they may pass a strict medical examination; we are of the opinion this provision will be of much benefit to those who may avail themselves of it.
 In conclusion we recommend that the acceptance of this proposed increased insurance be left optional to the present members of the society as well as to those who may hereafter join the order.
 All of which is respectfully submitted.

We beg to subscribe ourselves,
 Yours fraternally,
 WILLIAM BURKE,
 Chairman of Committee.
 JAMES BENNETT,
 Secretary of Committee.

TABLE OF RATES FOR \$500 AND \$1,000 INSURANCE.

Age	\$500	\$1000	Age	\$500	\$1000
18	.30	.60	31	.41	.82
19	.30	.61	32	.42	.84
20	.31	.62	33	.43	.86
21	.32	.63	34	.44	.88
22	.32	.65	35	.45	.90
23	.33	.67	36	.46	.92
24	.34	.69	37	.47	.94
25	.35	.70	38	.48	.96
26	.36	.72	39	.49	.98
27	.37	.74	40	.50	1.00
28	.38	.75	41	.52	1.05
29	.39	.78	42	.55	1.10
30	.40	.80	43	.58	1.15

Average cost per annum between the age of 18 and 55 are respectively:
 C.M.B.A. \$10.70
 Canadian Order of Foresters.... 8.80
 Maccabees 10.30
 Canadian Home Circle 7.98
 The Workmen 11.48
 Catholic Foresters 11.18
 Sons of England 10.62
 The Hibernians 10.50
 Independent Order of Foresters. 22.17

Paul Kruger

The death of Paul Kruger, President of the late Transvaal Republic, last week, offered the opportunity to some of his bitterest enemies during the war, of making an all too tardy reparation to his character. The English press that then denounced him as a blood-thirsty and ignorant tyrant, considered the time ripe for writing his name on the roll of patriots. This is well, as it may serve to take away some of the sting that still must stick in the hearts of the remnant of Boers. Since the days of the great Greeks, no people have given proof of human valor of a higher quality than the Boers; and Paul Kruger was the ideal Boer. He doubtless had his limitations and faults; he was not a cosmopolitan and humanitarian character; but for all that he was a hero and the accepted leader of a wonderful race.

Sister Borgia Passes Away at Loretto Convent

Guelph, Ont., July 16.—Sister Borgia (Brophy) of Loretto Convent died last evening at the age of seventy. She joined the community of Loretto in Toronto 49 years ago. Her only relative is Mr. Michael Brophy of Toronto. The rather romantic meeting of brother and sister last summer, after 50 years' separation and mourning each other as dead, aroused much interest at the time.

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