

RALEIGH REGISTER

AND NORTH-CAROLINA GAZETTE.

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STATE CONVENTION.

DEBATE

ON THE THIRTY-SECOND ARTICLE.

Judge Gaston's Speech concluded.

It is not without hesitation, Mr. Chairman, that I can bring myself to advert to some observations which have been thrown out in the course of the debate, in relation to the tenets, or supposed tenets of Roman Catholics. The great battle of Religious freedom should not be fought on such narrow ground, as the exclusion of any one sect from, or its admission to, a participation of political power. Whether the charges brought be true or false, the decision on this question should still be the same. Some of these charges are so absurd, that it seems like yielding them too much honor to notice them at all, but to pass them by in silence, might be considered as a tacit acquiescence in their truth. Besides, much allowance ought to be made for honest ignorance. The Catholics in this State are very few, and those who have had no opportunity of knowing them personally, and have learned their tenets only through the medium of their enemies, cannot be much blamed for crediting the most ridiculous falsehoods. It has been asked, whether the allegiance of Catholics to the Pope be spiritual only, and the learned gentleman from Halifax has unquestionably shewn that they do not owe him civil allegiance. Sir, I object *in toto* to the term allegiance, as characterising the connection between the Catholic and the Chief Bishop of his Church. I owe no allegiance to any man or set of men on earth, save only to the State of North-Carolina, and so far as she has parted with her sovereignty, to the U. States of America. The charge that Catholics owe allegiance to the Pope, is wholly false. Spread over the whole earth—speaking different tongues—subjects or citizens of different Governments—beings of different races and complexions—they are connected by a spiritual tie, the tie of one and the same faith, which constitutes them one Spiritual family or Church. For the regulation of this wide spread Church, an Ecclesiastical or Spiritual Government is indispensable. This is mainly confided to the Bishops of the several Dioceses, and of these, the first in rank and jurisdiction is the Bishop of Rome.—To him, subject to well defined laws and well ascertained usage, is committed the chief administration. To him—and to them—and to every spiritual or ecclesiastical teacher, acting within his proper sphere, respect and obedience are due.—But no man owes to him, or them, or any of them, the duty implied by the term allegiance; the obligation of personal fidelity, the obligation of defence, as an equivalent for the benefit of protection. Should the Chief Bishop, in the pretended exercise of his ecclesiastical powers, (for in the Church he is known only as an Ecclesiastical superior) attempt to encroach upon the jurisdiction of the other Pastors of the Church, who claim their power from the same source from which his is derived, though not to the same extent; the principles of Catholics teach that such usurpation should be firmly and zealously resisted. Such usurpations have been attempted, and the History of Christendom shews that upon no point has there been a more jealous vigilance upon the part, not only of the Catholic Prelates, but of the Catholic People, to prevent and repel them. His authority—their authority, is spiritual only—has no connection with civil duties—and is enforced only by spiritual censures.—He has not, and they have not any more right to interfere with a man's obligation to his country or his fellow men, than civil rulers have to interfere with a man's spiritual concerns. Catholics emphatically deny that the Church has any temporal power or any right to interpose in the regulations of Government, and hold themselves bound to resist, even unto death, as tyrannical usurpation, all attempts at such interference. As a proof that this doctrine was well known, even at the moment when for political purposes they have been most tyrannically treated by their Rulers, let me mention one extraordinary occurrence recorded in History. When Elizabeth of England had quarrelled with the Pope, and but recently put out of the pale of Catholic communion; when she was the avowed champion of Protestantism, and engaged in a tremendous war with the Catholic

Monarch, Philip of Spain, the brother of her deceased sister—in the very moment of her utmost peril—she committed the chief command of that small and gallant fleet which was opposed to the invincible Armada, into the hands of a known and exemplary Catholic, Lord Howard, of Effingham. And nobly, was that confidence requited. She knew, and his conduct shewed, that he recognized no Sovereign but the Sovereign of his Country, and that his religious principles rendered him but the more resolved to discharge faithfully his duties as a subject.

It has been asked whether Catholics do not believe in the power of the Pope to dispense with the obligations of an oath. Sir, to prevent cavil (if indeed the cavils of malicious censurers can be prevented) let me state a distinction between oaths. Usually, oaths are taken to render more binding obligations which a man contracts with his fellow man or with the community. He swears to fulfil his promise; to testify the truth; to execute a duty; to defend the Constitution of his country.—Catholics maintain, neither the Pope, nor Bishops, nor all nor any of the Pastors of the Church can dispense with the obligation to observe such an oath. No power on earth, except it be the person or the community to whom the engagement is made, can free him from the obligation to keep it, even if an oath had not been superadded. The affront with which the contrary is asserted, does not at all prevent it from being a downright calumny. There are others, besides factious politicians, who, in their zeal to vilify their foes, disregard that awful command of God, "Thou shalt not bear false witness against thy neighbor." There is another class of oaths, called vows—solemn promises made to God—in which no third party is concerned, unless it may be the Church itself which may have exacted them.—In these, when a fit case is presented or believed to be presented—a dispensation from the vow may be given.—This is not the occasion nor the place to vindicate, it is my purpose only to state the doctrine. It is a question of nice casuistry to determine under what extraordinary circumstances such an obligation may be released, but it is impossible not to admit that there are cases in which a compliance with a vow ought not to be enforced—and it is safer that the individual should not himself be the judge in his own case. Perhaps the history of Jephtha may furnish an apt illustration, where a vow ought not to have been kept. In the course of its discipline the Church requires that the dispensers of its mysteries should devote themselves by a solemn vow, to a life of perpetual celibacy. Extraordinary instances have occurred, in which it has been thought justifiable to release or dispense with this vow.—Oppressors in all ages and in all countries set up pretexts for oppression, and among the excuses under which the exclusion of Irish Catholics from a share of political power was sought to be justified, the calumnies that Catholics own a foreign allegiance and admit a dispensing power from oaths, were most impudently insisted on. The late Mr. Pitt, as Prime Minister of England, contemplating an act of justice to these abused men, solemnly proposed a set of interrogatories to these charges to several of the most celebrated Catholic Theological Universities in Europe. Suffer me to call your attention to some of these, and to their answers. The following questions were proposed: First, Has the Pope, or have the Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or preeminence whatever, within the realm of England. Second, Can the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense his Majesty's subjects from their oath of allegiance, upon any pretence whatever? Third, Is there any principle in the tenets of the Catholic faith, by which Catholics are justified in not keeping faith with Heretics, or other persons differing from them in Religious opinions, in any transactions either of a public or private nature? To these questions the Universities of Paris, Louvain, Alcala, Salamanca and Valadolid, after expressing their astonishment that it could be thought necessary at the close of the 18th century, and in a country so enlightened as England, to propose such enquiries, severally and unanimously answered: 1st, That the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, has not and have not any civil authority, power, jurisdiction, or preeminence whatever, within the Realm of England. 2dly, That the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, cannot absolve or dispense his Majesty's subjects from their oath of allegiance upon any pretext whatsoever; and 3dly, That there is no principle in the tenets of the Catholic Faith, by which Catholics are justified in not keeping faith with Heretics, or other persons differing from them in religious opinions, in any transactions either of a public or a private nature.

It has also been asked, whether Catholics do not believe that they can procure forgiveness of any sin, simply by confessing it to a Priest? At times, sir, I ac-

knowledge that I have been irritated, but far oftener have I been amused, at the strange notions entertained & the strange inquiries made about Catholic doctrines. That it should enter into the head of any man, that the great body of the Christian world, embracing many of the wisest, most intelligent and most pious followers of the Redeemer, could for one moment admit so impious, so foolish a doctrine, I could not have believed, if I were not compelled to do so by what I have actually witnessed. What notions can such an enquirer entertain of a Catholic? Does he take him—I don't ask for a Christian—but for a rational being? A friend of mine with whom in early life I spent many pleasant hours, and whom the tide of emigration has carried to the West, was accustomed to relate an incident which had actually occurred to him, as illustrative of the ignorance and prejudice of a portion of the people in relation to Federalism.—He had represented one of the counties of this State for several years in the General Assembly, and after quitting public life, had occasion to pass through on an election day. Stopping at a public house, he met with some old acquaintances, well-meaning but uninformed men, who soon entered into conversation on the subject of the business of the day. "Of course," said my friend, addressing himself to one of them, "you all go for Major A. here—you used to support him, tooth and nail, in old times." "Why, no, sir," answered the good man, "we are not so mighty much for him as we used to be." "And how has that happened? What has occasioned such a change?" "Why haven't you heard, sir? Why, they say he's turned a Federalist!" "Turned a Federalist?" exclaimed my friend—"is it possible!—and pray what is a Federalist?" "I don't exactly know, sir, (he rejoined) but I allow it ain't a human!" Such, surely must be the conjecture which these querists entertain of the strange animal called a Papist. If quite candid, they will admit that the first time they saw one, they peered in his face for the horns which should decorate his brow, then turned their eyes down to examine his cloven feet, and finally cast a sly glance behind to get a peep at the whiskery and pendulous ornament, which they had been accustomed to regard as the appropriate appendage of the Imps of Satan. It cannot be expected, that I should enter into a detailed explanation of the Catholic tenets on the subject of Confession. It is enough for me to say, that it is the settled doctrine of the Catholic Church, that pardon for sin is not to be obtained but by faith, thorough and sincere repentance, a firm purpose by God's help not to sin again, a resolution, where the crime has been injurious to others, to make complete re-compense for the wrong, and an application of the merits of the Redeemer to the soul of the penitent. Confession is part of an ordinance, which Catholics believe to have been instituted by the Saviour, which they term the Sacrament of Penance, and in which is demanded from the penitent, an outward profession of that contrition by which he is internally penetrated. All practical Catholics—Popes, Prelates, and Priests, Emperors, Kings, Nobles, learned, unlearned, great and small, rich and poor, who feel their consciences oppressed with a sense of guilt, are required humbly to accuse themselves of their offences, and to specify them.—It is not enough that they shall confess that they have done the things which they ought not to have done, and left undone the things which they ought to have done, but they are bound to admit themselves guilty in the sight of God, of having violated this command, and of having omitted that duty. And no pardon is pronounced, promised, invoked, expected or asked, but on the express condition of full repentance and future reformation. The enquiry is not here, whether this belief is orthodox, but whether this practice disqualifies them for the honest discharge of the duties of a citizen. Sir, my testimony may be of little avail, but I owe it to the cause of truth, and I will therefore give it without hesitation. I have mingled intimately with Christians of every denomination, but of all the religious observances with which I am acquainted as practised by any sect, none so effectually as this, compels self-examination, keeps down pride of heart, checks progress in crime or restrains irregular appetite and passion. Voltaire, who hated the Christian, and above all, the Catholic Religion with intense hatred, has yet left on record his opinion that the wit of man never had devised and never could devise a happier security for human morals. Let those Christians who reject the practice as one too humiliating to be borne, and who deny that it has sufficient warrant for its introduction into the Church, calmly, resolutely and conscientiously oppose the Catholic faith by argument. But they ought not, and such of them as are indeed Christians, will not misrepresent or traduce it.

But it has been objected, that the Catholic Religion is unfavorable to freedom, nay, even incompatible with Republican Institutions. Ingenious speculations on such matters are worth little, and prove still less. Let me ask you who obtained the great charter of English freedom, but the

Catholic Prelates and Barons at Runnymede? The oldest—the purest democracy on earth, is the little Catholic Republic of St. Marino, not a day's journey from Rome. It has existed now for fourteen hundred years, and is so jealous of arbitrary power, that the Executive authority is divided between two Governors, who are elected every three months. Was William Tell, the founder of Swiss Liberty, a Royalist? Are the Catholics of the Swiss Cantons, in love with tyranny? Are the Irish Catholics friends to passive obedience and non-resistance? Was Lafayette, Pulaski, or Kosciusko, a foe to Civil Freedom? Was Charles Carroll, of Carrollton, unwilling to jeopard fortune in the cause of liberty? Let me give you however the testimony of George Washington. On his accession to the Presidency, he was addressed by the American Catholics, who adhering to the restrictions on their worship then existing in some of the States, express themselves thus—"The prospect of national prosperity is peculiarly pleasing to us on another account; because, while our country preserves her freedom and independence we shall have a well-founded title to claim from her justice the equal rights of citizenship, as the price of our blood spilt under your eye, and of our common exertions for her defence, under your auspicious conduct." This great man, who was utterly incapable of flattery and deceit, utters in answer the following sentiments which I give in his own words; "As mankind become more liberal, they will be more apt to allow that all those who conduct themselves as worthy members of the community, are equally entitled to the protection of Civil Government. I hope ever to see America among the foremost nations in examples of justice and liberality; and I presume that your fellow-citizens will not forget the patriotic part which you took in the accomplishment of their Revolution and the establishment of their Government, or the important assistance which they received from a nation in which the Roman Catholic Faith is professed." By the bye Sir, I would pause for a moment to call the attention of this Committee to some of the names subscribed to this address. Among them are those of John Carroll, the first R. Catholic Bishop in the U. S. Charles Carroll of Carrollton and Thomas Fitzsimmons—for the character of these distinguished men, if they needed vouchers, I would confidently call on the venerable President of this Convention.—Bishop Carroll was one of the best of men and most humble and devout of Christians. I shall never forget a tribute to his memory paid by the good and venerable Protestant Bishop White, when contrasting the piety with which the Christian Carroll met death, with the cold trifling that characterized the last moments of the sceptical David Hume. I knew not whether the tribute was more honorable to the piety of the dead, or to the charity of the living Prelate. Charles Carroll, of Carrollton, the last survivor of the signers of American Independence—at whose death both Houses of the Legislature of North Carolina unanimously testified their grief as at a national bereavement! Thomas Fitzsimmons, one of the illustrious Convention that framed the Constitution of the United States, and for several years the Representative in Congress of the City of Philadelphia. Were these, and such as these, foes to freedom and unfit for Republicans? Would it be dangerous to permit such men to be Sheriffs, or Constables in the land. Read the funeral Eulogium of Charles Carroll, delivered at Rome by Bishop England—one of the greatest ornaments of the American Catholic Church—a foreigner indeed by birth, but an American by adoption, and who, on becoming an American, solemnly abjured all allegiance to every foreign King, Prince and Potentate whatever—that Eulogium which was so much carped at by English Royalists and English Tories—and I think you will find it democratic enough to suit the taste and find an echo in the heart of the sternest Republican amongst us. Catholics are of all countries—of all governments—of all political creeds. In all they are taught, that the kingdom of Christ is not of this world—and that it is their duty to render unto Caesar the things that are Caesar's, and unto God, the things that are God's.

But Sir, the gentleman from Martin has told us with the air of one who firmly believed that he was announcing a truth of mighty import, that he had heard somebody say, that he had heard a man, who called himself a Catholic, say, that he no more minded taking an oath on a Bible than on a Spelling Book.

[Mr. COOPER begged leave to correct the gentleman from Craven; he had said the Testament—not the Bible.] Judge Gaston proceeded: I beg the gentleman's pardon for the mistake. As this is the only argument which has been yet put forth in defence of the proscription contained or supposed to be contained, in the 32d Article, it is right that it should be stated with precision. I thank him for the correction, and assure him that the mistake was one of inadvertence not of design. Straws indicate whence the wind blows—and this argument shews whence arises the Anti-Popery clamour. It may be thought idle to treat it serious-

ly—but if that gentleman be in earnest, and I am bound to suppose he is, I am sure that he at least will take kindly the explanation which I am about to give him. It is the doctrine of Catholics that an oath is a solemn appeal to God—and that such an appeal, in whatever form made, is binding on man's conscience. The Catholic Church prescribes no form for an oath, but leaves that to be regulated by the usages or laws of every country. The invocation of the God of Heaven—deliberately and solemnly—as the Author of Truth and the avenger of Falsehood, constitutes the oath. In ancient times, before the discovery of Printing, and when Bibles were rare, the most usual ceremony accompanying the oath was kissing the Cross as the emblem of man's salvation, and the type of Christ's atoning sacrifice. In several Catholic countries, this mode yet prevails. In others, it has been succeeded by the ceremony of kissing the book of God's holy Gospel. In others, by the outstretched arm, raised towards Heaven. In all countries, and in all sects, there are ignorant and wicked men who attach importance to the form in which an oath is administered and disregard its substance. He who has been accustomed to see it always taken in one prescribed manner, may think it not obligatory when otherwise tendered. Just as I have seen, and every professional man in North Carolina of extensive practice has seen, miserable fools and knaves here, who thought to escape the guilt of perjury, if they were careful not to bring the Testament into actual contact with their lips.

Another gentleman [Gen. Speight] who has a great reverence for Religion, but is not as religious as he could wish to be, and has a great toleration for all Religions, but for some unexplained cause, will vote for retaining the 32d section as it is, has thought proper to read two extracts from a controversial work—Faber's difficulties of Romanism. It is manifest that the gentleman had resolved how to vote and had resolved also to speak, before he found the book which was to furnish the chief materials of his speech. The selections were made in haste, and therefore turn out to be unsuited for the purposes which they were brought forward to answer. The first passage gives a form of profession of faith, in which the declarant is made to say, that he rejects, condemns and anathematizes as heresy, whatever the Church by any general Council has decreed ought to be rejected, condemned and anathematized, as heresy. This I presume is quoted as an instance of intolerant persecution. I suppose that no man can be regarded as a member of a Church who rejects the creed of that Church, and that of course he regards those doctrines as erroneous, which the creed of his Church pronounces to be erroneous. Catholics believe that the unity of faith can only be maintained by preserving as a sacred deposit, the doctrines originally revealed from Heaven—that the Pastors of the Church form the tribunal to testify in every place and in every age not opinions, but the fact of this original communication—that when doubts or disputes arise on matters of faith, these witnesses are summoned from all parts of the world to declare what has been handed down to them as that communication—that when they concur in declaring that the doctrine has or has not been delivered to them as part of the original deposit of faith—the members of the Church then have certain evidence and certain knowledge of the truth. This is what is meant by the infallibility of the Church—not the infallibility of the Pope—this is no part of Catholic Faith, but the infallibility of the Church. What it has authoritatively decided to be truth, must be received as truth by all her children. What it has thus decided to be error, they must also pronounce to be error. If they choose to set up their individual opinion in opposition, not to the opinion, but to the testimony of the Church, with the regard to the fact of a revelation—they can do so. But then they separate from her communion, and to God it must be left to pronounce how far such separation has proceeded from innocent mistake or guilty pride. But does any man infer, because the doctrine which the Church denounces as erroneous, the members of that Church also denounce as erroneous, that therefore the Church or its members are to punish with civil penalties—to persecute with degradation, pecuniary mulcts, torture or death, the persons who profess these erroneous doctrines. I can only say that if so, he reasons most illogically. His conclusion is a plain non sequitur. Connected with this mistake or misrepresentation is another, which I have heard of, although it has not been mentioned here. It is said that the Catholic Bishops actually take an oath to persecute heretics! Whether this charge originated in misapprehension or in calumny it is equally false. They pledge themselves diligently to search out, follow after and remove all false doctrines which may spring up among their flocks. The latin term "Prosequor" to follow out or to follow after, from which has come the well-known term Prosecution—the carrying on of an enquiry or investigation—has been changed into persecute; the doctrines have been changed into the persons who profess them,

and by this slight alteration of phrase, an obligation, perfectly Christian in its character, has been converted into an inhuman and anti-Christian vow of persecution. But the gentleman was solicitous to shew how inhuman Catholics had actually been in the persecution of Protestants, and for that avowed purpose produced the other selection from Faber. In a note to Faber, a statement is given of a ferocious engagement entered into by the Representatives of many Princes and Ecclesiastics who had attended the Council of Luteran for hunting out and reducing to servitude a set of Heretics whom they designate by several opprobrious names. It is not easy at this time to ascertain how far these unfortunate beings deserved the hatred which they had incurred, but it is impossible not to revolt at the cruelties denounced against them. It is rather ludicrous however to call this a persecution of Protestants, since it took place about three hundred and forty years before Protestants and Protestantism were heard of. It happened in the year 1100. If the gentleman had more fully examined the subject, he would have met with little difficulty in finding more appropriate instances to establish upon Catholics the charge of having persecuted Protestants. Had he examined into the history of Religious persecution extensively, he would have found as little difficulty in shewing that Protestants had not been one whit behind in persecuting Catholics—or in persecuting each other. But why is this humiliating and disgracing subject raked up, and exhibited? Is it for the purpose of awakening ancient animosities—of creating bad feelings—of blowing into a flame the sleeping embers of wrath, malice and uncharitableness? This does not seem a very humane, wise or liberal purpose. Alas! I fear that even now we are deserving of the reproach of the cynical Swift—we have just religion enough to hate, and not enough to love each other. Further exertions to increase this anti-christian disposition would seem to be at least unnecessary. The history of Persecution may however be properly referred to for another and a very different purpose—to shew the mischiefs which necessarily follow from making religion an affair of State and giving a political predominance to any Sect—to demonstrate that Calvert, Williams and Penn acted with the benevolence of Christians and the wisdom of Statesmen, in making all sects equal before the law—to invite us to follow in their footsteps and to pursue their principles out to their full and legitimate extent by obliterating from the constitutional law of North Carolina every vestige of the spirit of persecution for conscience sake, every trace of disqualification and proscription because of religious principles. I hope and trust, that this will be done, and that North Carolina will shake off the reproach of lagging behind the other States of the Union, behind the lately enlightened States of Europe and behind even the spirit of the age, by incorporating into her fundamental institutions the principle of perfect Religious Freedom. I protest against all partial and mitigated reforms of the doctrine of Intolerance. Of course, I must accept the most that can be obtained, but I shall not be content with any thing short of the total abrogation of Religious Tests. So far as the question has been discussed here, there has been in effect no contest. The cause of Intolerance has been left undefended. Gentlemen have had too much pride, too much sense of character, to undertake before this enlightened Assembly, to vindicate this proscriptive Article in our Constitution. They have argued about and around the true question, and have suggested different considerations for declining to act upon the subject—but they have not ventured to come out openly and insist that the article is a wise and salutary provision. The cause of intolerance has been undefended, because it is indefensible. The advocates of freedom might confidently then, one would think, calculate that the result will be auspicious even to their utmost hopes.—But, alas, sir, it by no means follows, that the decision of this body will be an exact expression of its conviction. There are many external forces to disturb our judgment, and cause it to swerve from its propriety. Would that the noble sentiment, which we yesterday heard, as it came with such truth and feeling from the lips of youthful and fervid eloquence, (Mr. Rayner)—"Dare do right and trust the consequences to God,"—were the governing principle upon every question here! Not a doubt could then be entertained of the result. In the sincerity of my soul, I believe there are not twenty, and I doubt whether there be ten members of the Convention, who would not be well pleased to have the section utterly obliterated. But gentlemen declare themselves afraid, alarmed, lest they should give a shock to prejudice, and this is spoken of as if it were some dreadful and appalling calamity. Suppose they should, what is the mighty mischief? It may impose upon them the necessity, if they wish to stand well with their neighbors, to explain the reasons by which they have been influenced, and to prove the propriety of their course. This is some inconvenience indeed, but surely no one