

Dominion Churchman.

THURSDAY, MARCH 8, 1877.

THE WEEK.

A CURIOUS and awkward incident has been brought to light in Nova Scotia. Soon after Confederation was accomplished, new seals were prepared for the several Provinces and in the Queen's name ordered to be used therein. For some reason of their own the Government of Nova Scotia did not take kindly to the new seal, but have retained the old, and—as it is alleged—consequently illegal one in use up to the present time. The discovery of this practice raises a question as to the validity of all the instruments to which the old seal has been affixed, since the date (1869) at which it became obsolete. If orders, appointments, prorogations, laws of the last seven years, are all invalid, how or by what authority can they acquire validity and legality? In the meantime, how comes it to pass that a distinct Injunction, bearing the Queen's name, has been disregarded by those who profess to bear rule in the Queen's name?

A case somewhat parallel in its results though different in its details, has occurred in New Zealand. The last session of the Legislature was prorogued, not by the Governor in person, but by commissions who were appointed by a commission running in the name of Her Majesty and simply witnessed by the Governor. Now, the Queen, even if she were present in the colony, could not prorogue its parliament, just as the Governor-General has no authority over any of our Provincial Legislatures; for it is maintained that the right of proroguing a Legislature created by Statute is not a prerogative of the Crown, but is vested solely in the persons on whom it is conferred by Statute: so that the Governor must prorogue personally or by proclamation under his own hand; and his signature as attesting witness to a commission running in the Queen's name is probably insufficient for the purpose. If the objection is sustained the Legislature is still legally in session, and the several important Acts which were to come into operation only after the prorogation are still in abeyance. Chief among these is the Act abolishing the Provincial Governments; and if all that has been done under that Act is illegal, very grave inconveniences may result. It only shows how necessary it is carefully to adhere to prescribed forms of procedure.

The Vatican Council, it may not, perhaps, be generally remembered, stands adjourned only, and not dissolved. Pio Nono has, it is understood, been for some time anxious to call it together again for further deliberation, and lately he propounded three queries to a congregation of Cardinals. 1. Is it opportune, in the present state of things, to resume the deliberations of the Vatican Council? 2. What questions should and ought to be first deliberated upon? 3. Ought mod-

ern doctrines to form the subject of a series of preliminary studies? The Cardinals expressed themselves adversely to a meeting of the Council at present, but seem to have considered that the subject suggested by the third query should be taken up.

Hitherto the Italian Government has honourably observed the policy of non-interference, which it solemnly promised the other powers that it would maintain towards the Vatican. But a Bill now before the Chambers contemplates a serious and lamentable change of base. By its provisions any minister of religion who "abuses his office so as to offend against the institutions or laws of the state, or *perturbs the public conscience or the peace of families,*" is to be punished with fine and imprisonment. Likewise, any speech, writing, or action *directed to provoke disobedience to the laws, or the publication of any ecclesiastical documents "from whatever ecclesiastical authority or whatever place they may emanate," or the performance of any act of external worship "contrary to the dispositions of the Government," or any contravention of the rule requiring Government sanction to the publication of provisions relative to worship—all these so-called offences are punishable with fine and imprisonment.* Though these clauses are directed primarily against the Papacy, it is obvious that, if adopted, they place all religions absolutely at the mercy of the civil Government for the time being. Dr. Falek on the one hand, and the Spanish Ultramontanes on the other, are completely distanced in the race for the championship of intolerance by this latest programme of the Italian rationalists and atheists. Consider for a moment how trenchant and comprehensive are the provisions of this measure. If pushed to extremes—and ecclesiastical laws are, as we all know, very liable to be pushed to extremes—every conceivable act of any minister of any denomination may be declared illegal. Dr. Nevins may be debarred from promulgating a new list of services for the beautiful American Church in Rome, unless he obtains the *imprimatur* of the Chief of Police. The immersion of Baptists in the cold yellow Tiber may be "an act of external worship contrary to the dispositions of the Government." A Presbyterian criticism of these iniquitous regulations may be adjudged to be "directed to provoke disobedience to the laws," whilst every preacher who rises above the dull level of mediocre platitudes may readily be charged with "perturbing the public conscience or the peace of families." It is a poor Liberalism which has to call fines and imprisonments to its aid to prevent its seared conscience from being "perturbed" by preachers.

Turning to Germany, we find in a recent debate in the Prussian Parliament curious evidence of some indirect results of the Government's Ecclesiastical policy. The Minis-

ter of the Interior charges the Ultramontanes with being responsible for the spread of Republicanism; they by their persistent attacks on existing institutions having weakened the popular respect for law. Herr Windthorst replied that the State by passing arbitrary measures incompatible with freedom of conscience; and by excluding Roman Catholics from every important office necessarily puts itself in antagonism with all of that faith; but he denied that he and his friends had any sympathy whatever with Socialism, the growth of which he attributed to the increasing want among the working classes and the prevalent conviction that the Government would do nothing for their relief. He intimated, however, that he intended to force upon the State the necessity of giving attention to the grievances, as far as they are legitimate ones, of the Socialists. So one effect of the Falek laws has been to bring about a sort of coalition between two parties naturally repugnant to each other, but both imbued with a common and bitter hostility to the Government.

The Supreme Court of the Dominion has, by the mouths of Mr. Justice Taschereau and Mr. Justice Ritchie, given judgment in the Charlevoix Election case, and unseated M. Langevin on account of the "undue influence" exercised by the parish *cures* on his behalf. In view of the attitude lately assumed in the Province of Quebec by the Ultramontane section of the Romish Church and the extraordinary judicial utterances of such men as Judge Routhier, this decision of the highest tribunal cannot but be considered as one of considerable importance. Both the learned judges gave disquisitions on the rights of all citizens and their responsibilities being equal before the law; and utterly repudiated the doctrine that a priest is amenable only to his ecclesiastical superiors for his actions or his words. The right which a lay citizen possesses of discussing political matters and bringing reasonable influence to bear upon electors so as to induce them to support his own views is also allowed to a clergyman. But even in these two judgments the extent to which the latter may legally carry their interference is not defined with absolute clearness. The introduction of politics into the pulpit is, amongst all but Romanists, condemned as highly objectionable, but we should be sorry to think that it would be, under all conceivable circumstances, illegal. It is easy to imagine a case in which it *might* be the duty of clergymen to advise their congregations to vote against a certain candidate. If we understand it aright, such advice would be perfectly legal provided that the advised did not feel bound to follow it—that is, the advice as coming from man to man is permissible, while the same advice, enforced by the threat of spiritual penalties in case of disobedience, is illegal. Some of these *cures*, for instance, declared that an elector voting for Mr. Tremblay would be guilty of mortal