

Vindication Of Bishop Budka.

Full Record of Investigation.

Throughout the duration of the war, the Rt. Rev. Nicetas Budka, Bishop of the Diocese of Canada of the Ruthenian Greek Catholic Church, was the victim of periodic attacks which were given wide publicity by the press, more particularly in the Provinces of Manitoba and Ontario. As a rule, these attacks were inspired by members of a comparatively small group of Canadian Ukrainians, who, while remaining in the background, were enabled to obtain for their fabrications all necessary publicity through the medium of credulous editors and scheming politicians. The attacks alleged disloyalty on the part of the Bishop; in reality, they were founded upon jealousy, religious prejudice and hatred on the part of those who prompted them. As a consequence of the wide publicity obtained, a very considerable number of Canadians arrived at the wholly erroneous conclusion that Bishop Budka was in reality a disloyal citizen.

From time to time the defamatory accusations were answered and refuted by Bishop Budka himself, by the Catholic Truth Society of Manitoba, by the Knights of Columbus and by other organizations and individuals; enquiries made in the House of Commons received from the Government the reply that investigation had been made but no evidence to substantiate the accusations had been submitted. In spite of this, however, the general charge of disloyalty was repeated and continued to receive publicity.

In the Winnipeg press of April 25 last, appeared an announcement that the Great War Veterans, through their Association, were bringing every pressure to bear upon Ottawa to secure the deportation of Bishop Budka, that every constitutional step possible was being taken by said Association to get the Bishop back to Austria, and indignation was expressed at the alleged laxity of the authorities and intimation given that trouble would occur if action was not taken promptly.

On May 1 a large deputation of Great War Veterans waited upon Hon. T. C. Norris, Premier of Manitoba, and made a demand for action leading to the deportation of Bishop Budka. The latter had then been absent from home for several days. Immediately upon his return he publicly announced his desire for a most searching investigation by a properly constituted authority, at the earliest possible date, in order that his conduct, his citizenship, his utterances and his writings during the past five years, should be most carefully enquired into. He stated his further desire that such investigation should be held in public and that an opportunity be given to all who had any complaint to make concerning him, to appear and be heard. He further announced that instructions had been given to his Counsel to endeavor to arrange for the holding of such investigation at once.

Immediately thereafter, Mr. T. J. Murray, Counsel for Bishop Budka, interviewed the chairman of the Alien Registration Board with a view to arranging an investigation; he also wrote Counsel for the Great War Veterans expressing a desire for an immediate and thorough enquiry, suggesting that it be conducted by a Judge, that it be made broad enough to include all relevant allegations and complaints, and that an opportunity be afforded to all who might have any accusation to make, to be heard. The communication further offered the fullest measure of co-operation with

the Great War Veterans in the preparations for and conduct of the enquiry.

As a consequence, arrangements were made with His Honor Judge Paterson of the County Court, Winnipeg to commence on May 19 an enquiry under the provisions of the Dominion Order-in-Council of Feb. 14, 1919 (dealing with enquiries as to the propriety of directing the internment of persons of alien enemy nationality) the proceeding being based upon a formal application made by Counsel for the Great War Veterans to Judge Paterson requesting the internment of Bishop Budka. On the date set for commencing the enquiry, Winnipeg was in the throes of a general strike and an adjournment was directed. Subsequently, a further adjournment was granted at the request of the Great War Veterans. Then long vacation intervened, and it became impossible to bring on the hearing before Fall. On Sept. 29, no move having been made by the complainants to arrange for a hearing, Bishop Budka's Counsel applied for and obtained an appointment for October 27.

Early in May Counsel for the Bishop had requested the Great War Veterans to submit a written statement of their charges, and in reply the complaints against the Bishop were stated in writing as follows:—

1. That he has prayed for the success of the Austrian armies.
2. That he has, at different times, made statements derogatory and prejudicial to British soldiers and likely to bring the British armies into contempt.
3. That he has solicited and collected funds for the assistance of Galicia and Austria.
4. That he has been the agent of the Austrian Government in Canada.
5. That he has expressed his loyalty to the late Emperor Franz Joseph of Austria.
6. That he has deprecated Canadian War Bonds and has endeavored to prohibit the sale of Canadian War Bonds to Ruthenians.
7. That he has attempted to maintain the Ruthenian language to the exclusion of the English language in Ruthenian schools.
8. That he has blocked the establishment of the Ukrainian Legion for service in the British armies.
9. That he has repeatedly expressed his sympathy, both in speech and writing, to the Austrian Government.
10. That he has broken his parole while in Canada, and United States.
11. That he has preached seditious sermons.

On the opening of the enquiry before His Honor Judge Paterson, on October 27, Mr. C. L. Monteith, who appeared as Counsel for the Great War Veterans, stated to the court that he could not substantiate any of the above mentioned charges, and that they would have to be withdrawn, as he could not prove them.

Counsel for the complainants then submitted a new charge, viz. "that Bishop Budka, having registered as of alien enemy nationality, had failed to report to the Registrar of Alien Enemies." In support of this charge, he called as a witness the chief clerk of the Alien Registration Department, Winnipeg, who admitted that the Bishop did not report, because he had been excused from reporting by the Registrar of Alien Enemies, and that the Bishop had therefore never been under any obligation to report. The witness further stated that so far as his knowledge went, the exemption from reporting was granted because "Bishop Budka was a priest, and he was not thought to be dangerous, and the permission to travel was something which he would need, owing to the

necessity of his travelling between his parishes." This was the only witness called by the complainants.

No one else having appeared to make any complaint or offer any evidence against the Bishop (although notice of the enquiry had appeared in the public press), Mr. Murray, Counsel for the Bishop, then announced that he proposed to adduce evidence to show that the charges originally made were without foundation. A question having been raised by the court as to the propriety or necessity of hearing further evidence under the circumstances (in view of the withdrawal of all the original charges), Mr. Murray submitted an argument in support of the contention that in the interests of the public and of the Bishop, and in fairness to the latter, an opportunity ought to be afforded of introducing further evidence, and in this way settling the whole question completely. The Court finally agreed to hear further evidence.

The case submitted on behalf of Bishop Budka comprised a very considerable volume of documentary evidence, as well as the viva voce statements of several witnesses. The former included many excerpts from the daily press, several pastoral letters issued by Bishop Budka to his flock (including the now famous letter written prior to the commencement of the war, and at a time when there did not appear any likelihood of Great Britain being drawn into the conflict), letters from the Premier of Canada, papers dealing with the application for naturalization of the Bishop, newspaper reports of addresses delivered by the Bishop to his people in various parts of the West, copy of depositions in the Hafford case, special articles written by the Bishop for the Canadian Ruthenian newspaper and printed in both English and Ruthenian, and excerpts from Hansard showing answers by the Government to enquiries made in the House of Commons.

Of the mass of documentary evidence so submitted, perhaps the most valuable was that furnished by the several pastoral letters, written, as they were, by Bishop Budka himself, at various times and on momentous occasions, throughout the period of the war, when there could be no thought of their being used as evidence in the future, prepared, not for public effect, but in order that their contents might be communicated to the members of his flock by the priest on the altar. These pastoral letters accurately reflected the true inwardness of their composer. They appealed to the highest and noblest instincts of the Canadian Ukrainians, calling upon them to rally under the flag of the British Empire, and to sacrifice wealth and blood in support of it, as a holy duty; they made due acknowledgement of the debt of gratitude and obligations which they were owing to Canada, the land of adoption, which had afforded protection and opportunity to all its Ruthenian citizens; they requested that all party and racial feelings and all indifference be put aside; they gave reminder of the oath of allegiance, with its resulting obligation in the way of loyalty, and they defined loyalty as involving sacrifice; they suggested the formation of battalions of naturalized Ukrainians, and they appealed for continued prayer for the success of the cause undertaken by the British Empire and the speedy restoration of peace.

The Bishop himself took the witness stand and underwent a lengthy examination covering each one of the charges made against him. He denied each and every one of them; he explained what his attitude had been and was on each of the questions involved in the charges, and he disclosed to the court all relevant information which he possessed,

pertaining to the subject matter of the charges. He was also subjected to a lengthy cross examination by Counsel for the Great War Veterans. Although this examination covered a wide range, no objection was taken to any of the questions, the Bishop answering them all, to the best of his ability, and with thorough frankness.

Other witnesses called, showed that Bishop Budka had on many occasions, while addressing gatherings of his people in the Western Provinces, advised them to assist the Red Cross work, and to purchase Victory Bonds, in order that Canada might be enabled to carry out her undertakings; that he frequently reminded them of their duties to Canada, and that he arranged for other speakers to give addresses on the same subject; that he insisted on the children learning the English language, pointing out that, without it, they would not be able to succeed in this country; that his advocacy was not only in favor of a knowledge of English, but also for a thorough training in it; that he had made representations to the Government at Ottawa with a view to having permission granted for the organization of Ruthenian battalions in the Canadian Overseas Forces; that he had publicly and privately advocated enlistment on the part of Ruthenians not only in such Battalions but also in the Canadian Army generally. These witnesses also were examined as to the various charges made against the Bishop; they stated they had no knowledge of anything which would serve as a foundation for any of the charges; that they believed the charges to be wholly unfounded, and that in their belief, the charges had originated with a group of foreign speaking people who were active in a movement to establish among the Ukrainian people a church independent of the Ruthenian Greek Catholic Church. Among the witnesses were the Director of a Ukrainian Educational institute and a former officer of the Canadian Army.

On Nov. 26 His Honor Judge Paterson delivered the following judgment:—

"In the matter of an application to intern one, the Right Reverend Nicetas Budka, under Orders-in-Council, dated 28th of October, 1914, and 14th of February, 1919.

"The Law Courts, Winnipeg, November 26th, 1919.

"JUDGEMENT OF HIS HONOR, JUDGE PATERSON.

"His Honor: I was under the impression the last day of the hearing that I had to make a written report but having looked into the Orders-in-Council, I cannot find it necessary to do so. If the accused is found guilty and ordered to be interned, he is handed over to the authorities, otherwise there is no procedure requiring me to report, apparently, to anybody, but I think, as I did not give my decision the other day, I should declare in open Court or indicate, really, what was the result of the investigation.

"So far as the charges were concerned, it resolved itself simply into the one charge that was pressed and that was that he had not reported as required under the registration of aliens. He did not report, that is quite true, but I think he had a very good reason why he should not have done so, without at all seeming to be trifling with the regulations or willfully breaking the rules, and that was, as he had registered in the office of Colonel Lindsay, he there received authority, I think it might be called, at least he practically received a release from requiring to report after registering. I think it is quite reasonable that Bishop Budka accepted, as almost anybody would have accepted, the authority of Col. Lindsay, who was at the head of the Board, as being qualified and authorized to grant him

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