

The Catholic Record

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MR. HOCKEN'S LETTER

On page 5 of this issue of the CATHOLIC RECORD we publish Mr. Hocken's rejoinder to our criticism, two weeks ago, of his address on Separate schools before the Canadian Club of Toronto.

Several days before having received his letter we had published this:

"They [Mr. Hocken and those for whom he speaks] are none the less our fellow-Canadians and fellow-citizens and enjoy the unquestionable right to influence legislation, educational or otherwise, according to their views and convictions. And, apart from the baseless charge of his alleged history to which we devoted last week's article, Mr. Hocken's discussion of Separate schools before the Canadian Club is a perfectly legitimate exercise of that undisputed right. We welcome such discussion for we rest our case on its merits. The more it is discussed and studied the more clearly will it be seen that our request is based entirely on justice, equity and constitutional right."

That being the spirit in which we desire to carry on the discussion of our Separate school rights it is with sincere pleasure we give space and prominence to Mr. Hocken's letter.

Our reference to the abrupt ending of the controversy initiated in the Star by Mr. Hocken himself on the self same question that was the subject of his address to the Canadian Club was, we submit, the most natural and obvious thing in the world. But his resumption of the controversy here in reply to that reference cannot be considered either as an explanation of his silence of four months, or a fair and satisfactory way of resuming a discussion that had attracted a great deal of attention and, in an unusual degree, aroused public interest.

However if Mr. Hocken will not continue the discussion where he himself began it, but insists on switching it from the columns of the Star to those of the CATHOLIC RECORD, we are quite prepared to deal with it. The whole point of our reference to the matter was his utter failure to defend the position chosen by himself when that position was attacked by one of the bishops against whom his charges were levelled. That point Mr. Hocken altogether evades. His justification of the taking of the Toronto street railway taxes exclusively for one class of the Toronto schools is a simple begging of the question; and it makes curious reading in view of this sentence in Mr. Hocken's letter to the Star, July 18th last:

"I desire to point out that the present law secures to Separate schools all the school taxes paid by incorporated companies upon shares held by Roman Catholics."

"The present law" was the law in 1891.

The streets of Toronto belong to all the citizens. Public school supporters and Separate school supporters alike. The franchise granted was granted necessarily by the representatives of all the people, Catholic as well as Protestant. Yet means were taken by inserting a clause in the charter, which directly nullified that very provision in the law which Mr. Hocken publicly proclaimed as a sufficient guarantee of Separate school rights in the matter of taxes!

To say that "this quarrel is with the late Sir Oliver Mowat" is puerile. The quarrel might with equal justice be said to be with the Toronto Separate School Board of 1891; or with the then Archbishop of Toronto. Mr. Hocken knows that private bills of this kind go through

very quietly; and it is extremely probable that neither the Archbishop, the Separate School Board nor Sir Oliver Mowat knew anything of this clause of the Toronto Street Railway charter, which is in direct contravention of the letter and spirit of rights constitutionally guaranteed to Separate school supporters. We think there must be many Protestant citizens of Toronto who, in possession of all the facts, would repudiate the unclean means by which over a quarter of a million dollars of Separate school taxes were thus diverted to the support of their schools.

The passage we quoted last week from Dr. Ryerson is directly to the point. The founder of our school system spoke unequivocally of "both classes of Common Schools," insisting on the right of Separate Common Schools to share in municipal grants from the Clergy Reserves Fund.

"For a Municipal Council," he continues, "to apply the share of the Clergy Reserves Fund placed under its control, to aid one class of these schools and not the other, is as clearly to exclude one class of rate-payers from their rightful share of that fund as if they were proscribed by name. Some Municipal Councils have acted very justly and fairly in regard to both classes of Common Schools; and if any other Councils have done or should do, otherwise, the Legislature should surely protect rights of the minority against any such proscription."

If that is true with regard to the Clergy Reserves Fund, does it not apply with equal or greater force to the taxes from the Toronto Street Railway?

But all this is a matter that should have been and would have been threshed out long ago in the columns of the Star had Mr. Hocken not run away from the discussion with Archbishop McNeil.

We now come to our own criticism of Mr. Hocken's address.

Mr. HOCKEN: Your next complaint is that in my address before the Canadian Club I stated that (as the Globe reported) "Separate Schools in Ontario were secured in the first instance in 1863."

Comment: No, that emphatically is not our complaint at all. "In the first instance" is a small and unimportant inaccuracy compared with our complaint which is not even touched upon by Mr. Hocken in his letter.

Mr. HOCKEN: Your other point of attack was that I said there was an understanding that no act affecting one province should be passed without a majority of the representatives of that province voting for it.

Comment: No, that is not what we attacked. It is a patent and, we are sorry to think, disingenuous evasion of the whole question in issue.

Accepting, as we do, Mr. Hocken's correction of the Globe report which otherwise he endorses, let us eliminate "in the first instance" and quote the sentence as corrected:

"The present Separate School Act was secured in 1863 when the Quebec members of the then Parliament failed to adhere to an undertaking entered into between Upper and Lower Canada."

The undertaking was, he said, "that no matter affecting either of the Provinces should become law unless assented to by a majority of the representatives of the province affected."

Thus amended according to the correct stenographic report, our criticism stands in every particular with the sole exception of any remarks on the supposed mistake of Mr. Hocken as to the date of the origin of Separate schools.

Here is a clear charge of breach of faith on the part of the Quebec members; the appeal to anti-Quebec and anti-Catholic prejudice is equally clear.

We showed that there was no such understanding or undertaking "between Upper and Lower Canada;" that in 1858—five years before the alleged breach of faith—a resolution embodying this "undertaking" was voted down two to one in Parliament, with Brown, Dorion, Mowat and other members of the opposition voting with the John A. Macdonald ministry against it.

In the face of this Mr. Hocken makes the futile pretence of reiterating his statement that there was such an "understanding"—but omits the words that constituted the gravamen of his offence against historic truth and political decency. It is no longer "an undertaking" between

Upper and Lower Canada; it was just "an understanding!" There was no such "understanding" or undertaking between Upper and Lower Canada.

There was no such understanding in the Parliament of the United Province of Canada. On the contrary the Parliament of the United Province—it is altogether inaccurate and misleading to speak of two provinces at this time—expressly and emphatically repudiated the attempt to commit it to any such understanding or undertaking.

But Mr. Hocken now goes out of his way to prove what was never in question—that John Sandfield Macdonald as well as others had advocated the "double majority" principle; that John A. Macdonald rallied him on his political inconsistency,—but, mark you, himself voted for the Separate-School measure.

This is not repeating what he said before the Canadian Club; but he pretends that it is.

This is not meeting our criticism of the mischievous statement quoted from that address; it is a very undignified and disingenuous evasion of that criticism.

Mr. Hocken neither substantiates nor withdraws the statement that the "Quebec members failed to adhere to an undertaking entered into between Upper and Lower Canada;" a statement, we repeat, absolutely devoid of historic foundation and one that the political inconsistency of Sandfield Macdonald and others does not in the remotest degree justify.

The manly thing, the straightforward thing, the decent thing for Mr. Hocken to do is not to prove something else, but to substantiate or withdraw that mischievous statement.

The principle of the "double majority" was never accepted either by Upper or Lower Canada nor by the Parliament of the United Province, though advocated by a section of the Reform party led by Sandfield Macdonald. That historic fact cuts clear across Mr. Hocken's historic summary. But the circumstances of the passing of the Act of 1863 are now of little moment. In any honest discussion of Ontario Separate schools the fact of supreme importance, the great historic fact that really matters is that the representatives of Upper Canada unanimously agreed to incorporate the Separate School Act of 1863 into the British North America Act and thus make it part of the fundamental law of Canada.

THE REFERENDUM AND THE RECALL

By THE OBSERVER

A couple of weeks ago, I spoke of the Initiative. Today I want to speak of the Referendum and the Recall.

The Initiative gives to the electors en masse the power to make laws at the polls; not merely to declare in favor of certain policies, parties, leaders, or candidates; but actually to make the laws; to make a code of criminal laws, or a tariff, or a bank act, or a mining law, or a taxation law, or any other law, directly, at the ballot box, and with all the particulars necessary in writing a law.

Also, the power to repeal any law now existing; and to amend or repeal any law so made at the polls, by a new poll on the same subject. Whether the polling booth is a good place to make laws; and whether it is wise or safe to have our laws made or repealed in that way: these are the questions. Lawyers, from the whole experience of their profession during eight hundred years or more, say that this would be a very good way to throw overboard all the security and safety of the British legal and parliamentary system. But the lawyers are already answered; answered by a direct appeal to law and vulgar prejudice.

In the second part of Shakespeare's play, Henry VI., that great master, introduces Jack Cade in the first success of his rebellion. Says Dick the Butcher to Jack Cade: "The first thing we do, let's kill all the lawyers." And Jack answers: "Nay. That I mean to do. Is not this a lamentable thing, that the skin of an innocent lamb should be made parchment? That parchment, being scribbled over, should undo a man?"

What a genius Shakespeare was! He died in 1616; and three hundred and five years after his death, I went—the other evening—to hear a man who talked just like Jack Cade. He calls himself "a labor leader;" and if high office in a labor union makes him a leader, he is one. He was strong on lawyers. "Parasites" was one of the mildest terms he applied to them. I thought I knew what was wrong with him.

Based on historic facts and documents the conclusion is indisputable: "It cannot be too emphatically stated nor too frequently repeated that the Common School Act of 1841, which incorporated for the first time in our educational legislation the principle of Separate Schools, was the result, in this regard, chiefly of Protestant representations, was drawn up by a select Committee with an overwhelming Protestant majority, provided for Separate Schools for both Catholic and Protestant minorities in the united Canadas, and, under the circumstances, aimed mainly at the protection of the Educational interests of the Protestants of Lower Canada."

He believes in the Initiative, the Referendum, and the Recall; or says he does; and he knows that lawyers must oppose these three propositions or else discard all the experience and all the knowledge of a profession which has studied law and law-making, and law-enforcement, for eight hundred years, and which has led, during all those eight hundred years, in every development of the principles of legal and constitutional freedom.

Lawyers know that there is the greatest difficulty in expressing the principles of freedom and justice in a written Act; they know that six or seven wise judges often find it hard, in the calm air of a courtroom, or in the silence and seclusion of their libraries, to get at the right and justice of a case. Knowing that, it is strange that they should condemn the proposal to make the laws of a country at the ballot box?

The Referendum is another form of direct legislation by the people. If the Referendum is adopted in Ontario, (it is in the platform of the Canadian Council of Agriculture,) laws passed by the Legislature (except a few matters of the utmost urgency) will be subject to a referendum vote on the request of five to ten per cent. of the electors.

The Legislature will be deprived of responsibility, and at the same time shorn of power. An opposition opposes a bill; and the bill is carried. The next thing is to get a few per cent. of the people to sign a petition; and at once the Act just passed goes to the people.

The whole scheme of the Initiative and the Referendum is an appeal to passion and to ignorance. The people are being told that the miner or the sailor, or the woodsman, who never in his life read anything but a weekly paper, is perfectly capable of making a bank act, or an insurance act, or a criminal code; and that that is just the way that laws should be made.

Worse than the other two is the Recall. If we could still hope to have a reasonably independent legislature or parliament, such a legislature or parliament might make some shift to guide public opinion. But here comes in the Recall, to degrade our representative system down to the dust. What is the Recall? It is a change in the Constitution, which enables a small per centage of a member's constituents to recall him to the polls before his term is up, and to vote him out.

A man is elected M. P. or M. P. P.; and, of course, from the first, those who voted against him are dissatisfied with him. Twenty-five per cent. is the usual per centage for a recall petition. How many men elected M. P. or M. P. P. have such a majority that their opponents cannot get such a petition signed, for a recall.

The petition is signed; and the election must be run over again. No matter that the man has only served nine months. He must run again. And this is solemnly placed in the platforms of farmer and labor parties all over Canada.

The three together, the Initiative, the Referendum and the Recall, mean first the utter degradation, and then the end of our whole Constitutional, legal and parliamentary system. And what is to be put in its place? An approximation to the tribal meeting, and the sovietic nightmares of Russia.

It is an appeal from experience to inexperience; from order to chaos; from knowledge to ignorance. Jack Cade said:—"My mouth shall be the Parliament of England."

Some self-styled leaders today feel sure that Canada would be well ruled if their mouths were her Parliament.

NOTES AND COMMENTS

THE STATEMENT is again hazarded by the despatch writers that for the first time in the history of the Vatican moving picture films of the Holy Father have been allowed to be taken. This is not the first, or even the second time, for Pope Pius X. was so photographed in the early years of his pontificate, and the films were shown on this continent. We are ourselves a witness to this fact. That Pope Benedict should thus graciously consent to show himself in his home life to his spiritual children the world over is in keeping with the known benevolence of his character.

A noisy atheist who persisted in airing his opinions on the street

corners, and made much of the fact that he was an unbeliever, was badly flustered when a stander-by asked him if he ever prayed to think what it was he didn't believe. Another of the same kidney, who was proclaiming the glories of unbelief, brought a torrent of jeers and laughter upon himself when in a moment of forgetfulness he shouted at the top of his voice: "I'm an atheist and I thank God for it!"

THE ANNOUNCEMENT that gland transplantation, that is, the transferece by operation of a monkey gland to a human body, has been successfully accomplished by a Canadian surgeon should furnish food for thought to more than those directly concerned. If, as scientists of a type hold, man is descended from the monkey, man may be permitted to hope that this new departure does not mean reversal of the process.

RECENT ARCHAEOLOGICAL discoveries in Rome have upset many legends of the early Popes. One of them which is familiar to so many through the novel "Quo Vadis" and other stories of early Christian times, to the effect that during the persecution under Nero, St. Peter, the first Pope, at the earnest solicitation of his followers fled from Rome to save his life, is shown to be without real foundation. The story as related by Mrs. Jamieson is that as Peter fled along the Appian Way he was met by an apparition of Our Lord journeying towards the city; that struck with amazement St. Peter exclaimed: "Quo Vadis" (whither goest thou), and that Our Lord, in a tone of mild sadness, replied, "I go to Rome to be crucified a second time." The story further relates that the Apostle, calling this as a sign that he was to submit to the martyrdom in store for him, immediately retraced his footsteps and in the event shed his blood for the Master.

THIS is now shown to be but a legend. St. Peter did not flee from danger. The story, we are now assured, may be taken as a popular way of handing down the fact that the Prince of the Apostles journeyed to Antioch and Jerusalem on the business of his high office and that returning in due time to Rome he calmly laid down his life for the Faith in the year 65 or 66 A. D. Those who have read Cardinal Wiseman's "Fabiola," or Dr. O'Reilly's "Martyrs of the Coliseum" and "Prisoners of the Mamertine,"—pictures of the early Christians drawn with all the authority of experts—will have a good idea of the sufferings of those their spiritual progenitors, and of the place St. Peter occupied as the divinely appointed Shepherd of the Flock. It should be a matter of gratification to Canadian Catholics, that Dr. O'Reilly's two books, which are far less known than they deserve to be, were written and first published while he was a priest of the diocese of Toronto.

REFERRING to the majestic line of the Popes, a remarkable story is told of the late Pope Pius IX., in Pax, the magazine issued by the Benedictine Monks of Caldey. We reproduce it without comment as summarized by a contemporary:

"The story is that one day in May, 1862, a man called at the Vatican Palace and asked to see the Pope. He had neither credentials nor letters of recommendation, and accordingly he was refused admission to the palace. But he insisted strongly on the ground that he had an important secret communication for the Holy Father. After some consultation among the officers on guard, the man was allowed to see Mgr. Pacca, who was that day in attendance in the Papal ante-chamber.

"With Mgr. Pacca the man renewed his request to see the Pontiff, and begged the prelate to use his influence to procure admission. At length Mgr. Pacca made his way to the private apartment of the Pope, where he found the Pontiff kneeling in prayer.

"Mgr. Pacca waited some minutes, but the Pope did not rise from his knees, and so the monsignor approached His Holiness and told him that a man wished to give him a secret communication.

"Pius IX. replied to the prelate in these enigmatical words of the Gospel: 'Let the dead bury their dead.' Mgr. Pacca was utterly at a loss to understand what the Pope might mean, and thinking His Holiness had not caught the drift of his words, he repeated that a man was outside with a secret communication.

"In still more mysterious words Pope Pius IX. replied: 'I do not give audience to a dead man!'"

"More puzzled than ever, Mgr. Pacca left the Papal presence, and on reaching the ante-chamber found the visitor in the act of expiring in the midst of a group of the Vatican servants.

"Immediately after he had died his body was searched, and on him were found a dagger and a loaded revolver.

"The man, who had evidently intended to assassinate the Pope, was struck down by a fit of apoplexy while waiting to carry out his sacrilegious plan."

BOY LIFE

"HE'D A CHIP ON HIS SHOULDER"

Adapted from a tale in "The Canadian Child" By Miss Mary Murphy

He was dirty and battle-scarred. He faced his mother where she came upon him unexpectedly. In response to her solicitous enquiries he simply said—"Well—he dared me. He'd a chip on his shoulder. That meant I had to knock it off. I'm muddled up—but you should see him!" The boy philosophy was unanswerable. Every normal boy gets into fights. It is a hopeful rather than a discouraging sign. Secretly, most mothers are proud of a red-blooded son, though they may worry over his pugnacity. And it is doubtful if a father lives who has punished his son for fighting. Although most men have chastised their youngsters for fighting without cause or for displaying cruelty, when it comes to punishment for mere fighting, the ordinary wholesome father loses heart and has urgent business elsewhere.

Fighting is just as truly a process of every normal boy as teething. To satisfy this irresistible craving and yet hide his so-called weakness, he may fight like a demon, acquiring bruises and losing blood, and when interrupted by the call for dinner he surreptitiously removes tell-tale evidence, brushes his hair, bathes his face, and meekly sits through the blessing and the meal. After dinner he becomes again a blood-thirsty savage, ready to renew the battle and to fight to the bitter end without quarter.

But why such precaution to avoid discovery? The answer is easy. Far worse than taking a sound drubbing at the hands of another boy is the encounter with his patient, non-understanding mother. The hurt look on her face makes him feel himself a brute.

The desire to fight must be satisfied in some manner, and there lies the parent's problem. The instinct of combat is intense in every boy. Fighting is a necessary part of physical development. Physical fighting is the most primitive form of competition. Boyhood combat is often the kindergarten to that vigorous institution—successful manhood. Many a timid boy, bound on the road towards becoming a milk-sop, has had the entire course of his life changed when driven into a corner by some rowdy gang, and turning, had felt his first thrill of combat, with righteous indignation on his side. No matter whether he won or lost, he learned the first lesson of success. No boy is hurt by a good trouncing at the hands of another. Black eyes pay dividends, not only in the coinage of boyish admiration by his fellows, so precious to a youngster but in a far more valuable asset in later life. It is the boy who has never been defeated who is really injured. It is he who will rush headlong into disaster or who becomes the bully of the street and rises no higher.

The point arises whether a child should be encouraged to fight. The answer is found in the individuality of the youngster. The kind of child who would rather endure insult than bring pain to another certainly needs some encouragement. In general, boys need no encouragement whatever. The problem of the parents is the tactful guidance. They may lead their child away from the crude barbaric competition along a path of magnificent development, or these parents, neglecting their opportunity, may permit their child to grow into a boisterous misfit being, or else let him dwindle into a weakling, cringing through life because of his fear of defeat. The average youngster fights for the love of sport. He does not desire to make his opponent suffer, but he does with his whole soul want to win. Here lies the key to the parents' procedure.

Athletics bestows in itself a marvellous aid that can be used in the transformation of boy fighting into man-sized competition. The