

THE PRUSSIAN ECCLESIASTICAL LAWS.

Shortly after the passing of the four Acts which have introduced so remarkable a change into the ecclesiastical system of Prussia, the Catholic bishops immediately affected by them met together, and it is now announced as the result of their deliberations that they cannot possibly accept the new order of things which is to be imposed upon them. They will resist so far as resistance may be possible, and, if they obey, they will only obey under protest. It was scarcely possible that they should come to any other conclusion, for these Acts are a negation of every claim which the Romish Church makes in its dealings with the State. The Prussian priest will be nominally uncontrolled in his spiritual functions, but the state will interfere with him at every turn, and will exercise over him a ceaseless control. The details of these Acts are well worth studying, for it is only by reading their provisions that we can understand how severe is the pressure which the State is to exercise. From the first moment when his preparation for his sacred office begins the State takes the priest in hand; it sees that he is educated properly, sanctions the exercise of his functions, removes him if he offends against secular law, restrains his action towards his fellows, and allows him to enforce none but spiritual penalties against the laity. Certain provisions are made in favor of those who are already priests, or who are on the point of becoming priests; but, for the future, the new system of control will be rigidly applied. In the first place, none but a German or a naturalized foreigner is to exercise spiritual functions in Prussia; and the Germans who exercise them must be a German educated in a particular way. He must first duly pass through a gymnasium; he must then go through a three years' course of theological study, either in a State University or in a seminary under State control; and, lastly, he must satisfactorily pass a public oral examination conducted by State officials, the object of which is to show that he possesses what the Act terms the knowledge peculiarly necessary for his calling—that is, the knowledge of the philosophy, history, and German literature. No new seminaries are to be established; students in the Universities are not to be allowed to belong at the same time to seminaries; and it is only if he lives in a place where there is no State University that a student may go to a seminary at all; while every teacher in a seminary must show that he has received an education satisfactory according to a lay standard. Nor will the priests in future be permitted to get hold of the young and give them a special and appropriate training. Existing seminaries for boys are not to be closed at once, but then they are not to be allowed to receive any new pupils; and, if they venture to receive any, they are to be immediately shut up. The Act, in fact, recognizes that there must be priests, and that priests must learn theology; but it insists that priests shall be Germans with a German lay education, and with their minds full of German philosophy, German history, and German literature. No enactment could possibly run more counter to the whole spirit and teaching of modern Ultramontanism.

When the priest has been properly trained in this way, the time will arrive for him to be inducted into some spiritual office. His superior who proposes to appoint him must immediately give notice of his intention to the President of the province, and a similar notice must be given if it is proposed to transfer a priest from one spiritual office to another, or if merely a temporary occupant of the office is to be appointed. Within thirty days the President may object to the appointment on the ground that the nominee has not received a proper education, and does not know philosophy, history, and literature as well as a good priest ought to know them, or that the nominee has been convicted of, or is being prosecuted for, an offence against secular law; or, lastly, on the ground that he is a dangerous person, and not inclined to render due obedience to the State. Against this injunction of the provincial President the ecclesiastical superior is permitted to appeal to a new ecclesiastical tribunal constituted by one of these Acts, the character of which tribunal is sufficiently indicated by the provision that six out of its eleven members must be ordinary lay judges. But the State has another danger to guard against besides that of the wrong man being put into the place. There is the danger lest the place should remain unfilled. The Act therefore provides that within a year from the date of the vacancy the place must be filled up. If it is not filled up, the income attached to the office is stopped, the income of the superior who ought to appoint is stopped, and the superior is subjected to a fine not exceeding one thousand thalers, which fine is to be repeated until his contumacy is vanquished. The priest himself also who ventures to take an appointment without due permission, or temporarily performs the duties of a charge which the State requires to be permanently filled, is to be liable to a fine not exceeding one hundred thalers. Further, if the priest, after having been appointed, is guilty of any serious transgression of the secular law—as, for example, if he makes himself a party to any movement which the State considers prejudicial to its interests—he is by the mere fact of his conviction rendered incapable of discharging his spiritual duties; and if he persists in acting as if he were still competent, he becomes liable to a heavy fine. All these enactments must be put together in order to see how great is the change which the position of priests in Prussia will undergo. To us

who are accustomed to live among clergymen who have received the usual English education at large schools, who have then gone to an English University and taken the same degrees as their friends destined for lay professions, it may seem natural and right that what we know and approve of in England should be insisted on in Prussia. It is one of the great boasts of the Church of England that its ministers are in this way brought into harmony with the laity, share the same thoughts, and are animated by the same political instincts. But the Church of Rome wishes for something totally different. It wishes for a priesthood forming a caste distinct from the laity, trained in its own peculiar way, and breathing its own peculiar spirit. In Prussia it will not have any such priesthood; and the priesthood which it gets will not only be trained in what it thinks a wrong way, but will be subjected to a supervision it abhors, and will be constantly suspected of acts which are as meritorious in the eyes of Rome as they are treasonable in the judgment of Berlin.

But the jealous watchfulness of the State is carried still further. A properly trained priest guilty of no offence against the State might still, in the exercise of his spiritual functions, be inclined to tyrannize over other priests or over laymen. Two other Acts tie him up as tight as Acts can tie him, lest he should transgress in this direction. The discipline of the Church over ecclesiastics can only be exercised by German ecclesiastical authorities. Punishment can only be inflicted after proceedings have been taken in a formal manner, after the accused has been heard, and after the grounds of condemnation have been duly recorded. No corporal punishment is to be inflicted, the delinquent can only be fined to the extent of a month's salary, and although he may be sent to a penitentiary for three months, he cannot be sent out of Germany. And his detention must be immediately notified with the most precise details to the provincial President, who can shut up any penitentiary he pleases, and can punish with a fine not exceeding a thousand thalers any attempt to establish a more rigorous discipline than the Act permits. If the delinquent thinks himself unjustly treated, he can appeal to the new ecclesiastical Court, and especial care is taken to provide that one ground of this appeal shall be that an attempt has been made to prevent his appealing. The State, too, can itself appeal, or rather can carry the case before the ecclesiastical tribunal, if it thinks that the continuance in office of a priest is dangerous to public order. The previous Act had provided that a priest convicted of an offence against public order should be deposed; but this Act goes further, and provides that a priest who is merely considered to be a dangerous person may have proceedings taken against him. His own ecclesiastical superiors are to be first invited to take upon themselves the responsibility of deposing him; but, if they decline, the authority of the tribunal is to be called into play; and if, after it pronounces against him, he presumes to discharge the duties of his office, he is liable to a fine not exceeding a hundred thalers, which is to be increased to a thousand thalers if he persists in his offence. The laity are protected by an Act, which provides that no ecclesiastical punishment can be inflicted affecting their personal liberty, their property, or their civil status. Nor can any ecclesiastical punishment be inflicted if its ground is that the offender has done something which the State requires him to do, or has voted or not voted where the State permitted him a free choice. For purely spiritual offences a spiritual penalty may be inflicted; but then no public notification of its infliction may be made, and all that may be done is to announce to members of the same communion that it has been inflicted; and even then this announcement must be made in language which cannot convey any unnecessary pain to the offender. The spiritual terrors of excommunication thus remain; but every precaution is taken that, in this world at least, they shall operate in the mildest possible manner. If it is the duty of a State to protect his subjects against their spiritual pastors and masters, every one must allow that Prussia has now fulfilled this duty as it was never fulfilled before.—Saturday Review.

GOING TO LAW.

Anybody who goes to law now a days without fully appreciating that there is a very good chance that he will be mulcted in a very large sum has either had but little experience or has been marvellously lucky. Going to law is, in fact, one of those expensive luxuries which, can, by men of moderate means, only be indulged in at rare intervals, and it is a process from which, after one or two trials, people will resolutely shrink. It is all very well for a man, when his blood is up, to nearly ruin himself to damage a foe, but, after a time, he will come to the conclusion that he had better try to live at peace with his neighbors. You may occasionally meet the individual who, at a moment's notice, will work himself into a great rage, and declare, accompanying his words with such violent gesticulation, that he will spend his last shilling in getting justice. But, if you will take the trouble to watch this being through the various courses through which he passes, you will find that he comes out of them, in a general way, very much humbled, and not at all eager to repeat the experiment which involves for him such disastrous results.

Where is the man who has the courage and the mendacity to assert that our laws are anything but perfect? They are, it is said, founded

upon justice, and justice never trips. They fill—we are afraid to say how many ponderous volumes. Some of them are as difficult to understand as are the utterances of the Oracle of Delphi or the mysterious Sphinx, and what cannot be understood is, it is very well known, in English eyes, the very acme of perfection. No doubt laws often contradict each other, but then that may be construed into being evidence of their many-sidedness, and shows that all parties who invoke their aid have a fair and equal chance. Besides, it is notorious and antagonistic elements very frequently make up a perfect whole; witness the air we breathe, which is constituted by conflicting gases. We shall not, then, at any rate, venture to hint a doubt as to the superlative excellence of our laws. It is well to speak with profound admiration and respect of the magnificent beings who are connected with the law. Those who are established in certain posts are far exalted above the criticism of ordinary men; or, if comment be offered, they can afford to scorn it. They are prepared to do so much work per diem. If there is more work than can be done in the set time it must stand over, and those concerned must bear all the expenses and inconveniences involved in the delay. Nothing can make the mighty potentates of the law depart from their method of dignified slowness. They are not affected by the feelings of suitors. This is not quite the case with those who occupy the position of go-betweens. It must be understood that such is the legal etiquette, if a man wants to have a little fight in the law courts he must secure the co-operation of one or more of these go-betweens, who will instruct other and more exalted go-betweens what to do. The principal result accruing from this is that the "case" is made thoroughly respectable by a most formidable bill of costs being tacked on to it. The minor go-between go by the name of lawyers; the exalted go-betweens are known as barristers. The lawyer is supposed to advise you what is the best course to pursue under the various circumstances in which you may be placed. He does this, with touching condescension towards your mean capacity, at so much the interview. It is a peculiar fact that he will discover that your case is a "knotty" one, and that there are many novel points bearing upon it which require consideration. He has to see you a great many times upon these novel points, and you marvel at his patience and devotion to your cause. To prevent your being placed in a false position he considerably charges you for each interview, and, to prevent all possibility of your feeling under any obligation to him, piles on a little bill on account of other charges, at the sight of the total of which your equanimity is, nine times out of ten, very seriously disturbed. He is ever full of the most cheering sympathy, and smiles confidence and encouragement when you excitedly heap denunciations on the head of your foe. You want to go on a good deal quicker than he does. He counsels prudence, and shows that there are many obstacles to be surmounted before you can hope to attain your object. He doesn't believe in settling a matter out of hand. Even after your case has come up for trial he is quite ready to consent to an adjournment, if the other side wishes it, or if the effect he will often go to the trouble of suggesting one himself. If you venture to hint disapproval he shows you it can't be avoided and hints that you should be very pleased with the turn affairs are taking. He constantly points out to you fresh omens of encouragement. By the time you get into the hands of the barrister your friend, the lawyer has got a beautiful bill against you, which, if there is reason to believe you are short of cash, is at once presented, with a pretty plain hint that payment will oblige; but which, if you are understood to be a man of means, is permitted to remain hidden from your gaze for some time longer. The barrister generously condescends to take your case, likewise the fee which is marked on the back of his brief. If it is quite convenient for him to attend the court and plead for you he will very kindly do so; but, if he has business arrangements elsewhere, you must not be surprised if he is conspicuous only by his absence. Your miserable fee is too trivial a thing either for him to return or to allow to stand in the way of his attending at some more lucrative or convenient call of duty. You have nothing to complain of, even if your case be lost and yourself put in for a very considerable sum, for his conduct is in strict accordance with etiquette. But if he can find the time to attend and plead for you—even though he has none to study his brief—he will do his best to convince the world that you are the most disinterested and long-suffering mortal that ever existed, and that your opponent is a base wretch, whom it would be flattery to call a man. Nothing can diminish his faith in you—not even an averse verdict. This, indeed, in many cases, only urges him to make fresh efforts on your behalf. A new trial—probably in a higher court—is demanded. The demand is acceded to, the lawyers set to work again, the barrister gets another fee, the case is once more tried and once more lost, and you pay the piper? Happy man! Happy country to have such a simple and inexpensive legal system.

In sober earnestness, it is easier to get into the lawyer's hands than out of them. Many systematically prey upon their victims so long as it is possible to do so. They act, in some instances, with perfect legality, if not honesty. But the misery they work is none the less for all that. Law should be administered in such a manner that the humblest suitor should have no impediments in the way of his going to the fountain head and obtaining justice.

FOLLOWING THE ADVICE OF A NEWS-PAPER PARAGRAPH—THE EFFECT OF POURING COLD WATER DOWN A DRUNKEN MAN'S SPINE.

He came in with an interrogation point in one eye and a stick in one hand. One eye was covered with a handkerchief and one arm in a sling. His bearing was that of a man with a settled purpose in view.

"I want to see," says he, "the man that puts things into this paper."

We intimated that several of us earned a frugal livelihood in that way.

"Well, I want to see the man which cribs things out of the other papers. The fellow who writes mostly with shears, you understand."

We explained to him that there were seasons when the most gifted among us, driven to frenzy by the scarcity of ideas and events, and by the clamorous demands of an insatiable public, in moments of emotional insanity plunged the glittering shears into our exchanges. He went off calmly, but in a voice tremulous with suppressed feeling and indistinct through the recent loss of half a dozen or so of his front teeth—

"Just so. I presume so. I don't know much about this business, but I want to see a man, that man that printed that little piece about pouring cold water down a drunken man's spine of his back, and making him instantly sober. If you please, I want to see the man. I would like to talk with him."

Then he leaned his stick against our desk and moistened his serviceable hand, and resumed his hold on the stick as tho' he was weighing it. After studying the stick a minute, he added, in a somewhat louder tone:

"Mister, I came here to see that 'ere man. I want to see him bad."

We told him that particular man was not in.

"Just so. I presumed so. They told me before I come that the man I wanted to see wouldn't be anywhere. I'll wait for him. I live up north, and I've walked seven miles to converse with that man. I guess I'll sit down and wait."

He sat down by the door and reflectively pounded the floor with his stick, but his feelings would not allow him to keep still.

"I suppose none of you didn't ever pour much cold water down any drunken man's back to make him instantly sober, perhaps?"

None of us in the office had ever tried the experiment.

"Just so. I thought just as like as not you had not. Well, mister, I have. I tried it yesterday, and I have come seven miles on foot to see the man that printed that piece. It wasn't much of a piece, I don't think; but I want to see the man that printed it, just a few minutes. You see, John Smith, he lives next door to my house, when I'm to home and he gets how-come-you-so every little period. Now, when he's sober, he's all right if you keep out of his way; but when he's drunk, he goes home and breaks dishes, and tips over the stove, and throws the hardware around, and makes it inconvenient for his wife, and sometimes he gets his gun and goes out calling on his neighbors, and it ain't pleasant."

"Not that I want to say anything about Smith, but me and my wife don't think he ought to do so. He came home drunk yesterday, and broke all the kitchen windows out of his house, and followed his wife around with the carving knife, talking about her liver, and after a while he lay down by my fence and went to sleep. I had been reading that little piece; it wasn't much of a piece, and I thought if I could pour some water down his spine, on his back, and make him sober, it would be more comfortable for his wife, and square things to do all around. So I poured a bucket of spring water down John Smith's spine of his back."

"Well," said we, as our visitor paused, "did it make him sober?" Our visitor took a firmer hold of his stick, and replied with increased emotion:

"Just so. I suppose it did make him as sober as a judge in less time than you could say Jack Robinson; but, mister, it made him mad. It made him the maddest man I ever saw; and Mr. John Smith is a bigger man than me and stouter. He is a good deal stouter. Bla—bless him, I never knew he was half so stout till yesterday, and he's handy with his fists, too. I should suppose he's the handiest man with his fists I ever saw."

"Then he went for you, did he?" we asked innocently.

"Just so. Exactly. I suppose he went for me about the best he knew, but I don't hold no grudge against John Smith. I suppose he ain't a good man to hold a grudge against, only I want to see that man what printed that piece. I want to see him bad. I feel as though it would soothe me to see that man. I want to show him how a drunken man acts when you pour water down the spine of his back. That's what I come for."

Our visitor, who had poured water down the spine of a drunken man's back remained until about 6 o'clock in the evening, and then went up street to find the man that printed that little piece. The man he is looking for started for Alaska last evening for a summer vacation, and he will not be back before September, 1878.

The local of the Watertown Times wants red-haired girls substituted in the streets of that city for the useless oil lamps.