

that is prepared for him. It may be heavy with unbearable burdens and lack of appreciation; or fetid with moral pollution; or too rare with adulation and false pleasures; or languid with enervating luxury; or poisoned with hypocrisy and pretence. The atmosphere of the home is a composite of the exhaled characters of those who make the home.

We may know his past, personal and ancestral, but no one knows his future. His relation to his past is one of approvals, or repudiations. He has the power to turn against an unfortunate heredity and environment; he has the power to choose all that is noble in the past and present, and his future is largely shaped by his attitude towards his past. But nobody knows just what he will do with it all till after he has done it. He is the most uncertain of creatures. You can never tell his future from the way he looks and acts nor from the way his ancestors looked and acted, and just how he will turn out depends on how he gets himself related to this multimodal environment of his. He has the divine gift of choice but no one can forecast or force it. He was made that he might become perfect; will he even care enough about it to try the stupendous task? He has the power of imagination to picture; will to purpose and perform; imitation to conform to the highest; capacity to receive new force and to use the greatest power of all, personal force. He has kindred and friends who love him enough to supply him with what he needs. He must determine his future and they often decide what he shall determine. His unchosen factors may be bad, but he may choose a new environment and a heavenly ancestry, provided that he is rightly aided.

SEPARATE SCHOOLS

A NOTE

On the Constitutional Right of Catholic Separate School Trustees to establish and maintain High Schools or Secondary Schools.

1. To prove that any class of Catholic Separate School Trustees have by sections 1 and 2 of paragraph 98 of the British North America Act the inalienable constitutional right to establish and maintain High Schools or Secondary Schools, it is necessary to show that they possessed this right by law at Confederation.

2. All rights possessed by the Catholic Separate Schools of Ontario by law at Confederation are contained in the Separate School Act of 1863 (26 Victoria cap. V. Upper Canada).

3. According to paragraph 7 of this Separate School Act of 1863: "The Trustees of Separate Schools forming a body corporate under this Act . . . shall have all the powers in respect of Separate Schools that the Trustees of Common Schools have and possess under the provisions of the Act relating to Common Schools."

4. The Trustees of Common Schools in Cities, Towns and Incorporated Villages, obtained by law in 1850 and still possessed by law in 1863 and 1867 the power to establish or maintain High Schools or Secondary Schools as well be shown.

5. Therefore, the Trustees of Separate Schools in Cities, Towns and Villages possessed by law in 1863 and 1867, the power to establish and maintain High Schools, that is, Schools embracing the work of secondary education.

6. Therefore, this is one of the rights guaranteed to the Catholic Separate Schools and Trustees of Ontario by paragraph 98 of the British North America Act, and consequently one of the rights they still possess.

B.

There now remains to be proven that the Trustees of Common Schools in Cities, Towns and Villages possess the right by law to establish and maintain High Schools.

7. This power was given them by the Common School Act of 1850 (13 and 14 Victoria cap. 48). The fourth part of this Act is headed: "Fourthly, Councils and Trustees in Cities, Towns and Incorporated Villages." Under this heading comes paragraph xxiv: "The Board of School Trustees for each City or Town shall be a corporation . . . and it shall be the duty of such Board . . . Fourthly, To determine the number, sites, kind and description of schools in such City or Town."

8. The Common School Act of 1850, found in the Consolidated Statutes of Upper Canada, 22 Victoria, 1850, cap. 64 paragraph 79, No. 8 repeats these clauses of the earlier Act and they were in force in 1863 and in 1867. It is this Consolidated Common School Act of 1850 which is referred to in paragraph 7 of the Separate School Act of 1863.

9. That the words of the Common School Act of 1850 which gave to the Common Schools Trustees of City, Town or Village the rights "to determine the kind and descrip-

tion of schools" meant the right to determine whether such school might be elementary or both elementary and secondary, is certain from the official interpretation given the Act by the Chief Superintendent of Education in Upper Canada in a "Circular to the Boards of School Trustees in the several Cities and Towns on their duties under the Common School Act of 1850." In paragraph 9 of this circular Dr. Ryerson writes:

"Our School Law confers upon each Board of Trustees all the powers of establishing and maintaining the various kinds of schools (Classical as well as Common—see Twelfth Section of School Act, 4th clause) which are conferred on the School Corporations of the Cities, Towns and Villages; and my earnest desire and prayer is, that you may be disposed and enabled to exercise these powers with like wisdom, patriotism and success."

Cited in Documentary History of Education in Upper Canada, Vol. 9, page 205.

Moreover, Dr. Ryerson comments also in the official organ of the Department in January, 1851, on the powers of Common Schools Boards in Cities, Towns and Villages: "Each such Board has the charge of all the Common Schools in the Municipality, determines their number and kind, whether Primary, Intermediate or High Schools, whether classical or English, whether Denominational or mixed, whether many or few, etc."

Therefore, according to both these official interpretations, the Common Schools Trustees of cities, towns and villages have the right by law to establish and maintain a classical school, that is a school doing the work of a High School or Continuation School.

10. Additional proof that the Common School Trustees of Cities, Towns and Villages have the right by law to conduct High Schools or Secondary Schools is found in the official School Manual, the Consolidated Acts relating to Common Schools in Upper Canada with the Decisions of the Superior Courts and Forms, General Regulations and Instructions for executing these Provisions, edited with Notes, by authority of the Chief Superintendent of Education, by J. George Hodgins, LL. B., Deputy Superintendent, Toronto, 1861.

In this official Manual, we read pages 75-7, paragraph 79 of the Consolidated Common School Act: "It shall be the duty of the Board of School Trustees of every City, Town and Village respectively and they are hereby authorized . . .

(8) To determine a) the number, site, kind and description of schools to be established and maintained in the City, Town or Village. "This permission includes schools for boys, girls, coloured children, High Schools, etc., etc."

Here, again we have an official interpretation given in 1861 that the Common School Trustees have by law the right to establish and maintain in Cities, Towns and Villages, High Schools, that is, schools devoted to secondary education.

11. Therefore, according to paragraph 7 of the Separate School Act of 1863 the same power is possessed by the Catholic Separate School Trustees of a City, Town or Village, for they possess all the powers that the Trustees of Common Schools have and possess under the provisions of the Act relating to Common Schools.

12. These legal powers of Separate School Trustees remained unchanged at Confederation, for between 1863 and 1867 there was no Act modifying the powers of Common School Trustees or of Separate School Trustees.

13. Therefore, the power of Catholic Separate School Trustees to establish and maintain in Cities, Towns and Villages, Secondary Schools is one of those powers which is protected and still maintained in the Separate School Act of 1863 by paragraph 98 section 1 of the British North America Act:

"In and for each Province, the legislature may exclusively make laws in relation to education, subject and according to the following provisions: "(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union."

C.

14. That not merely the Trustees of Common Schools in Cities, Towns and Villages but also the Trustees of Common Schools in rural sections had by law in 1863 and 1867 the right to establish and maintain Secondary Schools, may be inferred from the fact that they are obliged by law:

"To permit all residents in such section between the ages of five and twenty-one to attend the school."

Common School Act of 1850, 13 and 14 Victoriae c. 48, Section xii, 13 (Also in Consolidated Common School Act of 1850, xxvii, 16.) Common School Trustees were of course not obliged to accommodate "the children of persons in whose behalf a Separate School (Catholic or Protestant) shall have been established" as the obligation then fell on the Separate School Trustees. That this is the right interpretation of the Act is shown by Section xix "Provided always that each Separate School . . . shall be under the same regulations in respect to the persons for whom such school is permitted to be established as are Common Schools generally." It will be noted that this Act by contrasting Separate Schools with

Common Schools generally classifies Separate Schools as Common Schools.

15. That rural Common School Trustees had at Confederation the right by law to give secondary education in their schools may be inferred also from the fact that according to the Common School Act of 1850, Section xii, nineteen: "It shall be the duty of the Trustees of each school section . . . To prepare and transmit a report to the Local Superintendent . . . which report . . . shall specify . . . Fourthly, The Branches of education taught in the school; the number of children in each branch."

This clause was also in the Common School Act of 1859 and was in force at Confederation. From this we have a right to infer that the trustees of rural school sections have by law the right to conduct the various "branches of education," primary, intermediate or high, in their school.

16. The "Order and classification of studies prescribed for the Common Schools in Upper Canada, as observed in the Upper Canada Model School, Toronto, adopted by the Council of Public Instruction, 31 December, 1858," cited on pages 146-7 of the official School Manual of 1861 above referred to, proves that any Common School in Upper Canada, whether rural or urban, might impart secondary education to its pupils.

This list contains, in addition to the ordinary primary school subjects, the following obligatory subjects: "Algebra, Euclid, Mensuration, English Literature, Bookkeeping, Physiology and General English and Canadian History," and the following "extra subjects to be taken up at the discretion of the school authorities," namely, "Trigonometry, Elements of Geometry, Elements of Zoology, Elements of Botany, Elements Natural Philosophy."

The powers thus possessed by Common School Trustees are by virtue of paragraph 7 of the Separate School Act of 1863 and paragraph 98 of the British North America Act still possessed by Separate School Trustees.

17. While this Note is not exhaustive, for there is more evidence to prove the extent of the power as regards secondary education enjoyed by the Common School Trustees in 1863 and 1867 and hence also enjoyed by the Separate School Trustees, it is submitted that sufficient evidence has been adduced to prove that Catholic Separate School Trustees in Ontario have by virtue of sections 1 and 2 of paragraph 98 of the British North America Act a constitutional right to impart secondary education and to establish and maintain secondary schools. It would be outside the scope of this short Note on the legal aspect of the question to show, as can and has been shown, that certain Boards of Catholic Separate School Trustees exercised this right to some degree both before and after Confederation by preparing pupils for Teachers' Certificates and for Matriculation and are exercising it today, and that their right to do this was contested for the first time by the Department of Education in 1915.

18. On the other hand, it is clear that when the Province of Ontario in 1871 reorganized its school system by abolishing the Common School and the Grammar School and by establishing the Public School and High School, it did not deal with or affect the inalienable rights and privileges which Separate Schools possessed as Common Schools, nor has there since been provided the legal machinery required by Separate School Trustees to enable them to exercise all the powers which the Common School Trustees possessed in 1867. The new Separate School Act of 1863 has unwittingly been tampered with and the all-important seventh paragraph has been changed so as to read:

(45.) "It shall be the duty of every Board and it shall have power to . . . exercise all such other duties of Public School Boards as are applicable to the case of Separate Schools except as to matters as to which other provision is made by this Act." Catholics have a legal right to insist that paragraph 7 of the Act of 1863 be re-incorporated verbatim into the present Separate School Act, for Public School Trustees do not possess all the powers as regards secondary education that were enjoyed by Common School Trustees.

19. Curiously enough, the present Separate School Act does, however, state verbatim that an urban Board "has the power to determine the number, kind, grades and description of schools to be established and maintained" (paragraph 45, p.) Catholics now ask that their Separate School Trustees be provided with the necessary legal machinery, so that in the words of him who fashioned the Ontario School System, they may establish and maintain the various kinds of schools, Classical as well as Common, High as well as Intermediate and Primary; and their earnest desire and prayer is that they may be enabled to exercise these powers with like wisdom, patriotism and success.

JOHN J. O'GORMAN

"It is only honest effort which will correct fallen human nature. The habit of virtue can never be attained by a negative attitude of mind."

STEPHENSON VERDICT

EDITOR DENOUNCES SPIRIT WHICH MADE IT POSSIBLE

Birmingham, Ala., Oct. 24.—The following editorial comment on the verdict of jury which found Rev. E. R. Stephenson not guilty of the murder of Father Coyle was published in The Birmingham News on Saturday:

"The whole tragic mess growing out of the death of Father Coyle is ended, and for that one fact Birmingham may well be thankful. It has been a terrible thing for this city from the very moment when the fatal shot was fired on the porch of the rectory on Third Avenue to the verdict of a jury that tried his slayer and found him innocent of any wrongdoing in taking the life of the priest."

"Knowing the bitter intolerance and bigotry that have marked this community for the past half dozen years, the press and public of the country at large, Catholic, Protestant, Jewish alike, have had their eyes upon the Jefferson County courthouse, to see what a jury drawn from this county would do in such a case. Birmingham, of course, will be the target for bitter criticism, and The News is forced to admit there will be some sound basis for it."

ACQUITTAL WAS PREDICTED—

"On the streets of Birmingham the night of the tragedy, hundreds of men predicted freely and openly that the slayer of Father Coyle would never be convicted. The News challenged that prediction editorially the day after the killing, but The News was wrong. The men who made this statement the night of the killing knew nothing of any plausible theories of self-defense, temporary insanity, or extenuating circumstances; all they knew was that a Catholic priest had been slain by a Protestant minister, and they were confident that the slayer could never be convicted in Jefferson County. What a pity it is that men could thus forecast the course of events so far in advance!"

"It would be interesting to know upon which theory the jury acquitted the slayer, whether they believed him temporarily insane, or whether they really thought that he fired to save his own life. But the thing is done now, and it makes no vast amount of difference upon which particular defense the verdict was reached."

"There are many persons in Birmingham who will not be at all satisfied with the verdict. The case was surrounded with bitter prejudice from the moment of the killing. Most anti-Catholics lined up with the defense, and some raised a large defense fund; but a majority of Protestants, not a part of the anti-Catholic organizations, and hating intolerance and bigotry, wanted to see a conviction, and so the mind of the whole community was excited to an unusual degree over the trial. But very few persons were interested in the case from a desire to see abstract justice done. The jury after all was, or should have been, a cross-section of the community mind, and coming from a prejudiced public, it would have been a very difficult thing for them to have gotten entirely away from all this mass-thinking."

CANNOT ANSWER CRITICISM

"Anticipating the criticism that will fall upon Birmingham following the verdict in the Stephenson case, The News regrets that there are few plausible arguments with which to answer it. The outside world and many persons in Birmingham will always believe that had a Catholic priest killed a Protestant minister under exactly similar circumstances, the verdict would have been the exact opposite."

"The defendant, today a free man, has his punishment. He has been confined in jail for two and a half months. He will ever walk the streets a marked man, the man who slew Father Coyle. And so tragedy has marked every step of the case from its inception to the present moment, and the tragedy has many lessons to be drawn from it, one of which and not the least is that carrying a pistol tucked in one's hip pocket is not the best way to avoid breaking tragedy."

COLUMBUS ENQUIRER-SUN SCORES JURY

Savannah, Ga., Oct. 31.—Among the editorial comments on the verdict rendered by the Birmingham jury which recently acquitted the Rev. E. R. Stephenson of the murder of Father James E. Coyle, none is more definite and outspoken than that of the Columbus Ga. Enquirer-Sun, which under the heading "Must Civilization Submit to This?" says:

"It is difficult, indeed, for anyone who has any regard for the enforcement of law to comment calmly on the action of that Birmingham jury in acquitting the Reverend Stephenson of the cold-blooded murder of a Catholic priest. To refer to the verdict as a travesty on justice, does not seem fully to cover the ground; for there was both in the trial and in the verdict, elements that removed it from the ordinary run of murder cases."

"The crime itself was prompted by religious hate—bitter, murderous hate in the heart of a so-called 'minister of God'—and the defense of the murderer was pitched largely upon the same miserable plane; it being evident throughout that

the effort was to keep the 'religious issue' well to the front, and to obscure, as much as possible, the real issue of murder."

"And on that issue, the jury voted 'for' Stephenson, the murderer, and 'against' the man whom he slew without warning; and that's all there was to it. "It would have been more decent, and a slightly less outrage on justice, had the jury based its verdict on the ground of insanity; for there alone lies any possible excuse or explanation for this cruel and frightful crime—a crime that shocked the entire country as few single murders have ever done."

"But by the dishonest verdict as rendered, Stephenson goes free, to live out his miserable life, with the knowledge gnawing at his heart and conscience—if he has a heart and conscience—that he is a cold-blooded and cowardly murderer, no matter what any jury may have said about it."

"And, sooner or later, he will, too, go to the grave—where, already, the bones of his victim mingle with the dust—and his soul stand in judgment before the Maker of them both."

"There, no appeal to 'religious prejudice' will avail him; there, no sob-speech of lawyers will soften the verdict of the one Just Judge—but only repentance, complete and unfeigned, will serve to mitigate his crime."

"In the meantime, the city disgraced by this awful crime and doubly disgraced by this damnable verdict, must long bear the stigma of being a hotbed of religious prejudice, where murder is condoned and even applauded outright—when the victim is a Catholic."

"The prosecuting attorney—the one court official who showed any degree of manliness in the trial of the murderer, Stephenson—spoke truly when he said, 'The eyes of the country are upon Birmingham.'"

"The eyes of the country were upon Birmingham—and they have seen. Have seen the law trampled under foot, have seen a so-called 'temple of justice' defiled and disgraced by a verdict that must bring the blush of shame to the cheeks of every decent-minded man and woman in that community."

"But such are the fruits of religious prejudice, as preached by ministers of a certain type, and pandered to by politicians of the same mental and moral calibre, or worse."

"Yet, in Georgia may not too severely condemn our sister State and city because of this course that afflicts them; for, be it regretfully admitted, Georgia, itself, is honey-combed with it all—even to the extent of sending to the United States senate a man who is a veritable high priest of religious bigotry and universal hate."

"In the meantime, it is the duty of all good citizens to strive to hold in check this epidemic of intolerance as much as they may, by speaking out against it wherever and whenever occasion permits—by condemning those fomenters of strife and apostles of mob rule and murder wherever they show their heads—for unless we do so, this scourge of scourges will sweep everything before it; even the civilization that has been our boast and pride."

"Such verdicts as that which freed the murderer Stephenson can but serve to emphasize this warning."

THE CATHOLIC CHURCH EXTENSION SOCIETY OF CANADA

THE MISSIONS A MEANS OF SALVATION

The summer has quickly passed away and many refreshed after a pleasant holiday are down to work again. Very many, however, were without holidays. They had neither time nor money. Their business was of so much importance that they could not desert it for a moment. They were required to carry on the business; the luxury of a holiday was out of question.

Amongst this last class we find the missionary priest. He has fifteen or twenty missions to look after, he must seek out the souls scattered here and there over the prairie or in the mining camp, and do his best to bring them to God. He is a busy man with no time for amusement.

He understands that in order to make an impression for the Church in the vast missionary districts of Canada a minute must not be lost. Fortunately he is of this mind for he has no money anyhow to spend on holidays. From his slender fund the necessities of life must be procured; vestments and altar equipment must be kept in good order for the Holy Sacrifice. No, he can't afford to spend money in luxury!

There are about 800 of these missionary priests in the Canadian West. You can make things comparatively easy for them if you make a little effort, and, at the same time you can do a lot for your poor soul.

How often really have you done anything worth while for your soul? You give a few cents every Sunday for the support of religion in your own parish. But it is no effort for you. You have never thought of the hundreds of priests and the thousands of Catholics scattered over the Great Northwest! If you did, it was rarely, with the realization that they were your brethren in the Catholic Church and that it was your

bounden duty to help them in their needs.

You have spent a good deal of money one way or another for unnecessary things. Stop for a while! Give to Missions in Canada and give till it hurts. You will, I promise you, experience more pleasure and joy from that pain of sacrifice than from all the luxuries and pleasurable treats you lavished on yourself in the past. Think of this. It is means of salvation: do it today.

READ THIS FOR IDEAS

\$5,000.00 will supply a priest to our Canadian missions forever. \$3,500.00 will pay the college course of a missionary student in perpetuum. \$500.00 will help toward the erection of a Mission Chapel. \$500.00 will mean a modest Priest-House.

\$300.00 will defray the expenses of a seminarian for one year. \$200.00 will pay the college course of a student for the missions for one year. We have thirty-one.

\$150.00 will buy a Missionary Mass Kit, containing everything necessary for the Celebration of Holy Mass.

\$70.00 will buy a neat Altar, on which to offer the Divine Mysteries.

\$40.00 will buy a Statue.

\$30.00 will buy an Ostensorium of a Cope for Benediction.

\$25.00 will buy a complete set of linens.

\$20.00 will buy a vestment of any color.

\$15.00 will buy a Set of Stations of the Cross; Six Brass Candle-sticks and Crucifix; or a Sanctuary Lamp.

\$15.00 will buy an Alb; or a Benediction Veil.

\$12.00 will buy a Surplice; or a Censor and Boat.

\$10.00 will buy a Set of Altar Cloths; or a Set of Altar Cards.

\$6.00 will buy Six Amices; an Altar Boy's Cassock; Six Parafixators; Six Corporals; or Twelve Finger Towels.

\$5.00 will buy a Surplice for an Altar Boy.

Donations may be addressed to:

Rev. T. O'Donnell, President Catholic Church Extension Society 67 Bond St., Toronto.

Contributions through this office should be addressed:

EXTENSION, CATHOLIC RECORD OFFICE London, Ont.

DONATIONS

Previously acknowledged \$4,840 00

MASS INTENTIONS

M. A. C., Sydney..... 10 00

Friend, Halifax..... 7 00

FOCH ATTENDS MASS

CELEBRATED BY HERO PRIEST

Washington, D. C., Nov. 7.—Marshal Ferdinand Foch attended divine services for the first time in the United States at St. Matthew's Church in this city, with the Right Rev. Monsignor Thomas S. Lee made arrangements for the celebration of special Mass, to accommodate the distinguished French general, in the side chapel dedicated to St. Anthony.

The Rev. Jules A. Baisnee, former French army chaplain, who was wounded at Ypres and holds the *Croix de Guerre* and the *Médaille Militaire*, was celebrant of the Mass, which was started shortly after eight o'clock. While the French general and his party, including General Weygand and Commandant De Breuil, French military attaché were assisting at the services, hundreds were hearing the regular eight o'clock Mass in the main auditorium, oblivious of the presence of the commandant of the allied armies in the church.

Marshal Foch was met at the entrance of the church by Anthony J. Barrett of the National Catholic Welfare Council, who greeted him with the old French salutation, *Vive l'armée dans les cœurs*.—"May Jesus live in our hearts." Marshal Foch responded to the salutation and was escorted up the

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steps of the church, where he was met in front of the vestibule by Father Baisnee, whom he greeted affectionately.

The Mass celebrated by Father Baisnee, who is attached to the Sulpician Seminary here, was for the repose of the souls of the soldiers who died in the late War.—N. C. W. C.

THE MURPHY MEMORIAL HOSPITAL

Philadelphia, October 31.—Within the space of half an hour, \$30,000 of the additional \$100,000 which the American College of Surgeons is to contribute to the Dr. J. B. Murphy Memorial hospital in Chicago, was subscribed by members of the organization at its annual meeting at the Bellevue-Stratford last week. Dr. George W. Crile of Cleveland, O., former president of the American College of Surgeons, presided at the meeting at which the total of \$30,000 was pledged.

The College of Surgeons had agreed to provide \$200,000 of the total of \$700,000 which the hospital is to cost. The remainder is to be contributed by Mrs. Murphy, widow of the famous surgeon, and citizens of Chicago. The war prevented the members of the College from pressing their campaign for their part of the fund, but it is now announced that they are to conduct a canvas and complete the subscription of \$150,000 within a year.

FATHER FRASER'S CHINA MISSION FUND