

The Catholic Register.

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

VOL. V.—NO. 9.

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PRICE FIVE CENTS.

The School Question In History and Law.

B. N. MURPHY, Q.C.

The whole matter accordingly resolves itself into two questions:

(1) Did separate schools exist either by law or practice in Manitoba at the Union?

(2) If such schools did not exist what effect had the act of the Manitoba Legislature establishing separate schools in that province?

That schools did exist at the Union there can be no doubt, and that those schools were conducted on the principle of the separate schools of this day cannot be disputed. In May, 1870, Lord Granville, secretary of state for the colonies wrote to Sir John Young, then Governor-General of Canada as follows:

I have received with much satisfaction your report on the 12th inst. respecting the Bill for the government of the North West Territory which passed sanctioning the conditions agreed upon with the delegates from the Red River settlement. The people may rely that respect and attention will be extended to the different religious persuasions, that title to every description of property will be carefully guarded, and that all their rights which have subsisted, or which the people may prove themselves qualified to exercise, shall be duly continued, or liberally conferred.

The delegates referred to in that dispatch were the delegates sent from Manitoba to arrange the terms on which that province would enter the Union. They were Father Isidore, Judge Black and John Scott. Can it appear at all likely to any one aware of the history of the policy of the Catholic Church in all ages as to education, and of the jealous care that church has always manifested for the teaching of religion in all her schools, that at a moment when Father Isidore's well known ability would have forgotten the rights of his people to their schools during the conference of the delegation? He says he did not forget; and has sworn (I think on the trial of Laplante) that he did not forget, and that the rights of his people were conserved and protected during the negotiations. Sir Donald A. Smith, the Chief Commissioner of the Federal Government during those negotiations says:

I may mention, however, that at that time, the schools were voluntary or separate schools; that is, the Roman Catholics had their own schools, and the Protestants had theirs; and there were certain grants of money given each. It is true that that was not the case at that time, but it was the policy of the Government to do so, and the promise was made to those people, that they would have every privilege on joining Canada, which they possessed at that time, and such promise is just as binding on the Government of Canada, as that which was made by the British Government.

Again he said: The Roman Catholics had their schools and the Protestants had their schools, and each body had a grant from the Government at that time. They did not enter Manitoba until after the Union, and the description of the Separate Schools, it was because they thought it altogether unnecessary. They found and knew they had their schools and they believed the promise made would be faithfully kept and they did not care to have anything of a more blinding character in regard to them.

And again he said: Now, while very little, indeed, was said there about schools, the people undoubtedly had them in their minds and thought they would enjoy the privilege of having them. Therefore, certainly, think, the people of the Red River, then the majority, now the minority, are entitled to all the privileges that are given to the majority of a minority. I think that in one way or the other we should insist that they should have full justice and that whether in the form of separate schools or in any other way still that the rights of the minority should be maintained.

Sir John Macdonald in a letter to be found in Mr. Pope's biography declares that it unquestionably was then understood that the minority was to have their separate schools. No doubt as to the understanding and effect of the arrangements is left open by the speeches and writings of Sir Charles Tupper, Sir Leonard Tilley and Sir Hector Langevin.

Hon. William Macdougall in a published interview said: We certainly intended that the Catholics of Manitoba, or whoever denominated themselves as a minority, should have the right to establish and maintain their own schools. You see that the words "or practice" were inserted in the Manitoba Act, so that the difficulty which arose in the case of the separate schools actually created, but were not recognized by the law, should not be repeated in Manitoba.

Hon. Peter Mitchell declares: One of the conditions agreed to with the Archbishop at that time was that the Catholic schools should be maintained.

Here is convincing proof that separate schools were the result of a treaty between the settlers and the authorities at Ottawa. A few more quotations and I am done with this branch of the case.

Can it be true, Mr. Speaker, that because the Parliament of Canada were unable to find a correct term to define the rights of the minority, this minority would have to be crushed under foot? Can it be true that it would avail itself of a clause improperly drawn up to disregard and overlook the rights of the minority? . . . I throw aside the parties and call upon the Government to preserve the rights conscientiously

Anglicans and The Catholic Name.

WRITTEN FOR THE REGISTER.

During the controversy on the worship of images in The Mail and Empire all the Protestant writers seemed to claim to themselves the honorable name of Catholics, which as far as the sect Anglicans to which they belong is concerned is not true in fact nor in history. No sect and all separated from the communion of the Catholic Roman Church are—legally be called Catholics, in no sense, as a matter of history and theology, can they be called Catholic. Now, sir, we are told by one writer, I suppose in all seriousness for the sake of his cause—a shaky one!

That the sooner the "Romans" will understand the meaning of the words Protestant and Catholic the better will be the prospect of an undivided Christianity!" and after telling his readers in The Mail and Empire that "Christ—the body of Christ—is divided," he goes on to define dogmatically, of course, the terms Protestant and Catholic, and says that the branch (sic) of the church to which he belongs "was willing at one time to be called Protestant," but since that name is proscribed to mean any religious vagary that the human mind is capable of, he abandons it, and claims the noble name of Catholic as "his just due," that is, in his estimation. In reference to this claim, I simply assert, without reservation, that he has no warranty in Christianity nor history, to be called a Catholic as long as he remains in his present position. He will not be vexed with me for speaking thus plainly to him, because, even at the risk of offending, I must speak truly. You will perceive immediately from the correct definition of the word Protestant, which I take from a Protestant authority, that he, intentionally or otherwise, does not give its true meaning. He tells us that Protestants were a certain large body in the Church Catholic who protested against the errors, etc. of another large body in the church, "that they did not separate from the Church, nor create a schism, nor form a new church."

All these opinions were quoted in the parliamentary debates last session. To show that neither opinion is held, I will quote Mr. E. Douglas Armour, Mr. Dalton McCarthy's right hand man: The constitution of Manitoba was supposed to have established separate schools perpetually in Manitoba.

I will add the language of the decision of the Privy Council itself: It was not doubted that the object of the first subsection of section 22 was to afford protection to denominational schools, and that the intention of the Legislature and the surrounding circumstances.

I am not presumptuous in saying all these authorities are convincing that separate schools did exist in practice in Manitoba at the Union and that under the Constitution the rights of the minority are conserved.

The second question is what effect had the act of the Manitoba Legislature establishing separate schools in that province? It brought the future legislation into a very short time, and under the jurisdiction of the Dominion Parliament should that legislation create a minority grievance as Sir John Macdonald in writing on the New Brunswick question declared the action of the New Legislature was to be, should they extend to the minority the right to separate schools.

By the act of 1870 repealing the act of 1870 confirming or re-establishing those schools (it matters not which) a grievance—in fact several of them—were imposed by the Provincial Legislature. It took away from the minority their schools. It denied them the right to use their taxes to support such schools and diverted their taxes to the support of national schools; forcing them, if they wished to preserve their schools, to voluntarily pay for the privilege of doing so in addition to the school tax. It deprived them of their proportionate share in the public funds for educational purposes and it denied them any voice in the choice of the text books in the schools they were taxed to support. These grievances are respectfully protested against by a memorial signed by 31 bishops of the Catholic church and by the aggrieved minority.

Need I follow the cautious and statesman-like steps taken by the Minister of Justice, Sir John Thompson? He refused to refer to the act as to education, referring the matter of the legality of the act to the courts he was abused by the very men who supported Mr. Laurier's motion that the Remedial Bill of Sir Charles Tupper recede for six months. He refused to refer to the act as to education, referring the matter of the legality of the act to the courts he was abused by the very men who supported Mr. Laurier's motion that the Remedial Bill of Sir Charles Tupper recede for six months. He refused to refer to the act as to education, referring the matter of the legality of the act to the courts he was abused by the very men who supported Mr. Laurier's motion that the Remedial Bill of Sir Charles Tupper recede for six months.

When the Privy Council decided that the Manitoba act of 1870 was ultra vires of the powers of the Local Legislature the question arose—Did that act inflict a grievance on the minority and was it the right and duty of the Government to enter into a treaty with them? This was also referred to the Privy Council in the case Brophy et al vs Manitoba and the decision given is in short as follows: Their lordships have decided that the Governor-General in Council has jurisdiction, and that the application to be pursued must be determined by the authorities to whom it has been committed by the statute. It is not for this Tribunal to inquire the

(CONTINUED ON PAGE FIVE.)

Establishment pledges himself or herself to maintain the Protestant religion established by law." (The coronation oath.) This makes it quite clear to your readers that the sense of the English nation which is said to reside in the King (Queen Lords and Commons, who framed and passed the last coronation oath in 1858) never considered the English Establishment since its inception in Henry at 11th century, nor do they now consider it any other than Protestant. And indeed they could not with respect to any thing else, as they were not prepared to give the coronation oath to any other than Protestant monarchs.

And in the same sense his Lordship the Anglican bishop of Toronto remarked in his charge of the 4th of June, 1879: "We cannot deny, if we would, that we are as a Church the work of the Protestant Reformers." The English Episcopal Church, then, is not now, nor has it ever been since the Reformation, as called, a branch of the Catholic Church. She tore herself away from the true vine—the Catholic Church—and we know that a branch broken off from the parent vine, the source of its life, withers and becomes dead. It has not its life in it. John 15: 6. For I have neither St. Luke's Doctor nor any other Anglican has a right to call himself a Catholic. But perhaps the Doctor is a great spiritual "medicine man," and by his "wonderful attainments" has conserved his own mental faculties and his life in a dead branch. He would do well to enlighten the Christian world. The Ritualist and Anglican might say with truth, following the example of the wandering Jew after the destruction of the Temple, "I am a dead branch, since the overthrow of Popery, and I am revolving, and we are carried on through all straits on every ground of argument knocking our heads against stone walls and following false lights, which we pursue the truth once received from the Bible and Christian followers—autumnal equinox matron—look to your former mother. More on this subject.

Good Shepherds, Parkdale. . . 150 00
Orphanage, Sunnyside. . . 150 00
St. Nicholas Institute. . . 100 00
House of Providence. . . 100 00
Industrial School, Blantyre. . . 100 00
House of Industry. . . 100 00

Total. \$450 00

C. M. B. A. Meeting.

Branch 145 of the Catholic Mutual Benefit Association held its seventh annual meeting in the hall of St. Michael's College Monday night, which was very well attended. Archbishop Walsh was to have presided, but was prevented being present by illness. In his absence Rev. Father Ryan took the chair, and after expressing the regrets of his Grace, he referred to the good work done by the association. Mr. F. A. Anglin and Miss Edith Miller contributed songs, and Hon. G. W. Ross then spoke on "Formative Influences in Canadian History." The Minister of Education showed the effect of Imperialism on our nation and other influences, and concluded by saying that Canadians were composed of the five dominant, most powerful and progressive races in the world—English, Scotch, Irish, French and German—and that no difference existed between the races, but with the great work of nation-building. A hearty vote of thanks to Hon. Mr. Ross was moved by Mr. J. D. Wardle, the President of the association, and was cordially carried by the audience, who then applauded frequently throughout the lecture.

Messrs. Mulvey & McBrady, barristers, have dissolved partnership. A card in our professional column advises us that Mr. McBrady will continue in the rooms occupied by the late firm 107 and 108 Canada Life Building, 46 King street (West), where he will be pleased to meet all who may require his legal services.

SACRED WORDS AND THEIR MEANING.

WRITTEN FOR THE REGISTER.

We dwell in our last papers on the loss way in which Protestants use the language of religion. If it is not understood by themselves and there was no longer that, through the medium of a common speech, the light of truth on our own view of sacred things would be no concern of ours.

But, as Canon Oakley says, our mind and characters are the creatures of our lips, we can't for any length of time use wrong terms or even right ones in a wrong sense, without injury to the faith. Sound forms of words, in its place and degree, is as necessary as sound conduct and we cannot be too careful in preserving it as we proceed to show.

"Divine worship" is an expression common to ourselves and all the sects. It is in frequent use, and should, you would think, present little difficulty; and yet not Greek, nor Hebrew, nor Chinese is more different from our mother tongue than is the thing meant by a Catholic term that presented to a Protestant mind by the same words. To the Catholic it calls up something wholly divine, divine in its substance, divine in its rite, and divine in its unending efficacy; the act of the Son of God—in his own instrument. His body and blood, and (b) by His own institution, and for His own appointed agent—giving due and adequate worship to the Father. This much is always the same in itself and in its infallible consequences. The only feature in which there can be imperfection is our share in it; and hence the constant struggle to make that share infinitely subordinate at best, as little unworthy as may be. It is the presence of the Lord that prescribes and regulates his worship, and the movement of the devout Catholic. It throws him on his knees, it bows his head and whole body, it calls up his deep contrition, it fills him with deep humility, without which the name of creature is the name of a fool, and dissolves his whole soul in a sea of his own weakness and need. He reaches out to all nature and puts it under tribute to help him in the great work of worship. Hence, too, he builds grand churches, even in his poverty, and furnishes them with the richest materials, and his worship follows in an atmosphere with the fragrance of incense, and quickens the very bricks and stones and empty places with the mysterious life of a music more solemn than the world else knows; and when all these are done, he turns to his prayer, and his desire to know his Lord, then, as a subject, to a King would visit, not content with the best accommodations for eating and drinking and sleeping—more animal wants—is sure to invite the distinguished, the learned and the noble to grace his occasion. He calls on the princes of heaven, the saints and the angels and the poor Queen herself to lead their aid in honoring the adorable Guest; and in doing this last he professes the Communion of Saints and who would fear up in giving welcome and praise to his and *Ave* God!

Our friend the Protestant admits all we have set forth, but says it is merely theatrical, a kind of play, all sense, and lacking the spirit; and we ask him what would he think of the now-married man who would fear up in giving welcome and praise to his and *Ave* God!

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moment in silence, with head in hand, and then it is all over, and no worship has been accomplished. This, actually, is if you consider the of those ministers who, in spite of the Pope's recent declaration, still think themselves in some sort of way priests, you are not much better off. He is not sure enough of his own standing to venture very far, and so he holds back, and the people, or at least, what the best of the people believe, to do as much as they can, with him and with a prayer—*God*! what it would be to be for Roman Catholics, the "individual church" or what might be called, and will be, as soon as they live, a Catholic, not the knowledge of what Mr. Pusey taught, and then with a prayer—*God*! for it is generally from the misal—and an additional caution against Italian winds, he dismisses his people, with a look on his face that says, "It seems to say: This is well done, or better than the best of the miserable circumstances of the present church allow."

ST. NICHOLAS' HOME.

A Noble Work Under the Care of the Sisters of St. Joseph.

Twenty-seven years ago Archbishop Lynch, then head of this diocese, founded an institution, that has ever since carried on a noble work in the city of Toronto and remains to day a fitting tribute to the memory of the now sainted prelate whose kindly deeds endeared him to every person who came in contact with him.

The institution in question is known as St. Nicholas' Home and ever since its inception it has been under the care of the Sisterhood of St. Joseph who have most unflinchingly carried on a splendid work. The boys have grown all over the Dominion all over the continent you will find young men holding responsible positions through the foundation of education and solid principles laid for them during the early years of their lives. St. Nicholas' Home, Mother Stainlaus is at present and for several years has been in charge of the Home. By love rather than by stringent regulations she rules the fifty lads who live under her motherly care. She asked how she could do this, and she answers that they are not hard to manage; but that there is only one way to manage them and that is not by coercion.

With five of the good Sisters of St. Joseph to assist her Mother Stainlaus conducts all the affairs of the institution. The boys have a gymnasium and play room, and the building is well equipped for the purpose for which it is utilized. They sleep in dormitories, fifty in one and twenty-five in the other, and are as comfortable as any one could desire to be when they get ready to go to sleep.

In the day-time the boys may go to school and many of them attend St. Michael's school on Duke street. The older boys are for the most part engaged in some form of manual occupation. Some of the younger ones who go to school are allowed out to sell papers after school hours and in every way encouraged to habits of thrift.

Indulgence is frowned upon; industry is inculcated in the mind of every lad. Cleanliness of body and better than that cleanliness of mind are taught by example and practice. The very best possible influences are thus brought to bear upon a class of boys who without such care would likely deteriorate ultimately into idlers and never do wells or perhaps even become criminals. Boys who have been left fatherless, motherless, homeless and friendless owe to the help extended to them by the Sisters of St. Joseph the positions they to-day hold in the community of body and better than that cleanliness of mind are taught by example and practice. The very best possible influences are thus brought to bear upon a class of boys who without such care would likely deteriorate ultimately into idlers and never do wells or perhaps even become criminals. 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