

The True Witness



MONTREAL, THURSDAY, MAY 7, 1908

PRICE FIVE CENTS

Confessional Secrets.

New York Court Rules That They Should not Be Revealed.

Hon. William J. Onahan of Chicago, in a long and interesting article in the Record-Herald of that city on "The Secrecy of the Confessional," says in part:

"Public attention within the past week has been drawn to the question whether a Catholic priest has the right to disclose secrets made known to him in confession. As the case in question was not brought to an issue no decision consequently was given by the court. It will be interesting to recall a case similar in character which arose in the City of New York in the year 1813 and was formally tried before the Court of General Sessions in that city, presided over by De Witt Clinton, Mayor, and Josiah Ogden Hoffman, Recorder.

The case had its origin in a trivial occasion. One Phillips, together with his wife, was indicted for a misdemeanor in receiving stolen goods, the property of James Keating. The police discovered that, after lodging his information before the authorities as to the loss of the goods, he had received restitution. Accordingly they brought him into court as to the circumstances of the recovery of the property. He showed so much unwillingness to answer that he was threatened with a commitment to the Bridewell.

He was astonished that it was his duty on his oath to reveal the whole truth, and the duty of the magistrate to insist on its revealing it and enforce obedience to the law. He then declared that he had received restitution of his effects from the hands of his pastor, Rev. Mr. Kohlmann, rector of St. Peter's Church.

A summons was thereupon issued to the priest to appear at the police office, with which he promptly complied.

But, upon being questioned touching the persons from whom he received restitution, he excused himself from making such disclosures on the grounds that his knowledge on the subject was gained under the seal of confession.

The case was then sent to the grand jury, when Father Kohlmann was required to appear before that body and make answer to the like interrogations. Before this body the priest, in respectful terms, declined answering.

Upon other testimony a formal indictment was drawn against Charles Bradley and Benjamin Brinkerhoff, both colored men, as principals and against Phillips and wife as receivers.

The case being called, Rev. Anthony Kohlmann was cited as a witness, and when in court was asked some questions touching the return of the property in question.

He entreated to be excused from answering, and offered as his reasons for declining to answer in substance the following:

"Were I summoned to give evidence as a private individual (in which capacity I declare most solemnly I know nothing relative to the case before the court) and to testify from those ordinary sources of information from which the witnesses present have derived theirs, I should not for a moment hesitate and should ever deem it a duty of conscience to declare whatever knowledge I have.

But if called upon to testify in quality of a minister of a sacrament, in which my God himself has enjoined on me a perpetual and inviolable secrecy, I must declare to this honorable court that I cannot, I must not answer any question that has a bearing on the restitution in question; and that it would be my duty to prefer instantaneous death or any temporal misfortune rather than disclose the name of the penitent in question.

"For were I to act otherwise I should be a traitor to my church, to my sacred ministry and to my God. In fine, I should render myself liable to eternal damnation."

The closing argument on behalf of Father Kohlmann was made by William Sampson, one of the Irish refugees following the rebellion of 1798. Another of the Irish exiles of that period, Thomas Addis Emmet, was to have appeared in the case on the same side, but was prevented by imperative engagements in another court. Both these gentlemen were Protestants.

The limitations of space will not admit my dwelling on the able and lengthy argument made by Mr. Sampson, nor can I present a summary of it for the same reason. Special interest, however, attaches to the decision of the court, which was given by De Witt Clinton, subsequently the famous Governor of New York.

"The question," he said, "is whether a Roman Catholic priest shall be compelled to disclose what he has received in confession, in violation of his conscience, of his clerical engagements and of the canons of his church, and with a certainty of being stripped of his sacred functions

and cut off from religious communion and social intercourse with the denomination to which he belongs. "There can be no doubt that the witness does consider that his answering on this occasion would be such a high-handed offence against religion that it would expose him to punishment in a future state, and it must be conceded by all that it would subject him to privations and disgrace in this world.

"It is true that he would not be obnoxious to criminal punishment, but the reason why he is excused where he would be liable to such punishment applies with greater force to this case, where his sufferings would be aggravated by the compunctious visitings of a wounded conscience and the gloomy perspective of a dreadful hereafter.

Although he would not lose an estate, or compromise a civil right, yet he would be deprived of his only means of support and subsistence, and, although he would not confess a crime or acknowledge his infamy, yet he would act an offence against high heaven and seal his disgrace in the presence of his assembled friends, and to the affliction of a bereaved church and a weeping congregation.

"The only course is for the court to declare that he shall not testify or act at all. And a court prescribing a different course must be governed by feelings and views very different from those which enter into the composition of a just and enlightened tribunal, that looks with a propitious eye upon the religious feelings of mankind, and which dispenses with an equal hand the universal and immutable elements of justice."

Later on the judge says: "But this is a great constitutional question, which must not be decided by the maxims of the common law, but by the principles of our government.

"Let us now look at it upon more elevated ground; upon the ground of the Constitution, of the social compact, and of civil and religious liberty.

"Religion is an affair between God and man, and not between man and man. The laws which regulate it must emanate from the Supreme Being, not from human institutions.

"It is essential to the free exercise of a religion that its ordinances should be administered—that its ceremonies as well as its essentials should be protected. The sacraments of a religion are its most important elements. We have but two in the Protestant Church—baptism and the Lord's Supper—and they are considered the seals of the covenant of grace. Suppose that a decision of this court, or a law of the state, should prevent the administration of one or of both of these sacraments, would not the Constitution be violated and the freedom of religion be infringed?"

"Secrecy is the essence of penance. The sinner will not confess, nor will the priest receive his confession, if the veil of secrecy is removed. To decide that the minister will promulgate what he receives in confession is to declare that there shall be no penance, and this important branch of the Roman Catholic religion would be thus annihilated.

"It has been contended that the provision of the Constitution which speaks of practices inconsistent with the peace or safety of the state excludes this case from the protection of the Constitution and authorizes this tribunal to coerce the witness.

"In order to sustain this position it must be clearly made out that the concealment observed in the sacrament of penance is a practice inconsistent with the peace and safety of the state.

"The language of the constitution is emphatic and striking. It speaks of acts of licentiousness, of practices inconsistent with the tranquility and safety of the state.

"It has reference to something actually, not negatively injurious; to acts committed, not to acts omitted or to a deep dye and of an extensively injurious nature.

"It would be stretching it on the rack to say that it can possibly contemplate the forbearance of a Roman Catholic priest to testify what he has received in confession or that it could ever consider the safety of the community involved in this question.

"To assert this as a genuine meaning of the Constitution would be to mock the understanding and to render the liberty of conscience a mere illusion. It would be to destroy the sanctifying clause of the proviso and to render the exception broader than the rule, to subvert all the precepts of sound reasoning and overthrow all the conventions of common sense."

The Ancient town of St. Boniface was formally proclaimed a city May 1, by Chief Justice Dubuc, administrator of this province.

Rabbi Scores Jews

Who Committed Sacrilege in the Pope's Presence.

The chief rabbi, preaching in the principal synagogue of Vienna, Austria, severely condemned the sacrilege committed on Easter Sunday in the Sistine Chapel of the Vatican by Prof. Feilbogen, a Jew, his wife and sister-in-law, when they spat out the sacred wafer which had been placed in their mouths by the Pope, who was administering Holy Communion.

Speaking on behalf of all the rabbis of Austria, he reminded his hearers that the Jews were taught to treat the sacred ceremonies of all religions with profound reverence, the Jewish religion declaring that pious souls of all peoples and all creeds will share in eternal bliss.

The sacrilege has resulted in orders being issued by Mgr. Bisleti, papal majordomo, that in future not only will papal audiences be restricted but only Catholics will be admitted to hear the Pope's mass. This is a return to Pope Leo's custom, for the abolition of which some prelates blame Pope Pius X., complaining that the privilege was recently extended to all classes, whether laborers or distinguished Catholics or Protestants from abroad.

The Rome correspondent of the London Daily Telegraph says that the Holy See has been informed that Prof. Feilbogen, the Jew who lately committed sacrilege in the Sistine Chapel while the Pope was administering Holy Communion, will probably be prosecuted at Vienna, his home, for an outrage on religion. If so several eminent churchmen will go to Vienna to testify.

Justice at Last.

The Catholic majority in Ireland are, it would seem, at last to have some measure of justice in the matter of university education, as to which for fifty years and more they have been demanding and striving for equality of treatment with that long enjoyed by the Protestant minority.

Trinity College, Dublin, the only teaching university in the country, is, as is well known, distinctly and avowedly Protestant—Protestant in origin, Protestant in history and traditions, Protestant in management and control, yet richly endowed by State funds in large part derived from Catholic Church property, confiscated under the infamous anti-Catholic penal laws of former days.

Of course, the Catholics of Ireland could not accept such an institution as suitable for them, and so they have been left up to the present time without any adequate facilities for higher education.

This grievance the Bill recently introduced in the British Parliament by the Irish Chief Secretary, Mr. Birrell, proposes to redress by the creation of a new university in Ireland, the president of which shall be a Catholic, and the Senate or governing body of which shall be by majority Catholics.

The proposed university will consist of three colleges—a new one to be established in Dublin, and the existing Queen's Colleges of Cork and Galway. In the matter of finances a sum of £750,000 will be given for the building and equipment of the Dublin College, and £160,000 per annum for its endowment and maintenance. The Cork College will have an annual endowment of £90,000, and the Galway College £60,000. It is also proposed in the Bill to establish a new university in Belfast, to consist of the existing Queen's College in that city, to be governed by a Senate with a Protestant majority and to have £90,000 per annum endowment. A further provision of the Bill is that there shall be no "religious tests" in either of the universities for students or professors. Students of any creed will be admitted to any of the colleges and professors may be appointed for any without regard to their religious beliefs.

Such are the main features of the Government plan for the settlement of the Irish University question. That it will be passed into law appears certain, as it is in its principle accepted by the Irish Party and supported by the great majority of both the British parties. Amendments will, however, be demanded in the matter of endowments, which, as proposed for Dublin College, are regarded as inadequate. On this point some of the Irish Bishops express dissatisfaction, while approving of the measure in its general aspects. For example, the Archbishop of Cashel, Most Rev. Dr. Fennelly, writes that "the principles underlying the Government's University proposals will be acceptable to Catholics, but the financial provisions are inadequate and short of that support which is equal treatment demands." and the Bishop of Derry, Dr. McHugh, says that: "The University Bill as expounded seems an honest attempt at settlement," but that "the financial provisions, especially in the case of Dublin College, is inadequate."

In this matter of endowment, how-

ever, it is probable that the Government may "yield to pressure," in the direction of "equal treatment," and so it may be that the Catholics of Ireland, after long years of struggle, are about to get something like justice in one important field of National interest and requirement.—Irish World.

What I Saw in Rome.

(From "The Experience of a Convert," by Rev. Robert Hugh Benson.)

Very soon after I had been received into the Church I went to Rome, and for eight or nine months studied in preparation for the priesthood, at San Sisto—a church served by a community of all nations, amongst which the English nation is particularly prominent. In Rome I had many interesting experiences, and was afforded opportunities of studying the heart of the Church.

First I noticed its Unity and its Catholicity. The very first Mass I was present at in Rome was celebrated by a German, served by a negro, and attended by—English, Germans, French, and Italians. Such a sight is to you who have been born and brought up in the Church, familiar enough, but to me who was brought up in the national idea of a Church, such a thing was bewildering. And what I saw at my first Mass I saw also at the lectures which I attended. I saw listening to an Italian lecturer men of every European nation: English, French, Spaniards, Greeks. Well, there was the Italian, lecturing in the language of the Church to representatives of six nations of the same Faith, who from his lips heard in the same spirit, the same universal doctrines of the same universal Church. That was a sight of unity and Catholicity that to one brought up with the idea of nationalism in religion was simply astounding.

Wherever I went I felt at home, and I began more fully to realize what St. Paul meant when he said that all nations would break down the barriers that separate them, in the unity of faith.

THE AURA OF SANCTITY.

The next mark of the Church that I saw in Rome was that of sanctity. Now, sanctity is an extraordinarily difficult thing to speak of. It is very nearly undefinable, but yet perfectly apparent, and I always think that a very good illustration of the difference between simple goodness and sanctity is the comparison of that between talent and genius. Religion produces many extremely good men, and I suppose that theologically speaking there is through the grace of baptism no spiritual height to which a soul might not rise, but the national churches to which I have referred do not produce this peculiar thing called sanctity. Sanctity is like fire; you cannot, as I have said, exactly define it, and yet you know what it is when you see it. One day, when coming from one of the lectures at Rome I saw a little group of men made up mostly of peasants, and in the center of the group the figure of a Polish priest. He wore an old hat, his cassock was green with age and full of holes, and his chin was but imperfectly shaved. But there was something about that man that I have never forgotten and never shall—a something in his face that I have never seen in the face of any human being before, and he appeared to be surrounded by an extraordinary atmosphere of sanctity, an atmosphere that I have never seen outside the Catholic Church. As I have said before, all demonstrations produce good men, but they do not produce that which the Church calls sanctity, and in England the people are not accustomed to sanctity; they don't know what it is.

Her sanctity is to be seen again in the way in which the people pray. I remember once observing a country boy—the dirtiest boy I have ever set eyes on, and who looked as if he had not taken off his clothes for six weeks. I remember he entered the great church in which I was, and walked across the splendid marble floor as if he were perfectly at home—every Catholic is at home in his church—and placing a chair near the altar, took out his rosary beads, closed his eyes in prayer, and for twenty minutes remained absolutely motionless. But that is the spirit of Rome. There is holiness everywhere. I remember on another occasion visiting a little Church close to the city, where the Blessed Sacrament is always exposed. I remained there ten minutes, and during that ten minutes the sacred edifice was visited by the Queen of Italy, a great prince of the Queen's thirty shopkeepers, and twenty beggars. All came naturally, and all as equally the children of the Divine Father.

BACK TO APOSTOLIC TIMES.

In Rome, too, you are everywhere reminded of the fact that the Church is Apostolic. I have been accustomed to look upon the Apostolic age as being very far distant, but in Rome it appears to be very near, and you find that St. Peter and St. Paul are in a sense there to-day. There are their relics, there are the catacombs in which St. Peter baptized and preached, but more than that,

Look Our Way

For your Underwear. We are here with a very large range of French Balbrigan Natural Wool B. V. D. Knee length in all Sizes. Roman Collars in all sizes.

BRENNAN'S

2 Stores: 251 St. Catherine St. West
7 " " " East

There is an indescribable sense of the actual presence of St. Peter. On St. Cecilia's Day I went down into the dark catacombs and heard Mass. It was all most impressive, and one of the most extraordinary experiences of my life. The scene carried me back nineteen centuries to the Apostolic times, and I felt as I had never felt before that the Apostles were there in spirit.

I saw the Holy Father several times. I heard him preach in the great courtyard of the Vatican. Twenty thousand people had assembled to hear him, and crowded round the platform from which he was to address them. Presently the Pontiff appeared upon it, and immediately the great mass of humanity broke into a thunder of applause. He looked old and worn, and very ill, and his face was drawn with suffering, but when he began to speak his face quickly became transformed, and there was the Apostolic hinged speaking to you before your eyes. I saw the Holy Father two or three times after that, and each time the impression deepened. There was the man who sat in the Chair of Peter. When I saw him celebrating Mass there on the dome above the altar were inscribed the significant words: "Tu es Petrus et super hanc ecclesiam prevalens adversus eam." "Thou art Peter, and upon this Rock I will build My Church, and the gates of hell shall not prevail against it." And there at the altar in the center of the dome was St. Peter himself. All these things impressed me—the Unity and Catholicity of the Church, the manner in which she makes all nations one through faith, sanctity, the way in which she produces saints, and people who are spiritually different from the ordinary man. There I saw the Church that is Apostolic, that has kept the prerogatives of the Apostles, that is infallible, and claims universal jurisdiction, and I came away from Rome, being able to say, with a deeper sense of the conviction of reality than ever before: "I believe in One Holy, Catholic, and Apostolic Church."

The New Dry Goods Store.

New Spring Stock Now Ready

Tel. East 3256.

James Cuddy & Co.

706 St. Denis Street, near Roy

Late of Notre Dame East.

Your Patronage Cordially Invited

New and Up-to-Date Dry Goods and House Furnishing

James Cuddy & Co.

706 ST. DENIS, near ROY.

Vice-President Fairbanks will officially represent the United States at Quebec during the Tercentenary. The United States Government also will be represented at the ceremony by a man-of-war, which probably will be the new battleship New Hampshire, under command of Captain Winslow.

Sir Thomas Spanghnessy attributes the decrease of C.P.R. earnings which is purely temporary, he says, to the secura running through the United States. He declares that the new York market is having diminishing influence on the Canadian Pacific stocks.

Condensed News of The Week.

The customs receipts for the Dominion during the month of April in the fiscal year 1907-08 were \$4,468,393.27, and in 1908-09, \$3,449,947.24, showing a decrease of \$1,018,446.73.

A plot to murder Lord Kitchener and several other prominent British officials has been discovered in Calcutta. The incriminating documents were found in a native shop along with the latest improved bombs and an up-to-date library on the manufacture of explosives.

The last of the mills of the Algoma Steel Works is to be shut down this week, which will bring the number of men thrown idle there up to fifteen hundred.

The Montreal post office showed an increase of revenue for the month of April of \$12,985, as compared with the corresponding period of 1907.

Grand Trunk conductors and trainmen, after three weeks' session in Toronto, are now prepared to place their request for a new schedule before the General Superintendent of Transportation, Mr. Brownlee. The new schedule will not include any great increase of wages, but rather a readjustment of old prices and conditions.

Mr. Augustine Birrell, Chief Secretary for Ireland, announces that the resignation of Sir Antony Patrick Macdonnell, under secretary to the Lord Lieutenant of Ireland, will take effect in July.

Work will be commenced almost immediately on the construction of the Trans-Canada Railway from Roberval, on the Lake St. John, to James Bay. For this purpose a bill was recently brought before Parliament and passed, extending the time limit for the construction of the road. The right of way runs through the rich mining district of Chibougamou, in which, it is claimed, there are mines quite as rich in ore as those of Cobalt.

The new Union Station at Winnipeg, which is to be built by the Grand Trunk Pacific and Canadian Northern, is to cost \$1,000,000. Tenders have been called for the structure, and work will be begun this year.

Bishop O'Reilly, of Baker City, Ore., is trying to induce Catholics to found colonies in his diocese, causing many letters to be sent out urging those of our faith to come while land is cheap and can be obtained on most favorable terms.

J. Pierpont Morgan has bought Raphael's "Virgin of St. Anthony of Padua," for \$500,000, according to a Central News despatch from Rome. The painting will be added to his collection in the Aldobrandini Palace in the Italian capital.

Abbe Perosi, the famous composer of Oratorios and director of the Sistine Chapel, the Papal choir, has obtained permission from the Pope to absent himself from Rome and go to the United States to give a series of concerts.

Quebec Elections.

The Quebec elections are slated for June 8. The fine policy of Premier Gouin along the temperance and educational lines, and the magnificent record he has made, bids fair for continued confidence in him. If for no other reason than his record, he deserves the best treatment from right thinking men.