

**EFFECT ON THE WORLD  
OF THE RESTORATION  
OF THE CANON LAW**

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Effect on the World of the Restoration of the Canon Law by D. Urquhart

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**D. URQUHART**

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EFFECT ON THE WORLD  
OF THE  
RESTORATION  
OF THE  
CANON LAW;  
BEING  
A VINDICATION OF THE  
CATHOLIC CHURCH AGAINST A PRIEST.

Co #

By D. URQUHART.

AUTHOR OF THE "APPEAL OF A PROTESTANT TO THE POPE."



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EFFECT ON THE WORLD  
OF THE  
RESTORATION OF THE CANON LAW.

CORRESPONDENCE.

THE REVEREND FATHER SUFFIELD TO DAVID  
URQUHART, Esq.

The Hermitage, H. Bosworth, Leicestershire,  
July 25, 1869.

DEAR SIR,—My absence, as “extraordinary” at some convents, caused me only just now to receive your letter of the 17th. Let me at once say, most decidedly and frankly, I should be sorry to be considered by yourself, or by any one else, a “foe” to one who publicly appeals to the Holy Father in the interests of justice, peace, and humanity. At the same time some difference of profound practical importance exists between us. I am at present convinced that the authorities of the Catholic Church are on my side, and not on the side of the Ecclesiastics, who dare not give their names. Some of these Ecclesiastics go into generalities, which we have all known from our youth, and appeal to books familiar to every priest. It seems to me that some of these good men, anxious to see you a Catholic, want to present the Catholic doctrine and practice under an aspect which will conciliate your intellect through your heart.

The question that came before me was this: whether soldiers already enlisted in the armies of their own nation were guilty of mortal sin in our recent wars; whether the Confessor would act right or wrong under the circumstances described in the fourth page of my letter to Earl DENBIGH. All the Bishops, Theologians, Professors, and Confessors, who have as yet written to me, *signing their names*, entirely agree with me, and utterly repudiate any opposite line to what I attribute at page 4 to a Confessor representing myself. In this matter I am not accessible to argument, but I am to authority. Therefore I printed a letter, and placed it in the hands of those opposed to me, *challenging them to get it condemned*, and to advance an op-



posite practice, *declare their adhesion to it, giving their name, and get that approved.*

The difference between *us* is, I think, very great; for you regard all those Soldiers and Confessors as guilty of mortal sin for doing that which I consider them free in conscience to do. It is a practical question: if you were a Confessor you would (as I presume) act in a way directly contrary to me; if you were a soldier so circumstanced you would, I believe, be glad to disobey and to die a martyr to your conviction; that is a line I respect. I respect any Ecclesiastic who, holding the same conviction as yourself, would pursue the course alluded to by me at page 5, and, giving his name, denounce, as a second SAVONAROLA, the "corrupted morality to which Ecclesiastics had "compromised themselves." But I have not the slightest respect whatever for an Ecclesiastic who implies to you that he agrees with you and censures me, and yet does (if he does) just the same as others, and then confuses the whole practical question by voluminous extracts from books familiar to us all, and accepted by us all, and thus conveying to thoughtless persons the impression that I object to the principles laid down by St. THOMAS, SUAREZ, FERRARIUS, or some other great theologian. Let such Ecclesiastic imagine that perhaps others have read moral theology, and accept it, and boldly meet me on the real issue—is the Soldier, is the Confessor, in mortal sin or not?—at page 4. And let him get one Bishop to indorse his opinion by name. For myself, if argument influenced my judgment on that side, authority to me would still influence it more—I mean Episcopal authority—and at present all such, *as far as I know,* is on my side.

Of course Rome could settle it at once for all, and that particular question compromises at once an enormous multitude of people, so that it is most grave and urgent.

I wish that I had used the expression, "Right of Soldiers to Holy Communion," as some persons like yourself misapprehend the other expression, forgetting that a soldier has need to get Absolution before Communion, and if he be quite innocent, as I affirm on the matter of service, he still needs the Sacraments; but if he be in mortal sin in the matter of serving in the war, or intending to serve, he could not be absolved at all without withdrawing.

When persons like Bishop —, Bishop —, Bishop —, Bishop —, Bishop —, Dr. —, Dr. —, Father —, Prof. —, and Father —, declare to me privately that my line is correct, and the opposite quite untenable, it seems to me beneficial in the extreme for those persons who are convinced that we have got entangled into a false morality to bring the question to an issue. Therefore, I really shall be glad, if you

take the case at page 4, maintain the opposite, and get the matter formally and publicly settled by authority. Should the Bishops, on further investigating the subject with fuller view of its bearings, declare me to be in error, they will remove the obstacle to my co-operating with you. *Till then* I can only agree with you so much, and admiring profoundly sympathise with the pure, noble, and unworldly motives animating a heart worthy of its intellect. With great respect, and thanking you for your short letter,

Believe me, dear Sir, very faithfully yours,

ROBERT RUDOLPH SUFFIELD.

DAVID URQUHART, Esq., TO THE REVEREND  
FATHER SUFFIELD.

Châlet des Melèzes, Haute Savoie, August 10.

SIR,—I have received a letter from you of the 25th July, in answer to one in which I entreated you to drop the consideration of what persons had done or persons had written, and to bring the case to issue on the doctrines of the Church as to what Christian men ought to do. Your reply is no reply; it avoids so much as a reference to my proposition, and consists in statements to the effect that Priests and Bishops do what we all know they do, and approve of what we all know they approve.

Yet you were the more bound to accept my terms, seeing that you had successfully interfered with that in which I was engaged, viz., to obtain adjudication. I was so engaged with the approval and sanction of your ecclesiastical superior. Your interference was effected by a statement respecting those very Canons, which you now speak of contemptuously (*"generalities which we have all known from our youth"*). That statement was not correct. I have cited in a former letter, among the means adopted by you to stop the Petition to the POPE, your having told Mr. — that "the Canon Law contained nothing in reference to the Declaration of War." If this had not been correct, you would have repudiated the very grave imputation. I therefore take it to be incontrovertible that this assertion was made by you. Now, you either knew or did not know what the Canons laid down in this respect. In either case you could not have made the statement. But such a statement, how could it work the effect obtained by it? Simply through your priestly character. Mr. — accepted your statement against mine because you were a priest; and in his judgment a priest must understand the Canon Law. You were to him an authority, and his trust in that authority led him astray on the simplest point that can

be imagined; and yet a point involving mortal sin in its erroneous acceptance.

The mind is, indeed, utterly lost in the contemplation of the spectacle here presented. That a man of education (I will not say a teacher or a priest) should be found to assert, and that even one other should be found to believe, that there could exist on earth a code of law or of religion where the conditions on which the sword can be drawn are not laid down, passes the most successful efforts of romance, or would do so, only it is attained to without an effort, because it is the condition of the age in which we live. But then it is the religious and not the political world that has so fallen. For no lawyer even yet would say that there are no conditions attached to the lawful drawing of the sword. Of these conditions the most salient is the "Declaration," and it is therefore singled out by jurists as that which "CONSTITUTES" war. "The war exists by the Declaration; all other is brigandage." (LATROCINIUM).

When St. AUGUSTINE put the case in this fashion, "In what cases is it permitted to shed blood?" he left a land mark by which to rate the march of decay. To his age the question was how, in shedding blood, can we be absolved from sin? In ours it is, how can there be sin in executing an order? That is for the religious community, but not for the legal, even yet. They may be dumb, but they are not blind; and when a case does on rare occasions come before a judge, he deals with it according to the law, whilst the Bishop and Confessor, before whom the case daily comes in discharge of their common functions, do not deal with it according to the Canons.

As I write, an English journal (the *Pall Mall Gazette*, of August 4) reaches me, and my eye being attracted by a marked passage, I read these lines under the heading of "Military Duties in Ireland":—

"At the Wexford Assizes, in 1831, Sir WILLIAM COX, a grand juror, asked Chief Justice BUSHE, 'If a military body be called out, and if the commander give the order to fire, are those acting under his command exempt from the consequences?' 'My opinion,' replied his lordship, 'is that no subject of the king is bound to obey an illegal order, and if an officer give an illegal order, those who obey him are not in my opinion exempt.' 'Then, my lord,' asked another juror, 'is the soldier to be the judge for himself on the case whether he is to obey the order or not?' The Chief Justice answered, 'I suppose so.'"

The writer, not understanding the law, has written what is unintelligible. He would have made it intelligible had he understood that the order referred to was illegal, because the Riot Act