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SATURDAY, JAN. 30, 1904

## Prominent Mason Rebukes Bigotry.

The somewhat unusual spectacle was presented in the court of appeals recently of a former grand master of the Free Masons of New York state making one of the principal arguments against James Sargent's contention that the city of Rochester has no right to pay Sisters of St. Joseph salaries from the public funds for imparting secular education to the inmates of the Catholic orphan asylums. The attorney in question was William A. Sutherland and he was there because he was corporation counsel for the city when the case was tried in appellate division.

Mr. Sutherland made a somewhat remarkable argument in converting Mr. Sargent's specious attack upon the Catholic church for really that is what his court action amounts to. In opening he made as his first point that "the employment of the sisters to teach in the orphan asylums is not unconstitutional" and cites the "Osico Case" where the court decided that the constitution was not violated because the Board of Education chose to establish a separate school for colored teachers. He then asserted that the orphans in Rochester were wards of the state and that the legislature had decreed virtually, that whatever secular education they were to receive must be imparted within the walls of the institution where they are confined because most of them are committed there by police magistrates and the state pays their board. Moreover, the penal code provides that "when any such child is committed to an institution it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of the child."

Mr. Sutherland dismissed as absurd the Sargent contention that it were better if these orphans were marched into the street at 9 o'clock every morning thence to a public school until noon, then back to the asylum for dinner; back to school again and so on. Sargent's counsel quoted from State Superintendent Skinner's notorious decisions that teachers wearing "a garb of a particular denomination, with the insignia of a religious order upon her person, exerts a baleful influence upon the susceptible mind of a child," and then said pertinently: "The state superintendent of public instruction is something of a pope himself, for he has absolute power beyond review of any court to decide certain questions relating to common schools in certain localities of the state. Happily, his jurisdiction does not extend to the city of Rochester. His opinion on the sectarian effect of 'a garb' on these orphans is entitled to that amount of consideration which the reason of his opinion inspires in and of itself. The rulings of one whose authority cannot be questioned, inevitably drift to determinations that do not meet with the approval of thoughtful men."

With rare clearness Mr. Sutherland points out that neither Mr. Sargent nor anyone else can rescue the Rochester orphans from "the influence of a (Sister) teacher always wearing the garb of a religious upon her person," because the Sisters are with them when they awaken in the morning, they dress them, feed them, they are with them at play and they tuck them in their beds at night. The state has put these boys under the care of these women. The atmosphere of Catholicism is put about them by legislature

permitted and command and by the mandate of the state they are constrained to remain within the sphere of this sectarian influence until they reach their several majorities. Prayers are to be said over them, and under them and into them, and the religious insignia and the garb of the order are to be around them morning, noon and night all by the mandate of the state of New York. But the plaintiff comes to court and says that the multiplication table is inconsistent with a religious 'garb' that the two cannot exist in one and the same room lest the constitution be cracked and the republic go to pieces.

Mr. Sutherland went on: "It is respectfully contended, so far as sober words are appropriate to the plaintiff's contention, that a provision of the constitution which forbids the appropriation of public funds to the support of sectarian religious institutions does not forbid hiring women whose 'garb' may not be of the low necked and short sleeved variety, but which is generally supposed to be respectable and in accord with the period. Catholic or Protestant, in any school of the state. Nor is there rhyme or reason in the contention that one thus employed may not wear a simple golden cross, the insignia of the Christian faith, in the school room, as freely as she may wear it in any other public place."

In conclusion Mr. Sutherland took up and disposed in short order of the Sargent objection that the Sisters turned their salaries into their religious order and that hence the constitutional provision was violated in that a sectarian institution received a portion of the public funds. He first said that it was one of Mr. Sargent's business to inquire what school teachers did with their money any more than it was his business what disposition the mayor might make of his salary. No one could object if the mayor indured his salary check over to St. Mary's Hospital to pay the board or treatment there of a friend or relative. He did not think that Mr. Sargent would claim that the city of Rochester was helping to support St. Peter's church because Mayor Cutler chose to contribute toward its support. Where then, Mr. Sutherland said, could the state be harmed or the constitution violated if the Sisters turned their salary checks over to the convent where they are fed, clothed and sheltered.

Mr. Sutherland's bold talk will be galling to the bigots, but thinking, fair minded men of all creeds will be inclined to applaud rather than censure.

## Accuracy Sacrificed For

Rhetorical Effect.

Why is it that many men, popularly hailed as orators of the first rank, are so willing to sacrifice truth, logic, historical accuracy, and sound philosophy, in order to perpetrate fine-sounding phrases, whose rhythm will charm the audience and whose poetic swing will captivate the auditor?

Before us lies a copy of a speech purporting to have been delivered at the annual dinner of the Chamber of Commerce of Albany, recently by the Hon. Martin W. Littleton, president of the borough of Brooklyn in New York. Mr. Littleton has been proclaimed far and wide as an orator of the first rank and it is easy to imagine that his speech on "Westward Tendencies" declaimed with fiery vehemence before an audience of three hundred men might set them cheering like mad, but the speaker ought not to have allowed the forensic effort to appear in cold type.

"The nineteenth century" began Mr. Littleton "swept in through the fury and flame of revolution; a flame kindled at the torch held high by reason." Sounds pretty, don't it, but what does it signify?

"Thrones that for ages had cast their shadows across the conscience of the world reeled and fell under this revolution of reason" went on the speaker. Had it not been for one of those thrones the Western hemisphere, the United States which Mr. Littleton apotheosizes later on in his address might not have been discovered for centuries after it was. Had it not been for those thrones, held up by the ancient Mother Church what would Europe have been? But Mr. Littleton

makes no reference to the church or even to Almighty God in his speech. The revolution of reason did it all. "Reason" was the titular deity of France, that republic where "liberty" to day signifies suppression of all educational institutions where the principles of a religion which teaches belief in Almighty God are even tolerated and apparently the exaltation again of "reason" the national deity.

Mr. Littleton's idea of the church in the centuries preceding the nineteenth is expressed in these words: "The church, sombre and sycophant made up of mystery, darkness and cruelty was torn from the breast of the king and made to walk by faith instead of force." This is reversing the usual order. Generally the church is depicted as a tyrant, ruthlessly repressing liberty of speech and thought; faults of monarchs are usually attributed to the shackles of priestcraft and monkish superstition. Mr. Littleton would have the church sombre and sycophant, (the sombre does not accord over well but it rhymes in nicely and rounds out the period.) Probably Mr. Littleton refers to the attitude of the English Protestant church oring before royalty, but he does not say so. To specify would not have captivated a throng of hilarious diners.

"The nations of the earth felt the powerful pressure of the painful, plodding years" continued the orator. Not a compliment to the solid structure reared during those painful, plodding years. Not a hint of the wonders in architectural construction; no word of the marvelous paintings and the remarkable achievements of the sculptor's chisel which, try as we may we cannot duplicate to day; not a mention of the foundation stones laid in those 'painful, plodding years' of the great educational structure of which we are so proud to day and which was fostered and nurtured by these courts created by caprice, corrupt and cruel" and by that church sombre and sycophant. "Had it not been for those 'painful, plodding years' there were no 'education to illumine every soul with light' in this year of 1904."

But as Mr. Littleton says "we have gone from a constitutional to a commercial age." It may be that he is right when he adds "he who meet the future face to face must bow to this inevitable fact" but we are glad that the church and her teachings mellow and soften and make bearable the flimsy spirit of the age.

## Mr. Hawley Had Better Look Out.

Rev. Fred V. Hawley, secretary of the Western Unitarian Association, had better look out or he will be persona non grata to the advocates of the theory that the Sunday schools are really more potent than the church and that all necessary religious education can be imparted there. Mr. Hawley actually had the nerve to tell a Sunday school union in Chicago the other day that the international system of Sunday school questions (non Catholic of course) are in part responsible "for an estrangement between children and the church." Mr. Hawley went on "the shallow subterfuge of making it appear that the learning of certain texts or bible stories can make one religious is absurd. The church itself should teach the lesson of truth and should be entirely free from sham."

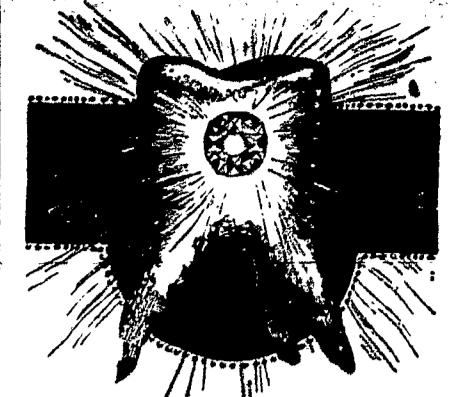
Dangerously near Catholic doctrine Mr. Hawley.

In another column reference is made to the argument of Mr. W. A. Sutherland before the court of Appeals in the Sargent case. It should be stated that Hon. James M. E. O'Grady was the counsel for the St. Mary's Boy's Orphan Asylum and made a eloquent argument. It is because of the fact that Mr. Sutherland is not of our faith that such extended comment is made on his brief and presentation of the case.

The Lenten season will soon be upon us. Let each one resolve to keep it more faithfully than ever before. A pious custom is to recite the Rosary each evening before retiring.

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