

W. B. Noble
Chichester Fortescue
H. P.

CONSIDERATIONS

UPON THE

IRISH CHURCH DEBATES,

ADDRESSED TO

THE CATHOLIC MEMBERS OF THE LEGISLATURE.

BY

LORD STANLEY

OF ALDERLEY.

LONDON:

TRÜBNER & CO., 8 AND 60, PATERNOSTER ROW.

—
MDCCCLXIX.

HERTFORD:

PRINTED BY STEPHEN AUSTIN.

TO THE READER.

MY only claim to address the reader on the subject of the Irish Church consists in the desire that I have felt for twenty years to see the religious inequalities of Ireland done away with, and the disappointment which I feel at seeing those inequalities still partially existing, and the question settled, not by a concession to justice, but by concessions to the anti-religious spirit of the age. One might say that until an oyster is opened it has life, so until the surplus is finally muddled away there is hope of retaining some of it for the purposes to which it belongs, and of its being applied for the benefit of the public worship of the poor peasantry of Ireland of the three rites. I have always been of opinion that the State ought to contribute to the support of the public worship of the great majority of our Irish fellow subjects: that was the object which the amendments of the Duke of Cleveland and Earl Stanhope sought to carry out, and the appropriation of the surplus which has been held over will furnish another opportunity of fulfilling that duty.

RESOLUTIONS MOVED BY EARL GREY,

MARCH 16, 1866.

1. That in legislating for Ireland it is the duty of the Imperial Parliament to adopt such measures as might be expected to gain the approval of an Irish Parliament, fairly representing the people, and expressing the opinion of the majority of men of education and intelligence in Ireland.

2. That the application of the whole income derived from Church property in Ireland to the support of a Church Establishment for the exclusive benefit of a small minority of the people of that country, is unjust, and ought not to be continued.

3. That, with a view to the correction of this injustice, it would be expedient to vest the whole property of the Church in Ireland in the hands of Commissioners empowered to manage it, and to divide the net income derived from it in such proportions as Parliament may prescribe between the Protestant Episcopal, the Roman Catholic, and the Presbyterian Churches.

4. That it would further be expedient to grant to the said Commissioners such a permanent annuity on the Consolidated Fund as would be sufficient, together with the share of the income from Church property in Ireland assigned to the Protestant Episcopal Church, to provide for paying to the present Bishops and Clergy of that Church the full incomes they now receive. As these payments to the existing holders of ecclesiastical preferment cease to be required, the proportion of the annuity thereby set free to be carried to the general account of the Commissioners, and divided between the three Churches in the proportion prescribed by Parliament.

5. That the proportion of the net income at the disposal of the Commissioners assigned to each of the three Churches ought to be paid to Boards of Trustees, appointed to receive the same and apply the amount for the benefit of the said Churches.

6. That the Board of Trustees for the Protestant Episcopal

Church should consist of five prelates and five laymen of that Church, and that, subject to the claims of existing holders of benefices and dignities, the said Commissioners should be empowered, with the approval of the Lord-Lieutenant in Council, to make such changes in the application of the income of the Church as might be considered expedient, with a view to the more effective performance of its duties.

7. That the Board of Trustees for the Roman Catholic Church should in like manner consist of five prelates and five laymen of that Church, and that the income placed at their disposal should be applied, at their discretion, to the building and maintaining of places of worship and glebe-houses, and to the payment of stipends to the clergy.

8. That the Board of Trustees for the Presbyterian Church should consist of five clergymen and five laymen of that Church, and that the income assigned to them should be applied, in the first place, to the payment of the stipends to clergymen now provided for from the Parliamentary Grant now known as the *Regium Donum*; and, secondly, to the general purposes of their Church.

9. That the said Commissioners and Boards of Trustees should be required to lay annually before both Houses of Parliament full accounts of their receipts and expenditure.

10. That the enactments whereby the prelates of the Roman Catholic Church are restrained from assuming the titles of their sees ought to be repealed, and that they ought to be allowed to assume the style of Roman Catholic archbishops and bishops of the said sees.

11. That with a view to the improvement of agriculture in Ireland, it is desirable that the occupiers of land should have greater facility for the secure expenditure of money on permanent improvements, but that the difficulties now complained of would be aggravated instead of being diminished by any enactment infringing upon the rights of property; nor could the object in view be attained by any change in the law, which, without infringing upon these rights, would empower tenants to compel their landlords to pay for improvements, since the creation of such a power would

probably induce landlords to exercise their right of resuming land held by tenants proposing to use it, when not protected by leases, and would also tend to increase the reluctance of landowners to grant long leases to their tenants.

12. That it is the true interest of both owners and occupiers of land that they should be left free to settle the terms on which it is to be held by mutual agreement, with as little legislative interference as possible, but that it deserves to be considered whether the Irish law of landlord and tenant might not be made more clear and simple, and whether some changes in its provisions, especially the repeal of the enactments which give to landlords the right of distress, and a preference over other creditors, might not tend to make the owners of land more desirous than they now are to let it to solvent tenants, on conditions and for terms of years which would encourage permanent improvements.

It may not be amiss to place before the reader the Resolutions moved by Earl Grey, in 1866, in order that he may be able to draw a parallel between statesmanship and forethought, and the quantum of those characteristics contained in the Irish Church Bill lately passed ; between a measure of conciliation and one of discord ; between a measure worthy of a Christian nation, and one which narrowly escaped becoming a proclamation of contempt for all religion, and that only through the courage and firmness of Earl Grey and the Marquess of Salisbury.

To sustain the above propositions it will be necessary to go back to first principles,* the only safe foundation for legislation and all human action, because they do not change ; while expediency depends upon varying

* First principles are not the same as abstract principles : the former are principles to be borne in mind, and not lost sight of ; the latter are election cries, and professions, which may well be in opposition to first principles.

motives, which include, with the advantages in respect of the thing to be done, advantages to those who are to do it; and it is to be feared that, in this case, what was expedient for the promoters of the Bill has had more weight than what was expedient for Ireland.

First principles are not very popular in England, and the Roman Catholics are the only Englishmen whose acceptance of them is obligatory, since the errors which are opposed to these principles have all been enumerated for them in the Encyclical letters, and no Catholic can openly advocate any of the opinions there condemned as errors, without breaking away from Catholicity. There are, however, other Englishmen who appeal to first principles, or to what they imagine to be such; as, for instance, some very rabid Nonconformist preachers, at a public meeting at Derby,* who talk of the "Divine and scriptural principle of voluntaryism."

These Nonconformists probably derive their scriptural authority for voluntaryism from Matthew x., 9, 10; but they are precluded by Acts iv., 34, 35, v., 2, 3, and vi., 2, from denying that the Church possessed property from its first foundation; and they are very inconsistent, since, in spite of the precepts in St. Matthew, above referred to, which sanction voluntary action and enjoin poverty on the part of missionaries, it is their school especially which disturbs China and other countries. For the persons who undertake the business and trade of missionaries, are provided with every comfort, supported by gunboats at the expense of the State, and receive additional allowances on the occasions when their families increase in number.

* *Derby Mercury*, July 21, 1869.

Let us examine and define the nature of the Church property, the application of which has been the subject of debate. Mr. Aubrey de Vere (Ireland's Church Question, p. 48) gives the following definition: "Church property was a Nation's free-will offering to God,—its end being the spiritual culture of the people, and the independence of the clergy." I would propose to add to that, with respect to the tithes (since Church property includes these, and also charitable bequests), the words "an inalienable charge upon the land, appointed by Divine Law."

This Divine Law is contained in the 27th chapter of Leviticus, and the 30th verse; and the R. P. Felipe Scio de S. Miguel, in his commentary on this verse in a Spanish Bible, printed at Madrid, 1795, observes that: "It is thus seen how ancient is the law of paying tithes. The Lord complains frequently in the Scriptures of the unfaithfulness of the Jews in fulfilling this duty; and threatens to send a general sterility over their fields, because, while all the fruits of the earth, and all the offspring of the flocks belonged to Him, they refused to contribute a part of those goods, which He in His goodness heaped upon them, in order to maintain public worship in the Temple, and to feed His ministers.—Proverbs iii., 9, 10; Haggai x., 11. This complaint is daily renewed against men who do not consider that all the fruits come to us from God, and belong to God, and that all that is expended upon religion is a notorious gain."—Tertullian Apolog. cap. xxxix.

A member of Her Majesty's Government, during the debate in the House of Lords, rather objected to

"Scripture being dragged into those debates." I submit that that is not a very reverent way of speaking of the Holy Scriptures, and that it should be a cause of satisfaction when the Scriptures are found to supply a guide for the administration of temporal matters ; and that the above-mentioned objection seems to partake of the error, that religion has nothing to do with politics.

The question of Church property has been farther obscured by calling it corporate property, because legally and technically the Church is styled a corporation. But a corporation, properly speaking, is a municipal body, instituted by the State for its own convenience to carry on the government of a locality ; it is, therefore, legitimate on the part of the State to resume and centralize in itself the local rights of government, and in so doing to abolish the corporation, and appropriate its property, which the corporation held in trust or delegation for State or civil purposes. The giving to the Church the name and style of a corporation does not, however, put it into the subordinate position of a municipal corporation.

The fifth of the Resolutions of the Irish Catholic Prelates of October, 1867, stating "That by appropriating the ecclesiastical property of Ireland for the benefit of the poor, the Legislature would realize one of the purposes for which it was originally destined, and to which it was applied in Catholic times," makes a concession which may become a dangerous precedent against the Catholic Church in other countries ; it is one that can only be understood when taken in connection with the terms of the first of these Resolutions, expressing animosity against the Established Church. These

feelings have led the authors of the Resolutions to lose sight of their ultimate consequences, and of the first principles laid down in the syllabus. This question has been confused by the false analogy of the conduct of St. Ambrose, and it has been forgotten that a Protestant or a Secularist Legislature is not in the same position for dealing with Church property as a Bishop of that Church, an overseer and trustee of that property, who is in a legal position to use and apply that property, representing as he does, entirely, the body or congregation to whose spiritual necessities it belongs. It would have been equally reasonable to have quoted as a precedent the constantly recurring application of the Church tithes to military purposes by the Christian kings of Spain during their wars with the Arabs, which, during the earlier part of the struggle were national as well as religious, while omitting the fact that whenever this was done it was only by the permission granted by the Pope for a limited term, which he renewed or not, as he thought fit, if it happened that the war exceeded the term during which the tithes or a portion of them had been alienated from religious to military purposes.

The voluntary system is a term of vague generalisation which is objectionable because it does not always imply the same thing. With some it means uncontrolled preachers, living upon what they can get through their influence over their followers, which would fill the land with men like Murphy. With others it means what would be in fact a negation of all religion by the State. In any case it means a separation of Church and State; and it has been a matter of surprise that a Catholic Peer should have said in the House that he was in favour of

Voluntaryism, when speaking of Ireland, and in opposition to the proposal to raise the status of the Catholic clergy by giving them decent houses.

The object of this speaker, and of the Catholic Peers who voted with him, was, no doubt, to carry the Bill, and to avoid anything which might either endanger its progress or appear like self-seeking; there were also the Resolutions of the Irish Catholic Bishops of October 2nd and 3rd, 1867, against accepting any State endowment for the Catholic clergy; and lastly we were told of a compact made between the Catholic Bishops and the Nonconformists of England and Scotland.

Now, as the abstract principle of the Bill professed to be religious equality, it cannot be said that the Bill would have been endangered had the Duke of Cleveland's amendment been carried, since the Government measure had infringed this abstract principle by giving glebe houses to the Anglican clergy at a nominal price. The only motive on the part of the Government for not yielding to this amendment would have been the unavoidable one that they did not choose their work to be altered and amended; they could not allege the hostility of the Scotch Nonconformists, for the Government measure had already set that aside by the endowment of the Catholic theological seminary of Maynooth out of Irish money, relieving the English Exchequer to that amount. It is true that this was done under the legal fiction, not to say quibble, of "equitable claims," but this same legal fiction would have covered the responsibility of the Government in the matter of glebe houses for the Catholics and Presbyterians, as a set-off to the Anglican glebe houses.

The Resolutions of the Irish Bishops, and instructions of Pope Pius VII., dated August 7, 1801, were not in opposition to the Duke of Cleveland's amendment, for those Resolutions opposed clerical endowment or the giving of pensions to the clergy, thereby reducing them to the position of salaried servants of the state, a position which they could not be expected to accept in a non-Catholic country. But the amendment proposed something very different, namely, the investing the whole Catholic body of our Irish fellow-subjects with decent houses for their clergy, and that as a part restitution of what was strictly their own; and, as will be shewn further on, what they were bound to accept by the Encyclical letters of Pope Pius IX., which would supersede any instructions of Pius VII., even if it could be shewn that those instructions were in opposition to the granting of glebe houses.

With regard to the alleged compact between the Catholic Prelates and the Nonconformists, if it were made, it would not be very creditable to either of the contracting parties, as it would be damaging to the consistency of both of them. The Catholic Prelates could not, consistently with the Syllabus, ally themselves with partizans of the Voluntary system for the purpose of establishing that system. The Nonconformists, on the other hand, in uniting with the Catholic Prelates for the overthrow of the Anglican Episcopal Church, shewed that they had entirely reversed the course followed by them in 1688, when the Nonconformists rallied round Archbishop Sancroft; and as the circumstances are very similar, and the aversion of the Nonconformists to what they call Popery is, they say, so strong as to overrule

the desires of all reasonable men, it must be concluded that these Nonconformists, with whom the Catholic Prelates entered into a compact, were not so much the conscientious Dissenters, as members of that secularist party which aims at the overthrow of all religion here and on the Continent. This was certainly strange company for the Catholic Prelates to be found in, and in Spain they will quote their national proverb with respect to them :—

“Those who lie down with the dogs
Will rise up with fleas.”

Let us now examine whether the Catholic Peers and members of the House of Commons who profess to approve of Voluntaryism, are not doing that which has been condemned by the Papal Encyclical Letter of December 8, 1864.

That letter contains a Syllabus, or Table of Errors, condemned in this and other letters and allocutions of H. H. Pius IX. Among other errors are the following:

§ LV. “The Church ought to be separate from the State, and the State separate from the Church.”

§ XIX. “The Church is not a real and perfect society entirely free ; it does not enjoy its own enduring rights conferred upon it by its Divine founder, but it belongs to the civil power to define what are the rights of the Church, and the limits within which it may exercise them.”

§ XXVI. “The Church has not a natural and legitimate right to acquire and possess.”

§ XXXIX. “The State, as the origin and source of all rights, enjoys a right which is not circumscribed by any limits.”

As there are many Catholics who do not go so far as

to say they are in favour of Voluntaryism, yet look upon it with complacency, and say that it has done very well for them in Ireland, and as they accept it as a *fait accompli*, and have, on other grounds, rejected an opportunity of taking the first step, or of allowing a first step to be taken, for raising their Church from the Voluntary state to a higher level, it will be as well to cite two more errors condemned by the same Encyclical :

§ LIX. "Right consists in material fact; *all the duties of men are empty words, and all human facts have the force of right.*

§ LX. "Authority is nothing else than the sum of numbers and of material forces."

Several Catholics do not admit that Voluntaryism is condemned by the foregoing passages in the Encyclical and Syllabus, because it is not named in those documents. That term is not contained there because it is ambiguous and equivocal, and the Encyclical is directed against that confusion of ideas caused by the use of vague terms in contradictory senses, by means of which the press debases the minds of the multitude, which fluctuate between opinions varying from day to day, while they possess neither fixed principles nor knowledge with which to check and weigh the daily dram. The following chapter from a work* of Mgr. Ketteler, Bishop of Mayence, though written in 1861, forms a very good commentary on the Encyclical of December, 1864, and ought to remove any doubts as to whether the Catholic Church approves of the Voluntary system, even when that term is taken in its least objectionable sense.

* *Liberté, Autorité, Eglise*, par Guillaume—Emmanuel de Ketteler. Paris, 1862.

CHAPTER XXVII.

CHURCH AND STATE—UNION AND SEPARATION.

“The freedom of the Church has often been interpreted in the sense of separation of Church and State. If those who so understand it, simply desire to trace a line of demarcation between the two powers, and to put an end to the confusion of their mutual prerogatives, we have nothing to say against them. If, on the contrary, it is intended to break the essential relations which ought to exist between those two social bodies, no Catholic could consent to it.

The word separation contains an ambiguity, of which advantage has been taken with singular dexterity. Our adversaries only understand it in its bad sense, and they have drawn from it conclusions which are absolutely false, and as fatal to the State as to the Church. When the Church asked for the separation of the two powers, it was replied, “Be it so, let the Church be separated from the State, and let the freedom which the Church demands be given to it; but, on the other hand, let the State separate itself entirely from the Church, and abandon it entirely to itself; let instruction be withdrawn from the domination of the Church, and treated as a State institution.” To look at the manner in which these demands have been sustained, it would be thought that they were of the simplest nature, and that they flow naturally from our own principles. That which is really deplorable is, that more than one Catholic has allowed himself to be caught in this trap. A few remarks will dissipate these misunderstandings, and will show the

falsehood and perfidy of pretensions which in appearance are so legitimate.

The relations between Church and State do not consist in that the State substitutes itself for religious authority in the administration of ecclesiastical affairs: they have a much more serious foundation. Ecclesiastical self-government (autonomy) is not by any means a separation of the Church from the State. When we claim from the Civil Power the rights of family, of the hundred, of corporations; when we ask for them the faculty of administering themselves within the sphere of their own affairs, it does not occur to anyone to say that we wish to separate families, hundreds, or corporations from the State, and to draw the conclusion that the State should in its turn separate from those divers institutions. In everything that is of essential importance the Church and the State could not separate themselves, for they both form part of the general order which God has established in the world. They ought to lend each other a mutual support, and concur together for the fulfilling of the counsels of mercy by means of which God wills the well-being of men. It is to form a very superficial idea of the relations of Church and State, to believe that only a few of the rights which belong essentially to the Church ought to be left to it, and to call that separation. There is in that only a sonorous verbiage, intended to deceive men as to their true interests; a fallacious appearance, equally fatal to both societies. Marriage is not dissolved because the father administers the affairs of the husband, and the mother those of the wife. In the same manner the relations of the Church and the State will not be dis-

turbed, because each of these bodies should govern its own interests. If people choose to call the liberties which the Church claims a separation, be it so; but that is a separation which will necessarily terminate in unity. My deepest conviction is that, far from separating the Church from the Executive, by granting them their self-government, we should really be establishing a sound and durable alliance between them.

The Church cannot, and ought not to separate itself from the State, nor in general from all that proceeds from God.

It ought, on the contrary, to respect it as an institution established by God, with a view to the well-being of men.

It ought to call upon its believers to obey the State for the sake of God, in all that relates to the Divine order.

It ought to contribute to the good of the State by all the spiritual means which it disposes of, and to rejoice at its prosperity, and deplore every disturbance of public affairs.

Lastly, it ought to teach the world that whoever illegitimately resists the civil power, resists God Himself, and draws upon himself damnation (Romans xiii., 2).

On its side, the civil power cannot separate itself from the Church without being wanting to its most essential duties.

The State is bound to defend the rights of the Church, as it defends those of each of its subjects, and to protect them from all attack. The State, having received from God the mission of administering justice, ought to fulfil this with regard to all indifferently. The State is

bound to treat the Church with friendliness, and to assist it to attain its ends. This portion of its duties is derived equally from the nature of the civil power, and from the charges which God has imposed upon it.

This protection and support the State owes to the Church, not only for the sake of God, but also in its own interest. By breaking with the Church, and with the religious belief of its subjects, it would stray away from God, and would thus ruin its own foundations.

This protection and support the State also owes to the Church, for the sake of its own subjects. The subjects have the right to exact that the civil power should respect, honour, preserve, and protect their religious convictions. The State is no abstract being, set apart beyond the clouds; it is a positive institution destined to procure the good of the individuals who compose it; to wish that it should neglect their supreme interests is to ask that it should refuse to recognize its own interests.

That which I here say of the duties of the State towards the Church, I understand not only as of the Catholic Church, but of every religious society which, recognized by the civil power, satisfies, in accordance with what I have before explained, the exigencies of natural morality, and the worship which is due to the one true God.

An opinion, contrary to all sound ideas which should be formed as to the relations of Church and State, is that which pretends that the temporal power may separate itself from the Church and completely abandon it to itself, without protection or support. This error has already gained much credit in our days; it is admitted by a party of the press and by some of the representa-

tives of the the people. It is therefore important to combat it resolutely and to remind the civil authority of what it owes to the belief of its subordinates.

In the eighth chapter of the work already quoted (*L'Eglise et la Société Chrétienne en 1861*) M. Guizot has expressed very correct ideas upon this subject, which deserve to be taken into serious consideration."

From the passage of Mgr. Ketteler which is in italics, it may be inferred that as the heresy of a portion of its subjects does not, in his opinion, free a Catholic State from its obligations towards them, since that would be recognising the separation of Church and State, so also Catholic subjects, in obedience to the same principle of repudiating the separation of Church and State, would be bound to accept the helping hand of the State, even when not Catholic, when it is extended to them without limitations interfering with their own government and institutions.

Donoso Cortes, writing in June, 1852, to H. E. Cardinal Fornari, anticipated the Syllabus, and pointed out the necessity of a special condemnation of error in the present time, analogous to the transformation of the ancient errors. Among the errors he mentions:

"The theory which consists in affirming that the Church has nothing in common with the State leads the revolutionary school to proclaim the absolute separation between the State and the Church, and, as a necessary consequence, this principle—that the maintenance of the clergy and the support of public worship ought to be at the exclusive charge of the faithful."

As such propositions may be inverted, it follows that

those who, like the Irish Catholic Bishops, assert that the maintenance of the clergy, and of public worship, should be exclusively provided for by the faithful, tend to countenance the error of the separation of Church and State.

Here is a passage from the Encyclical Letter of December 8, 1864, forwarding the Syllabus, which seems to be sufficiently explicit against the separation of Church and State :

“And because wherever religion has been banished from civil society, and the doctrine and authority of Divine revelation repudiated, there the true notion of justice and of human law is obscured in darkness and lost, and material force is substituted in the place of justice and legitimate right ; it is thence clear wherefore certain men, having entirely neglected and set aside the most sure principles of sound reason, dare to publish that, ‘the will of the people, manifested by what they call public opinion, or by other means, constitutes the supreme law, independent of all Divine or human law ; and that in political order, events which have been accomplished, by that very reason that they are accomplished, have the force of right.’ ”

But the Holy Father writes in vain for Catholics in England or Ireland, with the exception of those who are guided by the Reverend and learned Fathers of the Company. As for the others, judging by their votes, they are further removed from the teaching of the Encyclical than Algerine Turks ; for some of these once, in complaining to me of the French for having pulled down some mosque and school buildings for the purpose of building speculations, observed, “if at least they had

made use of them for Churches or Christian schools, they would have still served for the commemoration of the Name of God, the purpose for which they were constructed."

The Catholic Peers cannot be blamed very severely for having lost sight of the injunctions of the Encyclical, since these appear not to have been very present in the mind of the author of a letter to Earl Grey,* where the following passage occurs, p. 26: "The old Church property has been desecrated, a new endowment has been found. When an old chalice has been stolen, a new one is consecrated; if the old one were restored, as it has been desecrated, melt it down, and give the silver to the poor; a new one has been provided, the old one is no longer needed. So with the old endowments. . . . They ought indeed to be restored; and let the restitution be fully made. But let it be made to Him in the hands of His poor. They are His representatives." This is very true, but in order that the secularisation may be complete, the Bill puts the money into the pockets of the landlords. But what wonder if an unworldly minded ecclesiastic is taken in by an astute statesman? The doctrine that Church property, if temporarily alienated and applied to the purposes of another form of worship, or to secular uses, becomes thereby desecrated or contaminated, and if recovered is no longer needed, does not appear to have been held by the Catholic Church elsewhere, either in ancient or modern times. The desecration of the site of the Cathedral of Toledo by the Moorish mosque was no obstacle to the Archbishop of Toledo and the Queen of

* By the Right Rev. Archbishop Manning.

Spain (both of them French) seizing upon it, and depriving the Moors of their mosque, notwithstanding the solemn treaty by which King Alfonso had but lately guaranteed to them their possession of it. By the treaty recently signed at Peking, the French obtained for the Catholic Church the restitution by the Chinese Government of all the cemeteries and sites of churches which had anciently been held by Catholics, though many of these had become the private gardens of Pagans since the time of the Jesuits.

Whatever excuse there may be for the Catholic Peers voting against Lord Stanhope's amendment, it would seem far more difficult for them to find an excuse for voting for the words in the preamble, directing that the property of the Church of Ireland should not be applied "for the maintenance of any Church or clergy or other ministry, nor for the teaching of religion." The Catholic Peers voted for these words, notwithstanding that they were warned by Lord Russell, that, if such words appeared in an English law, they would be hailed as a precedent and an encouragement by all those who, upon the Continent, are the enemies of all Churches and of all religion. This warning was not a mere assumption, for already in the spring of this year the secularisation of the Irish Church property had been quoted by the revolutionists in Spain as an example to be followed for stripping their Church of the little that now remains to it; and there is no doubt that the portion of Her Majesty's Government which attached importance to the retention of these words could only do so with a view to the future, and for the sake of preparing the way to further aggressions upon the Church; for, otherwise, as

a mere statement of the contents of the Bill, the words might have been dispensed with. It is not only England, but, as Lord Russell pointed out, the whole continent of Europe, which has reason to rejoice at the rejection of these words, which would have had the effect of sanctioning and propagating an error, which, as Donoso Cortes describes it, "consists in asserting that the Church is of no utility here below, which is the negation of the Church itself, and gives as a result the violent suppression of the sacerdotal order by a decree which naturally finds its sanction in a religious persecution."*

Now, the words struck out of the preamble by the Lords' amendment were not only such as no Catholic could vote for consistently with any respect for the Papal encyclicals and allocutions, but it is equally difficult to understand how the Bishop of Oxford could have voted for retaining them, since although they were talked of as futile, it is clear that their authors intended them as a declaration in favour of the voluntary system. This appears partly from what was said during the debate, but especially from what has been since stated in some newspapers, where the Anglican Church in Ireland is described as the new voluntary Church in Ireland. It cannot, however, be so designated, for it has escaped from that condition through the effect of Lord Cairns' amendment to clause 19, which maintains the existing ecclesiastical law, articles, discipline, etc., etc., by contract. The intentions and desires of the Voluntary party are shewn by the advice given in one of the newspapers, that in the constituent assembly of what it calls the New Church, the prelates, clergy, and laity

* Letter of June, 1852, to Cardinal Fornari.

should all meet on equal terms, with no more authority belonging to the higher ecclesiastics than their characters, their position, and their talents, win for them. Here we have the leading principle of Voluntaryism, which is that the ignorant and prejudiced of the community should pay for preachers to flatter their prejudices, and that religion should be taught and expounded by universal suffrage. When the Romanists say that the voluntary system has done very well for them in Ireland and the United States, it is clear that with their trained priesthood and strictly defined dogmas, from which none of them can openly swerve, they are misusing the term voluntary system, and that they mean no more by it than a Church which is without endowments, without State protection or recognition, and it may be said without efficient supervision, if we may judge from the abuses which exist among the Catholic clergy in Ireland.

These abuses are such as might naturally be expected among a priesthood but lately emancipated from penal laws, drawn from the lower ranks of the people, and often living from hand to mouth in hovels. The existence of these abuses will hardly be denied within the United Kingdom, and it would not be necessary to do more than make a passing allusion to them, were it not desirable to remind the Catholic members of both Houses of Parliament of their existence, and to call the attention of Catholic opinion on the Continent, and if possible of the Holy See, with a view to their repression; and to strengthen the arguments by which I have endeavoured to convince the Catholic Peers and members of the House of Commons, that in rejecting the measure of justice offered to them by the amendments of the Duke

of Cleveland and Lord Stanhope, they have not only been acting in opposition to the Papal Encyclical issued for their guidance, but have also lost an opportunity which was much needed for raising the status of their clergy, and for enabling them properly to fulfil their spiritual duties towards their flocks.

The Marquis of Salisbury stated that the Irish priests wrung contributions from their poor parishioners, and Lord Dunraven took exception to the phrase; but how can any other word than extortion be used with regard to the sums levied by the Irish priests upon the poorest peasantry in Europe for the sacraments of baptism and marriage?

It is very common to hear of a charge of half-a-crown for a baptism, and there is good reason to believe that double that sum is frequently levied. The following anecdote from Dungarvan, in the county of Waterford, is a good illustration of the abuse complained of, and also of the relative position of the Catholic and Anglican churches. A poor woman had been unable, for want of half-a-crown, to get her child baptized by the priest, and at length took the child to the Protestant clergyman. This good man, overjoyed at meeting with an opportunity, so rarely offered, of exercising his sacerdotal functions, gave the poor woman half-a-crown after baptizing her child. She, now that she had the required half-a-crown, gave it to her own priest, and had her child baptized by him in due form.

This charge for baptisms is more reprehensible than any of the other fees levied by the priest for fulfilling the offices of religion, on account of the prohibition by the Council of Elvira, A.D. 304, of the custom, as the

Abbé Fleury relates it, "of putting silver into the founts at baptisms, lest the bishop should seem to sell that which he had received gratuitously;" or, as the decrees of the Council are given in Florez *'España Sagrada*, tom. xii., p. 203: "Let nothing be received for baptism; because that is not to be given for a price which was received gratis." Since that date, the priests have been forbidden to require payment for the administration of baptism or other sacraments, by canons of the following Councils:—Braga and Lugo, A.D. 571, canon 7; Aix-la-Chapelle, 802, canon 12; London, 1175, canon 7; XIth Lateran Council, 1179, canon 7; Synod of Paris, 1200, chapter viii., Art. 1.; XIIth General Council and IVth of the Lateran, held by Innocent III. A.D. 1215, canon 66; Council of Oxford, 1222.

With regard to the high charges exacted by the Irish priests for marriages, no doubt most Irishmen will be able to corroborate the fact that they are too high, from their own experience. It will be enough for my purpose to quote one of the instances which I have heard of, on the authority of an Irish landlord and a member of the Legislature. He had removed the difficulties which stood in the way of a young couple getting married, and was much surprised to find by a fresh application to him on their behalf the following year that they were still unmarried. On asking how that was, after he had done all that had been required to enable them to set up house comfortably, he was told that the priest would not marry them for less than fifteen pounds, and that they had offered him eight, which he would not take. So these poor people had been kept out of their marriage for a whole year, and made uncomfortable, at the risk of

being driven to emancipate themselves and dispense with the offices of the priest.

An Irish parish priest states:—"For baptism 2s. 6*d.* is pretty regularly paid, but very often not; it is not asked from the poor. For marriages £1 5s. would be about the average charge, and some are married for nothing." This priest mentions offerings at Easter, November, and Christmas, and also at funerals; but it is not necessary to touch upon those sources of revenue, the charges for baptism and marriage being the most objectionable features of the condition of an unendowed clergy.

When cases such as these occur, how can the Catholic members of the Legislature say that the voluntary system does very well for them, and persist in refusing a house and land, which would put their clergy out of the necessity of having recourse to these exactions, without being open to any of the objections which apply to pensions or salaries to the priests paid by the civil power, whether it be Catholic or not Catholic? How are the priests to live when these abuses are reformed, as they must be reformed some day, and the practice of the Irish Catholic priesthood raised to the level of that observed by the Catholic clergy of the Continent?

The following is the scale of what it is permitted to the priests to receive for various religious offices on the Continent. It will be seen that if the Irish priests were under similar limits, imposed either by law or custom, they would be in great straits.

A French priest, the secretary of a Bishop, informs me that the Catholic clergy receive, or rather ask for, nothing, except for marriages, masses, and burials. There is no maximum laid down for those; the usage, how-

ever, is that four francs are received for marriages in small villages, and six francs in the towns, besides three francs for publication of banns, and two francs for a marriage mass when chanted, and sometimes when it is said. The ordinary payment for a mass is one franc, but sometimes this is raised to five francs, when there are external circumstances of inconvenience or great fatigue to the priest, but this increase is not determined by any law. Burials are of first and second classes; the first give six francs to the priest, and the second four francs, for adults; it is less for children.

In Spain the fees to the clergy vary in each Bishoprick, and are highest in the poorest Bishopricks, because those possessed less tithes and endowments; they are highest in Madrid, where the churches and clergy have nothing assigned to them by the State.

The baptismal certificates are given for nothing in some parts of Spain; in others, for a small payment, except to the poor, who receive them gratis as indigent persons; and this is objected to, since a baptismal certificate is constantly required on entering school, or the army, for marriage, etc., and though poverty is not dishonouring, yet it is a sad circumstance to keep in mind in such a document. When they are paid for, four or five reals (a shilling) is the charge in the provinces, and twenty-four reals (five shillings) in Madrid.

Marriages cost twelve reals in some Bishopricks; in others, twenty or thirty; in Madrid, sixty-four reals for people who are well off, and thirty-seven for those who are in less good circumstances, or poor. They are also celebrated free of all dues.

There is no fixed rule for burial fees, and in Madrid

they vary according to the requirements of the parties interested,—the number of priests employed, etc., etc. In villages, where only the parish priest, sacristan, cross-bearer, and choir boys are present, burials usually cost from fifty to one hundred reals. These dues vary in each diocese; a funeral which costs four hundred reals in Granada, would cost four thousand in Madrid.

The table of fees which was to have been established in Spain was never published, and no official table exists: each diocese established its own scale; but this in general has not been put in use, as each village follows its customs, which in these matters are extremely ancient.

In Bavaria there are two established and endowed Churches, with equal rights and duties before the law,—the Roman Catholic and the Lutheran. Besides the two Christian State Churches, there are dissenting sects or bodies, which, having submitted their articles of faith and religious practices to the investigation of the Government, and having proved that they teach no doctrines and indulge in no practices contrary to public morals or the well being of society, are recognised as churches by the State, and are given by the law the same rights over their members as are given to the two State establishments over their flocks. Their marriages and their baptisms are recognised by law, but their interior economy, such as fees, etc., is not regulated by law, but left to their own judgment.

Fees for the administration of baptism and marriage and burial are obligatory by law in the two State Churches. The fees are not the same for the whole country; they are fixed for each particular parish. The

amount to be demanded is proposed by the clerical authorities, by the Bishop and Priest, or by the Chapter in cathedral towns, or by the Parish Board in Protestant parishes, and submitted to the prefect. He reports to the Minister of Public Worship, who finally approves of the amount of fees to be raised, and the fee then becomes *legally* obligatory. The average amount of the fees likely to be raised in each parish is then settled by the same process, and becomes part of the endowment of the parish Church. Thus, supposing the priest or clergyman entitled to a yearly income of 500 florins, and the estimated yearly amount of the fees to be 100 florins, he is paid 400 florins, or given lands yielding that sum, and the remaining 100 florins are supposed to be made up by the fees. If the fees do not reach the estimated sum, so much the worse for the priest; if they exceed it, he is entitled to the surplus. Any person refusing payment of the fees can be sued for the same. When the inability of paupers to pay the fees is proved, the parish or "commune" to which they belong is obliged, by law, to pay the same for them.

Fortunately, owing to the vote on the preamble, the surplus is still intact, and will be at the disposal of the Government, for the purpose of doing justice to our Irish fellow subjects, when the passions which have been excited by the late struggle shall have been calmed down, when the Catholic Prelates shall be more ready to forgive past injuries, and when the Scotch Nonconformists shall have had time to reflect that by the narrow-minded pressure they have put upon Her Majesty's Government they have done more to further Rationalism than to repress Popery. Her Majesty's

Government have already shown signs of retreating from the position which they attempted to defend against the Duke of Cleveland and Earl Stanhope; for on the 2nd of August, Mr. Chichester Fortescue, in reply to Mr. Stacpoole, stated in the House of Commons that the Government would bring in a Bill next session to give facilities for the purchase of glebes for the ministers of all denominations. With respect to these facilities, there is a precedent which may be commended to the attention of the Chief Secretary for Ireland: after the repeal of the Corn laws, a duty was retained of a shilling a quarter for purposes of registration, and the same sum per acre might not unfairly be charged to the Irish clergy, under the head of registration expenses.

In Ireland, there are still some of the Catholic clergy who are averse to accepting glebes, though by this time it must be clear to them that the gift would be free and unconditional, on the ground that the people would believe that they were in the pay of the Government, and because they fear the loss of their influence. But they may be reminded that the clergy in France and Spain, though they are salaried servants of the State, and are almost reduced to the condition of clerks, yet possess an influence which is not inferior to that of the Irish clergy. It is said, apparently with good authority, that the Irish Catholic clergy would gladly accept the fabrics of certain churches. There must be many churches now held by the Anglican body without benefit to itself; such as Christ Church, Dublin; St. Mary's, Limerick; the ruined cathedral on the rock of Cashel; and others. In this matter of the fabrics of the churches, both Catholics and Protestants have acted like the mother of the dead

child in the Judgment of Solomon; is it too late for them to lay enmity aside, and, enacting the part of the mother of the living child, seek, like her, even by self-sacrifice, to keep alive these church buildings, some of which are already in ruins, while others must soon fall into ruins, or, even if kept up architecturally, must be considered as ruins if they are empty of worshippers? Both parties appear equally to blame if matters should be carried to the lengths which have been mentioned of demolishing churches and selling the materials: those that refuse to give up what they do not want for themselves, and those who, out of pride, refuse to ask or accept what they need on the plea that these churches have been desecrated. When the Irish clergy talk so much of their influence being in jeopardy, they challenge the question why this influence has been so impotent to arrest assassination in Ireland, and the dilemma is presented, that either the influence is so small that there is not much to lose, or that it has not been efficiently exerted, because those who possess it are too closely united to the ignorant prejudices and disorders of the peasantry. Now that railway station masters are shot, as well as landlords and their agents, the evil habit of recourse to assassination may be looked upon as increasing, and the Catholic Prelates may fairly be called upon to exert themselves to remedy this state of things.

Since the vote on Lord Stanhope's amendment, by which glebes were offered unconditionally to the Catholic parishes, the Irish clergy who are still disinclined to accept them, have been driven to fall back upon the loss of influence which they pretend to fear; they now lay themselves open to all the strictures con-

tained in Mr. Aubrey de Vere's pamphlets upon those Catholics who should bring about the confiscation of old church property, which, though usurped by another body, had yet never been alienated from the purposes of public worship to which it had been dedicated by the pious donors, who seeing that the spoilers are themselves Catholics, will cry out from their tombs:—

Parce pias scelerare manus !

In support of what was stated in the House by Lord Houghton, and of what I know of the feeling entertained by many of the Catholic Prelates on the Continent, which differs much from that of the Irish Prelates, I will add an extract of a letter which I have received from a Spanish bishop. After making all the natural and proper reservations and protestations against reducing the clergy to the debased condition of salaried civil servants of the State, the Bishop writes:—

“According to these considerations, and without prejudice to them, there is no doubt that an endowment would be acceptable to the Catholics, especially to the Irish, if it were received under the title, not of pay, nor of agreement, but as a due of justice in consideration of the spoliation already suffered. Then might be remedied the evils and grievances which we now all deplore, and the Governments would bring credit upon their justice and impartiality by endowing the Catholic clergy in a decorous manner, and by honouring its ministry, declaring it free and independent in its government and attributions.

“I well understand the situation of the Irish clergy, and I judge, like yourself, how advantageous it would be

for the Catholic cause to see it in greater ease and disembarassment with respect to the matter of its subsistence ; but should this have to be obtained at the cost of its ease and freedom with respect to the free exercise of its duty, certainly even the possibility of an ample endowment would have to be declined.

“ It would be desirable that you and all your friends should place all your influence in the scale of just claims, which would imply the sacred obligation to indemnify, to restitute, or make in some way compensation to the Catholics, especially where they are the majority, for a part at least of that which they lost in days of injustice and suffering.

“ Meantime nothing would be lost, and much might be gained, by advocating reason and justice, which favour the oppressed, reckoning always upon the support of good men, who will gladly offer themselves to support such reasonable demands.”

August 2, 1869.

The tenth of the series of resolutions which Earl Grey proposed in 1866, provided for a matter which had been overlooked by Mr. Gladstone in his Irish Church Bill. The repeal of the Ecclesiastical Titles Bill was a necessary part of a measure for the conciliation of Ireland. That it should have been omitted, but also promised for next Session, is an additional testimony to the superior merits and completeness of Earl Grey's proposal. There are other steps which it will be advisable, or advantageous, to take in the same direction, and among them it may not be out of place to mention here the opinion which I have often heard expressed by the late Sir Thomas Wyse, when I had the honour

to serve under him at Athens—namely, that Her Majesty's Government ought to endeavour to get the administration of Irish ecclesiastical affairs transferred at Rome from the office of the Propaganda to the office which attends to the administration of the ecclesiastical affairs of other Catholic countries, such as France and Spain, since Ireland would greatly gain by being treated as a Catholic country, instead of as one considered as *partibus infidelium*, administered by the office of the Propaganda, which, from the nature of things, is more disposed than the other offices in Rome to look upon the Governments with which it comes in contact in an unfriendly light.*

Not the least important of Earl Grey's resolutions are

* Much forbearance will be necessary on both sides for the adjustment of all these questions ; the Catholics have in many cases shewn as little as the Nonconformists. Lord Redesdale made a proposal for the election of Irish Bishops, Catholic and Anglican, with seats in the House of Lords ; the proposal had no chance of acceptance by the Protestant part of the country, yet it was assailed by Lord Granard on grounds which have not always had much weight, judging from the following historical example and precedent. In 1076, Annasir, the Sultan of Mauritania Sitifensis, sent to Rome a Christian priest, Servandus by name, who had been elected as bishop by the Christians of Hippos, with a request to the Pope that he might be consecrated as bishop. Gregory's answer to this prince was naturally couched in the most gracious terms. He announced his compliance with the Saracen's desire, and the due consecration of the designated prelate. He thanked Annasir for his liberation of many Christians from slavery, and for his promised manumission of more. The letter says : " For there is nothing of which the Almighty God, who would have all men to be saved, and who is not willing that any should perish, more highly approves, than that, next to the love of his Maker, a man should cultivate that of his neighbour, and do nought to others which he would not that they should do to him. And this charity, due from and to all men, is more especially required between you and ourselves, who believe and confess, though in a different way, one God ; and who both daily praise and adore Him, as the Creator of all ages, and the governor of the world."—*Bowden's Life of Gregory the Seventh*, ii. 158 ; *Abbé Fleury*, xiii. 326 ; *Rohrbacher*, 14, 187.

the last two, which at the present time more than ever claim the attention of Her Majesty's Government and of the public, in the consideration of the measure now expected for the reform of the Irish land laws: and the Irish Prelates would do well to take the principle of these resolutions into their serious consideration, and abstain from vague declarations which only tend to strengthen those communistic views which are so explicitly condemned by the IVth Section of the Syllabus, and the Papal allocutions and Encyclicals of November 4, 1846; April 20, 1849; December 8, 1849; and others.

OCTOBER, 1869.