

with more or less severity to give them credit for absolute impartiality. It is, nevertheless, matter for congratulation that these learned judges have acquitted themselves of their most difficult and delicate trust in a manner which sustains the best traditions of the English bench, and which compels the acceptance of their verdict by all fair-minded men, as the end of controversy on almost all points on which they have felt themselves able to pronounce with any degree of confidence. With regard to the question which seems to be still in debate in the English journals as to how far the verdict is one of acquittal, and how far one of guilty, or not proven, everything depends upon the point of departure. There were really two distinct though closely related counts in the indictment. The one charged the Parnellite leaders with being directly cognizant of and aiding and abetting outrage and assassination. Every generous mind will be glad that they are fairly acquitted of this charge. Had it been established the result would have been most painful, not only because of its relation to the accused themselves, but by reason also of its bearing upon the statesmen of both political parties, who have in turn coquetted with Parnell and his lieutenants for the support of the Home Rule Party. The other count of the indictment charged these men with having entered into a conspiracy to destroy landlordism in Ireland, and to bring about Irish independence. The verdict is that they did enter into a conspiracy to effect the first-named object and that some of them did establish and join the Land League to bring about the latter. To what extent this brands them as criminals will depend upon the view one takes of the inherent criminality involved in such revolutionary ends, but no one will put those ends in the same category for baseness and turpitude as the acts described in the first-named charge. The net result, then, of the trial is first to relieve Parnell and his chief assistants of that which was most revolting, and which alone was really new in the *Times*' famous "Parnellism and Crime" articles, and second to leave the case in all other respects just about where it found it. The incident of the forged letters, and the confession of wrong involved in the payment of a large sum of money to Parnell to stop the prosecution for libel, have undoubtedly been a serious blow to the prestige of the *Times* newspaper, and it is pretty clear that no effort will be spared to compel that paper to divulge the secret history of the procurement of those letters, or at least to prove itself innocent of any knowledge or suspicion of their fraudulent character. Probably no one but a rabid Parnellite can entertain the monstrous supposition that the *Times*' managers did not thoroughly believe in the genuineness of the letters, but it may be questioned whether those managers do not owe the Parnellites and the public a frank history of the whole transaction.

THE ENGLISH MINORITY IN QUEBEC—VI. (Concluding article.)

THEORIES OF CHURCH AND STATE.

THE task I proposed to myself is almost done; but, before closing, I would like to invite attention to some considerations upon the relations of Church and State in Quebec, with special reference to the Supremacy of the Queen. I shall not recur to the extremists upon either side, but shall rather try and indicate the *modus vivendi* which seems to be present in the minds of those who think without making much noise.

The principle laid down in 1854 by the Parliament of United Canada was that every semblance of connection between Church and State should be abolished—and that was done, as regards all forms of faith but the Roman form. If it had been possible Parliament would probably have gone to the full extent of its theory; but it was not possible. The French have always had a consistent theory of their own, and while content to let the English arrange their religious matters according to English views, they wished their own Church let alone. Just as it was left then, it stands now. But, if the Parliament of Old Canada was unable then to make any change, how absurd is it to talk of change now in the Provincial Legislature! The question is completely in the power of the people of Quebec, who have the ballot with which to correct anything which they themselves feel to be a grievance. Is it likely that any good impression will be made on their minds by raising a "no popery" cry in the neighbouring provinces?

With the exception of its domestic advantages as regards its own people, obtained long previous to Confederation, and to a large extent settled immediately after the conquest, and which have been fully discussed in previous letters, the Church of Rome in this province is in the same position as others. It is a purely voluntary association, as also are the others, for no one can be held subject to its control for one moment against his will. It has no tribunals more than other churches; its regulations have no coercive power more than others; its penalties, precisely as in the case of the other churches, lie solely in the

region of the conscience. Moreover it ought always, in common justice, to be borne in mind that its loyalty to the Crown has been in this province continuously and unflinchingly proved, not only by words but by deeds, ever since the country fell under the dominion of the British Empire. Therefore, in the words of a British statesman, "ingenuity and eloquence cannot be worse employed than in persuading men who are as good citizens as ourselves, that their religion calls upon them to be bad subjects. It may be all very good logic and unanswerable casuistry, but it is very bad politics—politics I mean in its higher sense." In the lower sense of the word unfortunately the case is often otherwise.

So far as may be gathered from authentic sources the theory of the relation of Church and State in Quebec differs very little from that held in the United States and in other countries which have no State Church. It is the theory of a "free Church in a free State," and might be formulated thus:—

1. The Church is an independent society instituted by Jesus Christ, its invisible head. It has its own laws, officers, constitution, and government. It has also its own ends and aims which are different from those of the civil ruler.

2. The only persons authorized to administer the affairs of this society are its own office-holders; not only in matters of discipline and administration of the sacraments, but the whole of the necessary and ordinary business of the Church as a visible society.

3. The civil magistrate is bound, in the exercise of his lawful authority, to aim in civil or temporal things at the prosperity of the Church.

So far the Protestant churches in Canada and the United States, self-governing and independent as they are, would scarcely dissent. Under the third head all Churches are incessantly invoking the aid of the civil power for legislation of various kinds, and this they do with the more confidence because they hold that the salvation of souls is a higher end than mere temporal prosperity, and therefore the Church is in that sense superior to the State.

But the proposition that the power of the State is subordinate to the Church, although it has been put forward theoretically in an authoritative exposition of the true meaning of the celebrated Bull of Boniface VIII., is not held as a practical proposition in Quebec. The ancient jurisprudence and the history of French Canada were antagonistic to such a theory, and the judicial decisions and statutes quoted in my preceding letters show that it has no hold upon the mind of the people. It never had in France, for in ecclesiastical matters there was always an appeal *ab abusu* to the king whenever the spiritual invaded the temporal jurisdiction, or the temporal trespassed upon the spiritual. Pope Boniface aimed this Bull, so much quoted of late years, at France; but it brought nothing but immediate evil upon the Church of Rome for, almost within the year, the Pope died of mortification at the personal indignities which agents of the King of France inflicted upon him in his own native town in Italy. Shortly after followed the exile to Avignon which led to the great schism. The Bull was promulgated when the whole West was Roman Catholic, and when the Canon Law was almost the only public international law in Europe. The world has moved on since A.D. 1302, and a document which had no practical effect six hundred years ago—two centuries before Luther began to preach—need not cause us or our outside friends to lie awake of nights with anxiety. The theory which runs through all the decisions and statutes of Quebec, is that the two powers are co-ordinate, and that necessarily follows from their independence. Each in its own sphere is supreme.

It is not possible for a man to be a Roman Catholic and deny that the Pope, as vicar of Christ, is the head of the visible Church. If he does that he is a Protestant upon the instant. Nor is it possible, since the Vatican Council, for a Roman Catholic to deny that the Pope alone is supreme in all matters of faith and morals—when he speaks *ex cathedra* as universal doctor—a circumstance which it appears by no means easy to ascertain with certainty. It is no part of my task to discuss these questions. I would, however, observe that what may be distinguished as the *temporal supremacy* of the Pope is not involved in any decision of the Vatican Council, and this temporal supremacy it is which concerns Protestants. The spiritual supremacy of the Pope extends over the consciences of his own people; his ecclesiastical jurisdiction depends upon his position as head of the Roman Church, but in the "Syllabus" certain propositions are laid down which are alarming to Protestants. We may, however, learn from Sir George Bowyer, a Roman Catholic M.P. of great learning and eminence in England (Concordantia Sacerdotii et Imperii), that it is "a figment and absurdity to regard the Syllabus as infallible," and that "Catholics do not hold it as infallible." The discussion in England upon Mr. Gladstone's pamphlet brought out strong differences of opinion among ecclesiastics as to the Syllabus, and Mgr. Fessler is quoted in the *Dublin Review* as stating that "many theologians think its infallibility to be doubtful." The *Dublin Review* itself retracted its first statement upon the question and then retracted its retraction. All of which is interesting to a Protestant only as showing that the question is an open one in the Roman Church. In former years the spiritual supremacy of the Pope was a very serious doctrine to Protestant princes. To Queen Elizabeth, for instance, it was a matter of life and death; to be fought with every weapon at her command, for the Pope used his spiritual power in attempting to dethrone her; and it continued to be a vital question to the Kings of

England so long as any of the House of Stuart remained. So long also as the Pope continued to be a temporal prince it is conceivable that other temporal rulers might be jealous of his control over their subjects. Now, however, the spiritual headship of the Pope has ceased to be a legitimate cause of apprehension; nor is it a matter of essential importance that the Pope is an Italian, resident at Rome. If he were an Englishman, resident at Malta, the case would be in no way different. He would still be the head of the Roman Church and his spiritual power would be as independent and as binding in the forum of the conscience as now.

The kernel of this question of Church and State does not, for us, lie in any of these points. It is here—and it cannot be avoided. Two jurisdictions, independent of each other, exist side by side. Their aims are different, their administration and sanctions are different, but it cannot be hoped that conflicts as to subject-matter will always be avoided. Wise prelates and wise statesmen always will avoid them; but prelates are not always wise, nor are statesmen so, and questions like the Guibord case are allowed in moments of exaltation to take practical shape in the exterior forum. Then, in a conflict of the two jurisdictions, which is to define the limits of the other?

I do not propose to discuss the question—of all questions the most profound and difficult—which ought to define the other. That I leave to theologians and canonists to discuss during the next thousand years; as the thousand years passed have not exhausted it. My object is simply to enquire which of these powers now, in the Province of Quebec, does, as an actual matter of fact, define the other. That is the only question with which Protestants in or out of the Province have any practical concern.

Just at this point of the discussion comes in the Act of the Queen's supremacy which is the formal statement of a fact existing—that the Crown is supreme over all causes ecclesiastical in the same manner and to no greater extent than the Crown is supreme over causes temporal—that is by law, and by means of the various established Courts of Law. Now in Canada the Crown has never established any courts for the cognizance of spiritual or ecclesiastical causes, nor are there any civil laws existing here upon such subject-matter. Under the old régime it was different; for the King in his instructions to Intendant Talon enjoined him to hold a just balance between the civil and spiritual powers residing respectively in the King and the Bishop; but always so that the latter should be inferior to the former. In Quebec as in Ontario all churches make their own laws, which bind their own members in the forum of the conscience, and these laws when they descend into the region of temporals are of the nature of consensual contracts which the courts will look into and enforce or not as contracts—to no greater or less extent in the case of the Roman Church than in the case of the various Protestant Churches. There is not the conflict now which existed under the old French laws. In spirituals there is neither superior nor inferior. There is in each church its own spiritual power without a rival, whether it be a general assembly sitting within or without the province or an assembly of prelates dependent upon the Pope; but in mixed causes, here as everywhere else, the civil courts decide upon the validity of civil effects.

It is characteristic of the consistent course of the Roman Bishops of this province that they have never disputed the supremacy of the Crown in any exercise of it which has occurred in this province, and in fact until the year 1888, it was acknowledged annually in every Parish Church in the province. In Chapter 22 of the Cons. Statutes of Lower Canada, it is enjoined that copies of certain statutes are to be provided for permanent record in every parish. These are to be read at every first annual meeting of Churchwardens, and publicly at the door of every parish church after High Mass, upon the three first Sundays of September in every year, under a penalty of four dollars for every omission. Among the documents enjoined thus to be read was Sec. 5 of the Quebec Act of 1774, as follows:

"And, for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared that His Majesty's subjects professing the religion of the Church of Rome, of and in the said Province of Quebec, may have, hold, and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth over all the dominions and countries which then did or thereafter should belong to the Imperial Crown of the Realm; and that the clergy of the said Church may hold, receive, and enjoy their accustomed dues and rights with respect to such persons only as shall profess the said religion."

Time brings about strange changes. This Act, which was the safeguard of the French Catholics in their time of danger, is now the safeguard of the English Protestant minority. Though the provision made sixty years ago for reading it at the church doors was omitted in the revision of last year, the Act was not repealed, for it still stands in the Consolidated Statutes of Canada among the Imperial Statutes in force. All these statutes are omitted in the last Dominion revision; probably because, being laws of the Empire, the revisors had no power to touch them.

In some sense or other we may be sure that the Queen's supremacy, as laid down in the 1st Eliz., is in force here, and that no power in Canada has ever derogated from it. The full ecclesiastical supremacy of the Crown has been modified, step by step, in the course of centuries, by the English Sovereigns in the Imperial Parliament under the