

## The School Question in History and Law.

By N. McEwen, Q.C.

By the Act of the Manitoba Legislature in 1870 all the rights of the minority as to education, then as has I think been conclusively shown in my preceding articles existing in *provincie* at the time of the Union between Manitoba and the Dominion of Canada and in consequence protected, conserved and guaranteed by the Confederation Act of 1870 should Sir John Macdonald's opinion in the New Brunswick school matter be an indisputable authority were, moreover, granted, mortified, confirmed and established use what term you wish, if they never existed before, once granted they could never be legislated on again by the Province so as to enforce a grievance on the minority than the majority. By the passing of this Provincial Act Manitoba carried out in good faith, as the Provincial Legislature of Quebec had done in her first session after Confederation, the intentions, deliberations and concentrated wisdom of the fathers of Confederation.

How long did good faith exist on the part of Manitoba, the latest province to join in a Confederation on the well understood lines on which she entered the Union and guaranteed the rights of minorities as to education?

When Manitoba entered the Union she, like Quebec, had a senate allotted to her, and she professed necessity for having a senate as that it may supervise and correct any hasty or unjust legislation on the part of the Lower House. About 1870 the Lower House of Manitoba, on the plea of economy, sought to do away with the Senate, but were, of course, unable to do so without the consent of the Senate. That body, largely composed of Catholic French Canadians, were apprehensive that should they consent to the abolition of their House the rights and privileges of their co-religionists might be infringed on or abolished altogether, as they have been by the Act of 1890. The Protestant majority in the Lower House, led by the Premier, Mr. Davis and seconded by Mr. Luxton, the Provincial Secretary, assisted by Mr. Frank Cornish, a prominent Orangeman at least, who was living in London, but, assured the doubting Senate that the rights and privileges of the minority would be carefully guarded by and be perfectly safe in the hands of the majority. Hear their words:

Premier Davis said: It may be said that the council is a safeguard to the minority. He could assure the minority that their rights would never be trampled upon in this Province. There would always be sufficient English speaking members in this House who would insist on giving their French fellow-subjects their rights to protect them.

Mr. Luxton said: There were some questions of sentiment which lay close to the hearts of the French people, and he could assure them that the English speaking members would not rudely deal with those if the French representatives were sufficiently patriotic to give up their seats before the House. They would recognize their generosity and not forget it.

Mr. Frank Cornish said: He believed the old settlers and the French would make a common cause if their rights were not respected, and he could assure them that when the Canadian that is the English speaking party, became the great majority it would not be found oppressive.

So strong, so hearty, so generous and so generous were these expressions, that the French folk then and rose to express his feeling in this way: But there was something else, for himself, which had not been guaranteed by any Act; he found it yesterday in the remarks of the Hon. Messrs. Davis and Norquest, in the applause given by Mr. Brown to the sentiment of Mr. Luxton, and in the expressions of Mr. Cornish.

And Mr. McEwen, speaking, said: He was pleased to hear the generous and just remarks of the hon. Premier, the Provincial Secretary, and also the hon. member for Rockwood, which the minority in the House that confidence which the members of this House, by their vote on this bill would express, that they felt in the hands of the majority.

The Senate was abolished with the consent of the French members, and two or three years afterwards, both those rights, one of the language, the other the educational system, were ruthlessly abolished by the Act of 1890. Would the Act of 1890 ever have passed the Senate of Manitoba if such a body had been then in existence? It would not, I am sure confident.

Was the abolition of the Senate in Manitoba the intentional because necessary precursor of the Act of 1890 going away with the rights of the minority which the Lower House had promised the Senate at its dissolution to faithfully guard and keep? I cannot answer this question so confidently, for the promises were made by honorable men and I believe were sincere. In the light of the utterances of Mr. Martin when moving the bill of 1890 and of Mr. McCarty in the House of Commons during the remedial debate, and the successors of

these honorable men I may be pardoned and for being a doubter and I may be permitted to say: "But Brutus was an honorable man." They were all honorable men.

Mr. Martin in moving the bill said: "The Government's action had not been intended because they were dissatisfied with the manner in which the affairs of the department are conducted under the system but because they are dissatisfied with the system itself."

Mr. McCarthy in the House of Commons said: "Do you tell me that the Equal Rights Association had nothing to do with that question? Of course the feeling was there; the grievance existed; here people's minds had only to be directed to it, and the moment attention was drawn to it, the province of Manitoba rose as one man and said: We want no dual language, and away with separate schools as well."

Thus this fraud will accentuate or punctuate the very Hands-off-Manitoba, otherwise than Hands-off-Manitoba, as I did a year ago in these columns. (See column headed "Manitoba.") The same coercion that you British people are wild for today—to keep the Turkish majority from the throats of the Christian minority and conserve that minority in their just rights.

Lord Durham, who originated the union of Canada and whose report has been alluded to says:

"If in the hidden decrees of that wisdom by which the world is ruled, it is written that these countries are not for ever to remain portions of the empire, we owe it to our honor to take good care that when they separate from us they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself."

Poor Manitoba—are you the exemplification of had faith dreamed by the framers of Confederation? If so come forward abundantly as Messrs. Martin and McCarthy have done and do not play the role of the bully under the garb of a "victim coerced." Hands off, Manitoba!

(TO BE CONTINUED.)

## Obituary.

Jeremiah Warren Horgan departed this life on Thursday, Feb. 25th, at the ripe age of 77 years. For more than a generation Mr. Horgan was a prominent figure on the streets of Toronto, and few were better known than he in the Catholic community, of which he was so long an exemplary member. Born in Cork, Ireland, he came to Canada while quite young. He had been educated at the great university, and acquired an educational training which he applied with rare success in the profession which he had afterwards chosen—that of school-teacher. Many a pupil, here and elsewhere, had been molded by his plastic hand and cultured mind, and many there are who still take pride in being untaught amongst those whose youthful efforts received his encouragement in class and the finishing touches which he imparted as they stepped out on the rugged journey of life.

Relinquishing the teaching profession Mr. Horgan obtained a position in the Toronto Customs in 1877. It is needless to say that he was well qualified for the office, and that during a service, which dated from that year till his superannuation in 1888, his record was without spot or blemish. Mr. Horgan had as colleagues in the Customs the late James McCarroll, Morgan O'Flaherty and Timothy McCarthy—all men of high repute and ability. With Mr. McCarroll—who was Surveyor of the Port—Mr. Horgan was a special favorite. Each bubbled over with native Irish wit, and it was difficult to determine to which was the most ready, so droll, so keen, and yet so harmless, were the shafts and sarcasms of both.

Enjoying in his retirement a handsome competence Mr. Horgan was favored with the best of health till May of last year. It was then that he was attacked with paralysis, but a good constitution carried him over that illness, severe as it was, till Christmas, when a relapse set in. Under this second attack he began to fail; and though nothing was done, it proved fatal on the date above mentioned.

Mr. Horgan died, as he had lived, a practical Catholic. The dread summons did not take him unawares, but found him strengthened and consoled by the rites of the Church, with whose benedictions his soul passed from this to the world beyond the grave. May it rest in peace.

## A Lecture at the Junction.

On the evening of St. Patrick's Day Rev. Father Ryan, rector of St. Michael's Cathedral, will lecture in Dean Bergin's pretty church at the Junction. Tickets are being sold, and are going rapidly the combined popularity of the lecturer and the pastor insure the success of the evening, and the people will participate in an event which will be a treat in itself, a work for a good object, and a pleasure on Father Bergin's and Father Ryan's account.

## Oak Hall.

Anything purchased in this establishment—the finest of its kind in the Dominion—may always be relied upon as being genuine, both as to material and workmanship. Our friends who propose celebrating the glorious "175th" may want a neat suit for the occasion, and Oak Hall is the place to get it at a price that cuts the closest competition.

## Anglicans and The Catholic Name.

WRITTEN FOR THE REGISTER.

In continuing my remarks, that Anglicans cannot claim to be called Catholic in last week's letter, I am now to question other assertions in Anglican Churchmen's letters, for he next tells his readers in The Mail and Empire, that "a Catholic is one who accepts and obeys the canons of the general Councils of the undivided Church." This definition is not wholly true. It is incorrect. Catholic is a Greek word meaning "universal" and the religion which takes this name was called Catholic, because all Christians of every nation, and of all time since its institution by Christ, acknowledged it to be the only true religion, and because all acknowledge one and the same Lord of the Church, and thus was the Pope, Christ's Vicar on earth, and because all believed in the same sacrifice and, the same sacraments, and all had the same means of salvation, all had one faith. So that a Catholic is one who believes not only in the general Councils of the "undivided Church" but believes also in the Scriptures and Tradition and in all the teaching of the mystical Body of Christ, the Church.

I would like to know from Anglicans when the Body of Christ, the Church, was divided. My reason for asking this question is obvious. Anglican tells us that only one is "a Catholic," who believes in the Councils of the undivided Church. In his meaning of the Catholic Church it was divided at the first general Council of Nice in 325 against the Arians, who formed a very numerous body of Christians, but were no part of the Catholic Church, and at every Ecumenical Council since assembled to condemn the heresies of Christians who departed from the faith of the Church.

But the true vicar of Christ cannot be divided. It is indivisible. St. Paul understood the Church very well, and he calls it the "Body of Christ," and says: "For as the body is one and hath many members, and the members are united to each other, so also Christ, but God hath tempered the body together, giving to that which wanted the more abundant honor (the head, the Pope) that there might be no schism in the Church, but that it might be all knit and perfectly united." (1 Cor. xii, 11, 12, 25, 26, 27, 28, 29, 30.) If all the members of Christ's body are sanctified in truth, and truth being a divine attribute, is essentially one and unchangeable, the same divine word which is truth, (John xvi, 17) must be divided out to every member of Christ's body, (the Holy Ghost, with it, 1 Cor. xii, 11); and, therefore as the members stand in one communion with Christ their head, they must be in communion with each other according to the logical maxim that things resembling a third object so far they resemble each other. This communion, therefore of the faithful, as to doctrine and grace proved both by reason and scripture constitutes that unity of the church, which is her distinguishing characteristic, essential privilege and glorious prerogative. It is not for nothing that Christ said, "against her gates of hell shall not prevail." Following the definition of Catholic Church which I have laid down in this letter, and which will be admitted by Catholics, and I believe by many Protestants in order to find out the true Catholic Church, I would argue in this way: "That alone is the true Church of Christ in which there is unity of doctrine, unity of worship and unity of authority. But these properties are exclusively found to exist in the Roman Catholic Church; therefore the Roman Catholic Church is exclusively the true Church of Christ, hence she alone is the Catholic Church to which we must for God's honor and our salvation be united by communion. I don't think any reasonable man admitting the existence of the Church of Christ at all can gain say this argument, for if the major proposition be admitted as containing the distinctive marks of the true church, the minor cannot be validly denied. But the major proposition is defined by one of the four general Councils, admitted by Anglicans to be the true Church, and by an article of Catholic faith, therefore the minor proposition is unarguable, for the Roman Catholic Church alone possesses unity of doctrine, unity of worship and unity of authority, and consequently is alone Catholic in the true sense of the Church of Christ, hence she alone is the Church of Christ itself. Barwick, a Protestant writer (Treatise page 10) says:—"These three marks, the essentials of faith, worship, and government, are the characteristic notes by which the true Catholic Church is everywhere distinguished from the congregations of heretics and schismatics. But, Anglican says, if his definition of the word Catholic be accepted, then is Rome un-Catholic, for she does not obey

these canons" of the four councils. This is not true. It stands marked with falsehood on the very face of it. The Roman Catholic Church, and Roman Catholics all do obey the canons of Ecumenical Councils, and reverence them as the record of doctrine of the Holy Ghost. When he proves that Rome does not obey the canons and is therefore un-Catholic he certainly will establish something unheard of in history, and something which was never before successfully attempted. I may mention that his canon and conciliar throughout his whole letter are both false and illogical. He says Rome is schismatic because in consequence of the Bull of Pius V, in 1571 she left the "National Church" of England. This is certainly a bold and audacious statement. Why did she leave the national Church, for she never belonged to it, whereas the "national Church" of England belonged to Rome and acknowledged her supremacy from the landing of St. Augustine in England to the time of Henry VIII, nearly one thousand years, and this supremacy was never contested till the 23rd year of his reign, and then only to bring about a most unjust and scandalous design. (See state papers or Dodd's Ecc. Hist. of England.) Why did she leave the "National Church," we hear so much of for the last forty or so years, was subject to the Roman Pontiffs as a host of acts clearly show. I challenge proof to the contrary. "For this so long Antiquities of the Anglo-Saxon Church page 18 American edition."

Christianity and its first teachers came from Rome to England. At the close of the second century, Pious Eleutherius (about 180) had sent to England, Fugentius, a learned man, at the instance of King Lucius. (See above page 18.) This is attested by all the older British writers. Whether previous to this time the Gospel was preached there to any extent or not at all is doubtful; but if it was, it had failed, but few converts at any rate, but for Rome England perhaps would never have been converted. Besides, the Primacy apart, England was the Western patriarchate and under this title, like the other parts of the Church, was subject to the spiritual jurisdiction of the Roman Pontiffs, who were avowedly the Patriarchs of the West. The testimony of Gildas, a historian of the time, clearly proves that British churches acknowledged the authority of the Bishops of Rome; for their clergy were obliged to obtain ecclesiastical preferment. (See above page 11 et seq.) Now, sir, either the Church of England was or was not a portion of the universal Church subject to the Roman Pontiffs, before the Reformation. If it was, it was not, then the Church of Christ, which he founded on Peter, was not built till the sixteenth century after his birth, or of the era which then commenced, as is computed from that date by Mr. Martin, proposing this dilemma is to show your readers that a new Church was built in the sixteenth century, because the "law church" announces its ritual as "The Book of Common Prayer" and the administration of the sacraments, the rights and ceremonies of the Church according to the use of the Church of England. This is the "law church" not Catholic, observe. But let us pause for a moment between the horns of the dilemma. It is necessary to bear in mind that the question is not about a church, but about the Church; no two matters can be more distinct from each other than these two. The Church is one, and the two churches I must use the word in the plural for the sake of argument,—of two churches differing in faith and separated in communion not more than one can be the Church. Will any reasonable man say that a Church that came into existence sixteen hundred years after the Christian institution is that one? Christ founded but one Church, one fold under one shepherd to last to the end of the world. This (the end of the world) has not yet come. In its Nineteenth Article the Anglican Church so called "defines the visible Church of God to be 'the company of the faithful, wherein the pure Word of God is preached and the Sacraments duly administered according to the institution of Christ, in all those things which he hath appointed or required to the same.' (Sacraments.) Any company of the faithful anywhere may arrogate to itself these qualifications and has so arrogated them to, e.g. the Methodists. Any church, set up at any time since the Apostles or Laurence to be set up, may have put forth, or may put forth, the same pretensions (e.g. Salvation Army). Catholicity and apostolicity are not, according to the definition given in this article, necessary attributes of the Church of Christ. It was, indeed, convenient for the Anglicans to thus define the Church, but they have given the definition of any so-called Church and not of the Church instituted by Christ, and therefore, Anglicanism cannot be called Catholic even by courtesy. His Lordship, Dr. Sweetman, understood well the position of his Church in Christianity when, in his charge of June 4th, 1879, already quoted, he said: "We cannot deny, if we would, that we are a Church the work of the Protestant Reformers."

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