

The Catholic Register.

"Truth is Catholic; proclaim it ever, and God will effect the rest."—BALMEZ.

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The School Question In History and Law

By N. MURPHY, Q.C.

I read with the greatest interest your editorial in a criticism of The Register headed "Catholic Rights." I was pleased with the terse and outdoor lecture you gave. Lecturing editor of The Globe on the relative meanings of the words "privileges" and "rights." I am assured that when The Globe, Mail, Telegram, World and the genius of our newspapers make it an obligation on themselves to sneer at and belittle the Catholic hierarchy and the rights of the minority in Manitoba, we have in The Register an able exponent of Catholic and constitutional views. In the article alluded to you have shown that what The Globe denominated "privileges" are in reality the rights of the minority embedded in the Imperial British North America Act. I and others have opinions on the subject which you allow me to enunciate them? I will deal with the stern facts as laid down in the statute book, and later on, present those phases of the question of Remedial Legislation that have either been carefully avoided by the writers and speakers on the Manitoba school question or have been thrown to one side by them on the assumption that it was idle to suppose the Dominion parliament would, like the Manitoba Legislature, shrink a duty imposed on it by the constitution, and refuse to remedy a grievance declared by the highest court of the land to exist.

In 1860, when it was determined to confederate the different provinces owing allegiance to Great Britain into one Dominion, the different provinces, for the purpose of forming a constitution for the Dominion, surrounded all their rights to the Dominion to Great Britain, and that they might receive them back again with the respective rights and powers of the Provinces and of the Federal Government defined and embedded in a constitution, which would be the Magna Carta of Canada, and that the rights so defined and given to each Government should be exercised exclusively by the Government to which they were assigned. Some, in fact, nearly all of these rights and powers were given exclusively to be exercised by one of the provinces, and not exclusively given, but were surrounded by safeguards or conditions, which the Government receiving them could not overlook.

Among the powers given to the provincial legislatures exclusively in the draft of the constitution was that of making laws as to education. In making the draft the fathers of Confederation were careful to foresee any difficulties that might arise between the local and federal governments as to the powers conferred upon them.

At the first conference of the makers of Confederation, held at Quebec, Mr. (now Sir Oliver) Mowat moved: "that it shall be competent for the local legislatures to make laws respecting (1) Agriculture, (2) Education." Hon. Darcy McIvor moved and carried the following amendment: "Saving the rights and privileges which the Protestant or Catholic minority in both Canada may possess as to denominational schools at the time when the constitutional compact was entered into." After Westminster Palace Hotel, London, Sir Alexander Galt, representing the Protestant minority of Quebec protested against the elimination of the amendment of Darcy McIvor, and the right of legislating as to education being given without any restriction to the legislature of Quebec. He opposed any union being entered into unless his proposition to guard the rights of the minority was accorded to Sir Charles Tupper (see his speech of March 1860) says: "The Confederation was inaugurated by Sir Alexander Galt's opposition. Sir Charles called upon Sir Leonard Tilley, Sir Hector Langevin, Hon. Peter Mitchell, Hon. William Macdougall and Sir William Howland (the present living fathers of Confederation) to witness that:

"Without this guarantee for the rights of minorities being embodied in the new constitution we should have been unable to obtain any confederation whatever."

In this way was the exclusive right to legislate as to education—parcelled out as one of the powers of the local legislatures—imposed with conditions. Not only were the rights of the Protestant minority in Quebec as to their separate schools conserved; but the rights of all minorities, whether Protestant or Catholic, were so conserved. Not merely education was to be conserved, but the rights of the provinces then entering Confederation protected in the amended draft; but the rights of those minorities, whether Catholic or Protestant, in any province, thereafter entering the Confederation were carefully guarded. The drafters of the constitution were men of the highest calibre, who in forming the constitution of the new Dominion sought to give every citizen, whatever his creed might be, the equal right of Canadian citizenship. Contrast their action with some of the degenerate politicians of the present day, for instance the member for West York, Mr. Clarke Wallace, who in his dual capacity of member of Parliament and grand master of the Orange

body is reported by Hon. Mr. Ives, in his speech in the House of Commons last session regarding the future possibility of the Protestant minority of Quebec applying to the Federal Parliament for protection of their educational rights.

Mr. Ives: "What are you going to do, when we come here with an appeal?" He said, "we will take care of that."

Mr. Ives then asked Mr. Clarke Wallace: "How are you going to do it, with bygone?" When no reply was given to his question, he asked the House could he go to his constituents and give them the personal promise of Mr. Clarke Wallace as a satisfactory guarantee that their rights in school matters would be preserved?

The British North America Act was passed by the Parliament of Great Britain, and it cannot be amended by the Parliament of Canada, or by any of the provinces. The clear meaning of the section of the British North America Act in question is (1) where separate schools existed by law at the time of the Union in any province no law or ordinance shall be passed which affect any right or privilege enjoyed by any persons with respect to such schools; (2) where these schools are called into existence after the Union by any province, whether the original provinces or provinces thereafter entering Confederation, no law or ordinance shall be passed which affect any right or privilege enjoyed by any persons with respect to such schools so called into existence by the laws of the province; (3) should any province so legislate as to affect any right or privilege of the minority, whether Protestant or Catholic, in relation to education an appeal shall lie to the Governor General in Council by the persons aggrieved, and should the Governor General in Council find that the government then in power find that the persons appealing have a grievance from such legislation, the attention of the legislature of the province passing the law shall be called to the fact of such grievance and they shall be requested to amend their law creating such grievance; (4) should such provincial legislature refuse to attend to the decision of the governor in Council, such legislature forfeits its exclusive right to make laws as to education, and the Parliament of Canada may make laws as far as the circumstances of the case require, remedial laws for carrying out the decision of the governor in Council and redressing the grievances to which their attention has been called.

In 1870 when Manitoba came into the confederation consultations were held between those representing the Province and the Dominion, and an agreement was entered into, which agreement was made valid by a statute of the Dominion in June, 1870. That act is almost word for word the same as the Confederation Act, and certainly was passed with the same intent. It was drafted by Sir John Macdougall personally, and if it differs in any way from the Confederation Act, there must have been some error in his making the change. The Confederation Act says:

"Nothing in any such law shall prejudicially affect any right or privilege as to denominational schools which any class of persons have by law in the province at the Union."

The 22nd section of the Manitoba Act is word for word the same, with this exception that the words "or practice" are introduced in it. It reads:

"Nothing in any such law shall prejudicially affect any right or privilege as to denominational schools which any class of persons have by law or practice in the province at the Union."

Therefore if by law or practice separate schools existed in Manitoba at the time of the Union, the rights and privileges of that class of persons were and are protected by an Imperial Act. By the next subsection of this act, and in precise words of the Confederation Act, an appeal is given to the Governor in Council against any grievance, and power is given to the Parliament of Canada to pass remedial laws should the province legislate in any way which might be a grievance to the minority. These safeguards of the inalienability of the rights of the minority as to education were embedded in the Imperial Act, so that any apprehension of the minority as to unfair legislation by the Provincial Parliament might be laid away with, in 1870 the Manitoba Legislature, following the example of Quebec, passed an act confirming the rights of the Catholic minority to their schools. So that by the Imperial Act if at the time of the entry of Manitoba into the Union such schools existed "by law" or "by practice" and by the Provincial Act of 1870 the minority were guaranteed their rights and privileges as matters that could not properly or legally be interfered with by the local or Dominion legislatures. What were these rights and privileges?

Denominational, or separate schools. The use of their taxes to support these schools.

A proportionate share in the public funds for educational purposes.

The choice of text and other books to be used in such schools.

The rights and privileges the Catholic minority enjoyed for 20 years. In 1890 they were done away with by the local legislature, which act created the grievances complained of.

The first difficulty with respect to denominational schools to arise in Canada was in the Province of New Brunswick, where separate schools existed at the time of Confederation, had never been recognized by the law to exist. It was claimed and successfully maintained

that the separate schools of New Brunswick, although in fact existing were not safeguarded by the Confederation Act, as they had never been recognized and hence did not exist by law. The local legislature of New Brunswick had never passed an act legalizing separate schools, and until they did so the Dominion Parliament under the constitution had no right to interfere. Speaking in 1872 Sir John Macdougall said in regard to the legislative force of separate schools:

"He would faint believe, he did from his heart hope that that legislature would be disposed by its voluntary action to make and enforce the law, so as to enable the minority to enjoy those principles which they enjoyed at the period of the Union in Nassau."

Hon. Alexander Mackenzie on the same question: "He could not help feeling that it would be difficult, so far as the terms of the constitution would allow it, the same rights should be extended to the Roman Catholic minorities in the other provinces, if we were to extend these rights, infringing upon the peculiar provisions of the legislatures. Whether they had done so or not he could not say; but it seemed to him, from very careful reading of the Union Act, and from the historical facts, that there was at least much room for doubt and the weaker party ought have as far as possible, the benefit of that doubt."

It is noticeable in the light shed upon Canadian politics in these days of the Manitoba school question that the New Brunswick difficulty was not the cause of a party squabble, but that statements on both sides of the House came forward to help the country in its need and tender their impartial advice to the Government of the day, and that the opinions given by these gentlemen were fully justified the previous day. Sir John Macdougall in adding the words "or practice" to the words "by law" in the Manitoba Act.

TO BE CONTINUED.

British America Assurance Company

The "British America" is one of the oldest members of the insurance family resident in this city, and there are few if any in the Dominion that can claim its length of years. We have now before us this Company's annual report, which shows that the business of the company since the foundation of the "British" in 1844—which year also witnessed the foundation of Toronto as a corporate municipality. Both the Company and the city have spread considerably beyond the narrow limits of their early starting, and have become fully equipped on a healthy and prosperous growth. The item of profit on the year's business is one of the gauges of results with which shareholders chiefly concern themselves, and the "British America" has turned over under this head \$61,271.79, investors therein will have no cause to grumble on that score. Two half-yearly dividends at the rate of seven per cent. per annum netted the shareholders \$23,500.00, and the company's assets are valued at over every financial enterprise of this character—has been increased to \$2,283,883.84. It is gratifying, with this record before us, to be enabled to say that the old British America Assurance Company still occupies a leading position in insurance circles with a hold as firm as ever on the confidence of the insuring public.

Lecture by the Minister of Education.

The officers and members of Branch 145 of the Catholic Mutual Benefit Association issued invitations for an open meeting to be held in the Hall of St. Michael's College, St. Joseph street, on the evening of Monday next the 1st of March. A short programme of music will be given, followed by a lecture on "Formalities in Canadian History" by the Honourable G. W. Ross, the Minister of Education. Dr. Ross' well known eloquence and the interesting character of the subject, promise a rare treat to those fortunate enough to be able to attend.

His Grace Archbishop Walsh will take the chair.

Wells' Commercial College.

All work and no play makes Jack a dull boy," so thought the students of Wells' Commercial College on the afternoon of Feb. 19th last. They suspended their studies, put aside their books and entertained their assembled friends with a two hours literary treat, consisting of readings, recitations and songs. Mr. Sibley led off by reading an unpublished poem of Mr. Swift's entitled "Maid or Rose" descriptive of a love incident during the War of the Roses. Mr. W. Watson followed with a spirited recitation of the poem "Paying Toll" and in answer to the euloric he recited a poem of his own, "The Song of the well-known elocutionist and a friend of the students gave "Flying Jim's Last Leap." Mr. Watson appeared again and read of an incident in the Battle of Waterloo. Mr. Crocker, a young man who will be the next year to be numbered among the elocutionists of our city, read a story of the "Battle of Inkerman." Being especially requested Miss Thompson gave a delineation of a mother's appeal in a sympathetic vein the scene of which was set in an Irish court house. Mr. Watson always will bring recited "The Storm Parrot," and after a short address by Mr. Crosby the chairman, they all sang the National Anthem.

WORSHIP THAT IS ADEQUATE

WRITTEN BY THE REGISTER

In considering, as we did in the incomplete, I mean to do a minute, we showed what we supposed to be, we doubted that he cannot by his own mere power worship God in the full sense of that fine word.

Worship, as all the dictionaries tell us, is of the same root as words, worthiness, etc., and, as a verb, means to treat something—person or thing—according to its worth. There can be no unfitness then, except accidentally, in applying it to magistrates, or indeed to anyone at all who has some worthiness. In its use to express our relations towards angels and saints, we are on the same ground, that they do possess a very high order of worth or worthiness as we propose to show in a future article. But in all these instances, whether of men or angels, the worth or worthiness is limited as being a quality of creatures. There is nothing in any of them different in kind from what other creatures do not or may not possess. Even the peerless queen who sits at the very summit of creation is only a creature, and everything about her has limits.

But God Himself—how can we do anything worthy of Him? That is, how can we treat Him according to His worth?—which is the meaning of worship. Is not the word here merely a misnomer, an expression of offence and pride as if we, singly or altogether, could be God, or anything simply worthy of His acceptance. How, indeed, unless there is some way provided, some means divinely put in our hands whereby to overcome the difficulty? One by one's own strength may not be able to accomplish it; and yet a lover may find that the love of God, the love of Him, and electricity have moved the limits of human possibility very far afield.

But when there is question of going up to heaven, then no man can do this but the "Son of man who came down from heaven." He is the one who raises us towards Himself, but there is nothing which even divine omnipotence cannot do, as that is to make a thing that is limited be at the same time unlimited. He can accept our prayers, our praises, our adoration, and the like, and they will be received by Him, but even that "He will not make them infinite or equal to His own worthiness of God." Therefore, there never can be worship, in its literal and full sense, unless He who once descended from heaven, by consenting to be born and handled by man and offered in sacrifice remains still in human hands, to be the one oblation worthy, and therefore the full and adequate worship of God.

And this is just what Christianity, that is, the Catholic Church, from the day of the Crucifixion till the end of the earth, has practised in every corner of the earth. She says that as the Creator created only once, in the sense of bringing all things out of nothing into existence, yet creates always, sempiternally, by conserving what he has made. So Christ died but once, for the making of Christianity, yet dies always mystically for its preservation. There is but one exertion of divine power, with two aspects and two names, in the making and keeping made of the universe; there is but one exertion of divine love in making and preserving Christianity—the sacrifice of Calvary and the sacrifice of the Mass—two things but one continued with only a different appearance, or, as the Council of Trent says, dissimulations offered.

The analogy here is complete: creation and conservation are the same divine power manifested, the one absolutely as beginning the work, the other relatively as continuing it; the first the whole fountain, the second the whole stream, but each equal to each, each furnishing the universe, and conservation furnishing us who live in time the use of it. The death of Christ in Jerusalem made Christianity. His continuing death mystically in the Mass sustains it. The Mass indeed is a continuation, but essentially different from all other commemorations that were or are. They are by signs or symbols or monuments all, more or less inadequate and unsatisfactory—like photographs of dear friends absent—but the Mass is substantial memory, memory of the work by the presence therein of the very Lord whom it commemorates; and it is the commemoration of Him, not as He was living but as He was dying, or giving Himself in sacrifice: hence is a sacrifice itself.

All this is evident to anyone reading the Gospel account of the institution, if he only keeps in mind that the death by which we are redeemed has its full force, not the crucifixions by wicked men on Calvary—these were only its complement, its material part, so to say—but in his own voluntary acceptance of it for the sake of His Father's glory and our salvation. This voluntary free acceptance was made from the beginning, or, so to say, acted out, till at the last supper, when consecrating bread into His body and wine into His blood, each part by itself. The very state of death, He gave the command, which is Christianity's charter, "Do this" in memory of me." This was St. Paul understanding of the whole divine act, as shown

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by what he writes to the Corinthians: "For as often as you shall eat this bread and drink the chalice, you shall show the death of the Lord till he come." (1 Cor. 10: 26)

Here then is the true and adequate, and the only adequate worship of God: for here it is God on the side of creation by His human nature, offering Himself to God above and beyond all creation or as we said before, the infinite nature and infinitely greater nature. It is our worship, too, because He placed it in our power by His own appointment or ordination, when He said: "Do ye this." This given us an altar at which they are not wont to sit, who serve the tabernacle, St. Paul, and round this altar set up in every part of the globe, the Church, from the rising to the setting of every sun, assembles her children with their hopes and fears, their contrition and charity, and all the rest, and when she has tremblingly laid all respect and adoration, laid them by the hands of a priest, at His feet who is the real Host, He takes them up into Himself consuming them in the same sacrificial fire and sending them ever upwards, mingled with the infinite merits of His own oblation. Godlike and worthy of God—a true and adequate worship. This, then, is the Mass, the great centre of Christian worship.

Every other devotion gathers up into it as to their common focus. The material church, with its order, ornaments and furniture ornaments it. The sacred vestments of the priest, the altar, crucifix, candles, incense, flowers, music are its sensible expressions. The laws and commandments of Holy Church maintain its paramount dignity. It is the great altar which heaven and earth unite, and the stupendous mystery of the Incarnation is, after a sort, perpetuated in this world of ours. It spans the visible universe by its powers, unlocks the purgatorial prison, arrests the hovering powers of evil in their unholiness, work, and adds fresh light to the souls of the saints. Without it there is no altar, no priesthood, no Church, no Christian worship." (Father Harper, Peace through the Truth, page 87.)

Obituary.

The funeral of Mr. George M. Harrington, a well known and widely esteemed member of the newspaper profession, took place on Wednesday morning to St. Michael's Cemetery from St. Mary's church where a low Mass was said by Father John Kelly. Mr. Harrington was a man of whom it may be said that he never injured nor wished to injure his neighbor. He was the soul of gentleness. The funeral was attended by members of the staffs of all the city newspapers. The pall bearers were: George Watson, P. F. Cronin, H. T. Howard, Thomas McQueen, John McGowan and David Carey. Mr. Harrington's widow and mother and two sisters mourn his loss. May his soul rest in peace.

New Regulations for the Index.

A document longed for by the moral theologians has come in the shape of the Apostolic Constitution published on Monday last, says The Catholic Times of February 17th. The new regulations on prohibited books, by the very nature of events, became somewhat antiquated. The reading public of to day and the literary output are widely different from what they were at the time of the Council of Trent. A change was therefore necessary. The law in some respects had gradually grown too severe; in others it was not severe enough. The new Constitution is adapted to the requirements of our time. It may be interesting to state that there is under consideration a bill for applying the new regulations to the various journals in which the particular languages fall within the decree of proscription.

Month's Mind of the Late Father Small.

Mass of Requiem in month's mind of the late Rev. Father Andrew Small was celebrated on Tuesday morning in St. Basil's Church. The celebrant was Rev. Father Brennan, deacon Rev. Father O'Donohue and sub deacon Mr. Reath. Among the priests in the sanctuary were: Dr. Ross, Rev. L. Minahan, Rev. William McCann. In the choir were Rev. Fathers Murray and Kiehl and the students of St. Michael's College. The Mass was largely attended.

Peterborough, Oct. 22, 1896. To Messrs. Edmonson, Bates & Co., Toronto.

Genlemen—I take great pleasure in testifying to the merits of Dr. Cassell's K. L. Pills. They prove themselves to be just what they are recommended for, and are one of the best selling pills that I have ever handled.

J. D. TOLLY, Druggist.

Bullying Greece to Save Turkey.

LONDON, Feb. 23.—The Powers are to force Greece to retire from Crete. The step was foreshadowed by the statements in the French, British and German Parliaments yesterday, and to-day the terms of the order are known.

The great lung healer is found in that excellent medicine sold as Bickle's Anti-Consumptive Syrup. It soothes and diminishes the secretion of the mucous membrane of the throat and air passages, and is a sovereign remedy for all coughs, colds, hoarseness, pain or soreness in the chest, bronchitis, etc. It has cured many when supposed to be far advanced in consumption.

SONS OF IGNATIUS IN SPAIN.

Obituary of January, 1897.

WRITTEN BY THE REGISTER

Science and religion have this month to mourn the death of some of the most distinguished names on the honored roll of the sons of the Church in Spain and its colonial dependencies. From an acute analyst of secularism, the late Cardinal Blane y Barón, at the early age of 30 in the fullness of his manhood, and in the first year of his episcopacy, left widowed the time honored See of St. Teresa of Jesus, his native city, historic Avila. The illustrious prelate was a Bishop of imposing appearance, of singular talent, of ripe scholarship and brilliant faculties, of exemplary virtue and unbounded charity. Although it is only one year since he attained to the priesthood of fullness, yet he leaves even in this short span, on the Peninsula's episcopal record, grateful remembrances of his laborious life as the shepherd of souls. For years before his elevation to the episcopal bench, he was secretary of the present Cardinal Metropolitan of Valladolid at Ciudad, Rodrigo, Calahorra, and in the metropolis of Castile. He was as a writer chaste and elegant. As a pulpit orator he was concise, impressive and energetic in style, and whether as a priest, a canon or a bishop, he had always won the affection and sympathy of all who came within the sphere of his friendship and familiarity. His former patron, his Eminence Cardinal Cascajares, for days did not abandon the bedside of his former friend, secretary and brother prelate, remaining until this illustrious churchman breathed his last earthly sigh, and delivered up his soul to his eternal Creator.

With a stainless life and an unblemished name, the deeply lamented Don Blane y Barón lived a blessing and left a benefactor whose memory will ever live in central Spain in the memory of generations. R. I. P.

FATHER FREDERICK PATRA, S. J.

In an eastern clime, far from the home of his fathers, and the land of his infancy, died on the 22nd inst., one of the most illustrious astronomers and distinguished meteorologists of this century. The humblest of fathers, yet one of the most learned of the sons of St. Ignatius, Father Frederick Patra, S. J., Director General of the Manila Observatory, was born in Artes, Catalonia, Spain, in 1840, of honored parents. From a very early years he thought of consecrating himself to the divine service of Almighty God, in the laborious paths of experimental science, under the aegis of religion. In this resolution he was seconded and joined by his three other brothers, each of whom after a course of study, which placed them among the masters of science, examples of profound students of philosophy and adopts in theology, they attained to the sublime honor of the priesthood. Two of them joined the ranks of the "La Compañia." One, Father Patra, is the present professor of philosophy and metaphysics in the College of Jesus, Tortosa, and the third brother remaining on the secular mission of which he is a brilliant ornament, in the collegial church of Manresa, diocese of Vich. In 1870 the youthful curate entered at the age of 19 the Order of Jesus, and in 1885 whilst not yet in Holy Orders, he was selected by his superiors as one of a group who undertook a voyage to the eastern Archepiscopate in order to practice important astronomical observations in the island of Cebu, and on the vicinity of the Philippines. During this scientific pilgrimage he conceived the idea of founding an eastern astronomical observatory. His plans being matured, on his return in 71 to the Philippines, he carried them into practice, by establishing at the first of its class in Spanish dominions. Devoting nearly all his time to these astronomical labors, he at length invented the most famous and most simple and most useful of barometers, which at once indicates the formation and near approach of the cyclone, and the monsoon, the trade wind and the tempest, and thus he has memorialized the effects of these awful disasters by sea and land, which they so frequently occasioned. The death of this illustrious astronomer is not only a provincial, but also a national loss for science and humanity, and well may one and the other have mourned in silence at his bier in the beautiful church of his order in the city of Manila. In 75 he proceeded to Rome, and there became one of P. Secchi's S. J.'s favorite pupils; there for four years he labored assiduously in these his predilect studies, but these arduous labors began to tell even on a constitution robust and manly and they had in '81 to be temporarily abandoned. He left the Eternal City and proceeded to his famous observatory and began to put in practice: the fruits of his studies. The results of his watchful observations continued unbroken, until some few years ago, he was selected by Father Alga, S. J., his present successor in the guidance of the observatory, to represent Spain in the Meteorological Congress of the world's astronomical lights, at Chicago during its World's Fair. Although the only Catholic amongst the crowd of the world's savants, still their ranks know

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