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LONDON, SATURDAY, DEC. 3, 1921

THE FINALITY OF THE ACT OF 1863

In any discussion of Separate school matters one argument invariably emerges when none other based on reason or common sense, on justice or fair play is available. That argument is: The Separate School Act of 1863 was accepted as a final settlement of this question; therefore no matter what is asked must be refused. Such request is a breach of that agreement as to the finality of the settlement already arrived at.

It is thus stated by Mr. Hocken in his address before the Toronto Canadian Club:

"In any event, he argued, the legislation of 1863 should have settled for all time the question of Separate schools. Instead, however, there had been any number of amendments passed since, granting privileges to the Separate school supporters, notably that which relieved them of the burden of collecting their own taxes. Dr. Egerton Ryerson and the Hon. George Brown, he pointed out in quotations from J. D. Hodgins' book, reluctantly accepted at Confederation the establishment of Separate schools because they believed it was politic and would be a final settlement."

The argument is specious and with people out of sympathy with, even hostile to the very principle of Separate schools, is not without seeming force and conclusiveness.

As a matter of fact it is stupidly pointless and quite beside the question, unless it be shown that our demands are not based on the letter and spirit of the Act of '63.

We claim that they are; and we are prepared to substantiate that claim to the satisfaction of any open-minded fellow-citizen no matter what may be his personal prejudices or predilections as to the wisdom of the Separate school principle in our system of public education.

Mr. Hocken speaks of the amendments passed since 1863 as "granting privileges to Separate school supporters" to which, the context implies, they were not entitled. Among these he singles out for special mention the "notable" one that relieved them of the burden of collecting their own taxes.

Now what are the facts? It was realized that it would be a convenience and an economy to have the school taxes collected with the other taxes; that the duplication of the necessary tax collecting machinery was both needless and expensive. Consequently it was provided that school taxes might be collected at the same time and by the same means as municipal taxes. Why extend this common-sense arrangement to one class of schools and not to the other? Evidently the church spirit that would so affront the public sense of fair play and decency failed at any rate to prevent the extension to Separate schools of a privilege granted to all other schools. This "notable" privilege has cost Public school ratepayers not one cent, nor one cent's worth of inconvenience. An attempt to recall it would be resisted or meet with contemptuous indifference from all but the more barbarous sort of anti-Catholic.

Was this privilege contained in the Act of 1863? No, it was not. But it is eminently in accord with the spirit and intent of that Act; and illustrates pointedly the need for such amendments from time to time to make the Act effective in attaining the very object for which it was enacted; and for which, later, it was made part of the fundamental law of Canada. As such it was unanimously accepted. George Brown accepted it without "the slightest hesitation as a necessary condition for the scheme of union."

It is true that Mr. Brown accepted it as "a final settlement;" but with no such implications as present-day opponents of Separate schools assert or assume.

To illustrate our meaning let us suppose the Hon. George Brown

when declaring his acceptance of the Separate School Act as a final settlement proposed some such limitation as this:

"Provided that how radically soever conditions may change, or what development the Common School system may assume in future generations, it is agreed that the Separate School Act of 1863 in the very self same words in which it is now cast shall remain forever the sole provision for Separate schools: that no legislative provision for the maintenance, development or better functioning of Common schools shall be extended to Separate schools; that any request for such amending legislation as future experience and the natural growth of the educational system may seem to warrant shall be regarded as constituting a violation of this final settlement."

It would be an insult to the memory of a great Canadian, sturdy and bitter opponent of Separate schools though he was, to think him capable of any such fatuous intolerance.

And yet that is precisely what our opponents of today openly assist or necessarily imply when they parrot about "final settlement of 1863" whenever a Separate school question arises.

Would the Fathers of Confederation have considered such supposititious limitation if it had been seriously proposed? To ask the question is to answer it. The spirit that would have attempted such limitation of the letter and such denial of the spirit of the Separate school provision would have wrecked the Confederation project.

Such an attempt to give effect in express terms to the contention of present day opponents of Separate schools—for there are such, naked and unashamed, in spite of the solemn constitutional guarantees—would not only have been summarily defeated but it would have given rise to the occasion of making forever impossible any such unwarranted aspersion as this contention implies on the good faith of the statesmen to whom we owe the historic achievement of converting the disjecta membra of British North America into the Dominion of Canada. It would have been expressly provided that in the course of time such amendments or modifications should be made as might be necessary for the carrying out of the spirit, the purpose and intent of the Separate School Act.

We remember reading of a peculiar form of strike sometimes used by French railway workers. We forget for the moment the name that is given to it, but it consists in observing to the letter every known rule and regulation; and the effect is to paralyse the transportation service.

It is an interesting illustration of the truth enunciated by our Divine Lord that the letter killeth, the spirit giveth life.

Catholics are quite willing loyally to abide by the Separate School Act of 1863 both in letter and spirit as a final settlement of their claims in the matter of schools. But they are not willing that their rights therein guaranteed shall be interpreted by the insolent intolerance of those who asperse the honesty of the founders of Canada, and who say in effect: Let those Catholic dogs be content with the bone that was thrown to them; the Act of 1863 was final.

We base every claim that we make on the Separate School Act of 1863; and for these claims we have a right to expect civil consideration not only from our Government but also from our fellow-citizens.

Quebec and Ireland are not the only places in the world where minorities have rights that are entitled to respectful consideration.

THE IRISH PEACE CONFERENCE

As our forms close a week before the date the paper bears, important events may happen, or transpire between the writing and the reading of these lines. At the present writing the cable informs us that the Irish negotiations may break down over the refusal of the Sinn Féin delegates to consent to an oath of allegiance to the King. To most Canadians, even those of Irish descent, this attitude of Sinn Féin will seem unreasonable, even fantastic; by all, such an outcome of the Conference would be regarded as deplorable, disastrous.

For ourselves the confident optimism with which we have regarded the work of the Conference since its inception is unshaken. It simply must lead to a solution acceptable to all parties concerned. The forces

making for this conclusion of the present negotiations are irresistible.

Then why, many will ask, should Sinn Féin insist on their fantastic claim with regard to allegiance to the Crown? The constitutional monarch is a mere figurehead, he reigns but does not govern; so we have been taught. But both in the class-room and outside of it, the part played by the Crown is unduly minimized. If it is true that the King in a constitutional monarchy is short of nearly all the one-time power of the absolute ruler, he is still a mighty power as the symbol and centre of unity. Were he King of England alone, or of Great Britain, the significance and power of the Crown would be comparatively small moment. As the symbol and centre of unity of the far-flung self-governing nations within the British Empire the significance and power of the Crown is of tremendous importance. In a distracted, war-shaken and unstable world anxiously seeking some solution of the vital problem of international relations, the British league of self-governing nations is at once the envy and the inspiration of the world's statesmen. If we are solving this great problem and in some measure leading the world toward its solution, an all-important and indispensable factor in reaching that solution is the unifying principle of a common allegiance to the same King.

Why then should Ireland, consenting to enter the British Commonwealth, refuse to share in that allegiance?

There are two intelligible reasons. One is historic.

John Redmond wrote: "I venture to say that there are many, even intelligent Englishmen, who do not know that there ever was a Parliament in Ireland; while the number who are aware that the old Irish Parliament was almost coeval, and actually coordinate with the English Parliament, might be counted on the fingers of one hand."

That being the case and Canadians being quite as ignorant of Irish history as Englishmen it may be well to summarize some pertinent historic facts.

The first Irish Parliament was held in 1295. The earliest Irish statutes date from 1310. From 1295 to 1495 the Irish Parliament was free from the control of the English Parliament. No law made in England was binding in Ireland.

In 1495 the first attempt at innovation was made in Poyning's law. But even this servile Irish Parliament did not surrender its independence. It still preserved its coordinate authority and this remained the state of things until the reign of George I. Then an Act was passed in 1719 which provided that "the King's Majesty, by and with the advice and consent of the lords and commons of Great Britain, had, hath, and of right ought to have, full power and authority to make laws to bind the people and Kingdom of Ireland."

This Act was an usurpation of the rights of the Irish Parliament. "It is true indeed," writes Swift, "that within the memory of man the English Parliaments have sometimes assumed the power of binding this Kingdom [Ireland] by laws enacted there. Nevertheless, by the laws of God, of nature, and of nations, and of your country, you are and you ought to be as free a people as your brethren in England."

This freedom was recognized by England and established "forever" in 1782. Then Irish Volunteers forced England to repeal the Act of George I, and to reestablish the legislative independence of their country.

"Be it enacted" (so ran the English Act of the 23 George III, chap. 28), "that the right claimed by the people of Ireland to be bound only by laws enacted by His Majesty and the Parliament of that Kingdom in all cases whatsoever, and to have all actions and suits at law and in equity which may be instituted in that Kingdom, decided in His Majesty's Courts therein finally and without appeal thence, shall be and is hereby declared and ascertained forever, and shall at no time hereafter be questioned or questionable."

Despite this solemn declaration, which was in its very nature a treaty between the two countries, eighteen years afterwards it was treated as "a scrap of paper" and the infamy of the Union was consummated.

To those who in their blissful ignorance of Irish history past and present are quite convinced that all this Irish trouble is due to papist perversity it is well to recall the significant facts that the Volunteers were Protestant, the Irish Parliament that secured the reestablishment of Ireland's legislative independence was exclusively Protestant, and that Dean Swift, whose Sinn Féin declaration we have quoted above, was a Protestant clergyman of the Church by law established.

This brief outline of Irish Parliamentary history, which might be indefinitely enlarged upon, will furnish without further elaboration one sufficient reason why the present Irish negotiators are chary about allegiance to the British King. The King is compelled by the present development of constitutional usage to accept and act upon the advice of his responsible ministers for the time being. If the Diehards should ever again be the responsible advisers of His Majesty—well everyone knows they out-Bourbon the Bourbons in learning nothing and forgetting nothing.

The Dominions overseas have little to fear, precisely because they are overseas. Ireland has a prudent and well grounded fear that this still unsolved anomalous position of the King may sometime render any agreement now reached as nugatory as the Renunciation Act of 1782.

The difficulty does not seem insuperable. The solution would be in an Irish constitution that would make the King's responsible advisers for Irish affairs the ministers of the Irish Cabinet exclusively. If it be urged that this was precisely what the Renunciation Act did we can only answer that the world has moved in the last century and a quarter, and that Great Britain has found that the public opinion and conscience of the world cannot be outraged with impunity. Moreover Ireland as a separate kingdom would have the interested support of the self-governing Dominions in resisting any encroachment on her legislative independence.

However in the light of history the hesitation of the Irish delegates is at least intelligible.

The other reason why Ireland is chary of allegiance is that she has already renounced it. In that she rests her justification for armed resistance to armed oppression. Should—which God forbid—the Conference fail, and, to enforce allegiance, the policy of frightfulness be resumed, then the Irish representatives have no intention that Black and Tanism shall have any color of justification before the world on the ground of Irish allegiance to the British King.

Space forbids examining fully this phase of Ireland's case at this writing. The bare statement of it, however, will help to understand the situation.

IMPROVEMENT OR REACTION

By THE OBSERVER

There is so much that is just amongst the claims of labor that it is a great pity its cause should be spoiled by intemperance and violence of speech and writing. I went to a labor meeting the other night. The candidate dealt in vague general promises of betterment for the workman; made glittering predictions of a golden era of prosperity and happiness, but failed to say by what means all that would be brought about.

Well, in that he was perhaps no less practical than party candidates commonly are. It is the custom to be bright and confident in predictions and promises. But this man varied his story of a golden future with appeals to the workmen to "send to Ottawa men of our own class." If the labor party or parties want to be free from reproach on the ground of promoting a class movement, they would do well not to make so raw an appeal to pure class prejudice.

I also noticed that the candidate was addicted to a habit which has brought more discredit on old party politics than any other one thing; that is, he was eloquently abusive of his opponents personally. That sort of thing has done a great deal to shatter public confidence in politicians. It may have done very well at one time in our history. Politics was, to many of former generations, a sort of means of carrying on a bloodless warfare with their neighbors; taking the place of the clan and faction fights

of old times; but those days are past as surely as past generations are dead and buried.

After the candidate, came others; and whatever he had of dignity, they had none at all. One of them was a man who is somewhat highly placed in office in the labor unions. He was utterly reckless in his statements; disgustingly abusive of his opponents; and his misrepresentations of what others had said and done were so crude, so poorly done, as to be offensively ridiculous.

These speakers had one common note which they all struck over and over again; elect men of "our own class"; and over and over again they insinuated contempt for training and education, and would have their hearers believe that the uneducated and the ignorant are as capable of ruling a country as though they had the best education possible.

I consider this to be a danger into which this popular movement is rapidly plunging. A country can better afford to be ruled by bad men than by ignorant men. Bad men can do less harm than ignorant men. It would be far better to have bad laws than laws which left society in uncertainty and confusion. There is a limit to bad laws; in a country which has representative government, sooner or later they get changed or repealed. But who can estimate the harm that men can do who know nothing whatever of the work to which they set their hands.

Workmen should not miss this point. They know that in their own work, the most important duties must always be discharged by men who have skill and training. They would not employ a man who never studied medicine to doctor their children; nor engage a man who never was trained for the courts, to get the truth from their enemies in a law-court, and when would-be leaders come before them and say: "Send us to Parliament;" we have no special fitness for that position, but we belong to your class, they ought to judge that request on the same principles they would apply to a would-be doctor or a would-be legal adviser who offered his services to them. They would not want to be lowered into a coal mine by a man who knew nothing about hoisting engines; how can they be satisfied to choose men for the most important duties in the nation's affairs, on the mere ground that they belong to the same class?

Popular movements mean always one of three things; either they fail at the outset; or, if they do not fail, they mean improvement or reaction. And this popular movement must base itself on justice and on brains; or it will certainly not produce improvement; and if it does not improve our public life, it is certain to be followed by a reaction.

Now, improvement is only to be expected if justice, logic, and brains are given their place. Ignorant men cannot rule a nation justly because they do not know how to rule it at all, justly or unjustly.

Violent abuse; absurd exaggeration; appeals to passion; efforts to arouse class hate and distrust; making little of education; flattering ignorance; promising impossibilities; are these improvements in our politics?

NOTES AND COMMENTS

THE PROTESTANT "memorial service," though a thing of comparatively recent institution and growth bids fair to extend and increase. Just what it signifies, however, it would be hard to say, for while many Protestants have shown signs of returning to the primitive practice of prayer for the dead, there cannot be said to be any widespread movement in that direction. Meanwhile the "memorial service," though held in honor of the departed is in no sense a requiem, but rather a panegyric of the departed or a balm to the feelings of the bereaved.

Quite recently, however, it has taken on a new phase. In the Capital of the Dominion last week, as related in press despatches, one of these memorial services was held in a Presbyterian church in honor of the late Consul General of the Chinese Government in Canada, who, it seems, had always shown a friendly spirit in his dealings with missionaries. Yang Shu Wen was no doubt a very estimable and courteous gentleman, as educated Chinamen have usually the reputation of being, and fully deserves the grateful remembrance of those whom he had befriended. But it casts a curious sidelight on the

religious developments of this generation that the offices of a Christian Church should be extended to one who had not only made no Christian profession, but remained to the end a pagan—a cultured and benevolent pagan it is true, but still a pagan. It need be no matter for surprise, however, for it has become quite the thing recently, as the daily papers bear witness, to invite Jewish rabbis to preside at the dedication of Christian (Protestant) churches.

THE INTERESTING announcement is made that the new Bishop of Alexandria, Right Rev. Dr. Couturier, O. P., is to make his first public appearance in Ontario, in a lecture to be delivered in Massey Hall, Toronto, on Monday, 19th December. The subject of the lecture is "Egypt," and on this the Bishop can speak with all the authority arising from a protracted sojourn in the land of the Pharaohs and a varied experience as missionary and military chaplain in that and other eastern countries. He is, indeed, one of the picturesque figures of the late War, his position as "Padre" in General Allenby's army in the memorable campaign in Mesopotamia which resulted in the fall of Baghdad and the destruction of the Turkish forces, having given him quite exceptional opportunities to study events from the inside. The forthcoming lecture, therefore, can hardly fail to be one of the most interesting intellectual events of the year.

THAT MAN is not yet, within measurable distance of dispensing with the horse seems evident from the increase, slight though it be, of the number of horses in use in the city of New York within the past year. During the War the number of horses suffered a marked decrease accounted for by the hundreds of thousands sent overseas for military purposes, very few of which came back. But since then, according to the New York Herald, horses have made up a little of this lost ground. It has been discovered that, at least for short hauls, horses cost less than trucks, drivers being paid less than chauffeurs, feed less expensive than gasoline and stabling less than the garage. There is said to be a tendency with large haulers to scrap their trucks and return to the horse and waggon, some having even already done so. So that the elimination of man's old traditional friend, the horse, is yet a thing of the future; which will be good news to the generality of mankind.

IF THERE is a house-famine in Canada, as there is admitted on all hands to be, especially in the larger cities, conditions are even worse across the seas. For every house now being erected in Glasgow, for example, there are, we are told, at least four families applying for tenancy. Thus, some 16,000 heads of families, representing at a modest calculation, 50,000 people are anxiously awaiting the completion of the 4,000 dwellings now in course of construction at the instance of the City Corporation. During a recent inspection by the Lord Provost and members of the Corporation of the various housing schemes under way, it was authoritatively stated that Glasgow required 57,000 new homes, and conditions are on a par in the other centres of population. In Canada the situation though bad enough is not quite so aggravated. There is hope in the outlook, however, as with the gradual fall in prices of building material the demand for all that goes to the building, furnishing and running of a home will be unprecedented. That of itself should help bring back the "good times" we are all looking for.

BOY LIFE

THE NEED OF PLAY

(Adapted from Mary S. Haviland's "Character Training in Childhood")

Next to hunger, the play-impulse is the most deeply rooted of all the child's instincts. We speak of the "play-life" of children, but the term is a mistaken one, for the child's play is his life. A child who does not play is ill, and very ill, for even the pale little inmates of the hospital are eager for such play as their slender strength permits.

In this passion for play, the child is like all young creatures. The starving kitten, once warmed and fed, will respond to a coaxing forefinger by a feeble, but playful pass with her paw. The puppy will even

leave his dinner to join in a game of ball. Among all the higher animals, infancy is a time of play, and the higher in the scale the animal, the longer is this play-time.

Let us consider just what it is that play does for our children. Its first and most obvious effect is on the child's body. The baby spends most of his waking hours in play, flinging his spoon down that you may pick it up, and when he is older, trotting up and down the hall playing "choo-choo," inventing a thousand ways of exercising his body and training his muscles. If one watches a small child for half an hour, one is convinced that perpetual motion is not a myth, but the everyday performance of the ordinary youngster.

It is absolute cruelty to make a small child sit still for any but a very short period of time. His whole body cries out for the exercise without which it cannot keep health, gain strength, or acquire skill. Even among older children, frequent play periods should alternate with study hours. Play is Nature's method of education and we interfere with it at our peril.

Perhaps the most serious indictment of child labour is not that it keeps children out of school, but that it prevents their playing. Great as are the evils of child labour in stunting bodies, cramping minds and warping character, we must not lose sight of the "poor little rich girl" whose body, mind and character are almost equally starved not by work, but by idleness. It is really an open question whether the lad who works in a factory, but plays ball vigorously during his noon hour, is not better off, physically, mentally and morally than the "gilded youth" who lolls on the apartment house steps gossiping with the janitor, or lounges on the street corner waiting for someone to dispel his boredom. No, what our children need is not freedom from work, but opportunity for wholesome play.

"But," people often say, "why all this fuss about helping children to play? All children play. It is their nature. Why should a child's parents or teachers provide him with the opportunities to do what he will do of his own accord, without their help?"

The answer to this very natural question is that of course children will play without help, just as they will eat without help, but that we train our children to eat what they should and as they should, and in equal measure we should train them to play games that will give them bodily, mental and spiritual help to play in the right way.

Left to himself, the small boy's play is likely to mean torment for the cat, exasperation for the family, and a training in wanton destruction for himself. Among older children the tendency to mischief and destruction is much less, though many a city ash-barrel hurled upon its side, can testify to the survival of this spirit in the growing lad. The boy's tendency is to plan too limited a range of games. Every boy plays baseball but a large percentage can neither swim, skate, row, wrestle, box nor hit a target. Moreover, many a bookish lad prefers quiet, indoor games, which often give good mental training, but provide no vigorous bodily exercise.

Another strong reason for helping the child to right play is that children, left to themselves, frequently develop a tendency to evade the rules of the game and to plume themselves on successful deception. A wise elder can overcome this by making it clear that no game can be successfully played unless all the players abide by the rules. Thus the play which formerly was direct training in slyness becomes a mode of training in honesty, co-operation and fair-play.

BOY SCOUTING

Boy Scouting is essentially a character training programme with all that that means. It does not supplant but aids the home, the church and the school in their work. It utilizes boyhood energies, by directing them into useful channels of work and play. It trains them to start their life's career with a balanced idea of their duty to their God, their fellows and to themselves.

CATHOLIC PROGRESS IN SCOUTING

At a meeting of the Dominion Executive Council of the Boy Scouts Association of Canada, held a short time ago, at which His Excellency Baron Byng of Vimy, Governor-