AMERICAN CATHOLIC RELIGIOUS THOUGHT

edited by
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John England

JOHN ENGLAND: CATHOLIC CONSTITUTIONALISM

John England (1786-1842), first Catholic Bishop of Charleston, South Carolina (1820-1842), was the most articulate and dynamic Catholic representative of the Enlightenment in the United States during the twenty-two years of his episcopate. Like Archbishop John Carroll of Baltimore, he advocated religious liberty, separation of church and state, voluntaryism, and American republicanism. Unlike Carroll, he believed that the best way to destroy prejudice against Catholics in America was to demonstrate publicly and to argue articulately in the press and pulpit the compatibility of Catholicism and American republicanism.

England was born in Cork, Ireland, to Thomas and Honora Lordan England. He studied at St. Patrick’s College, Carlow, Ireland (1803-08) in preparation for the priesthood. After ordination in 1808, he served in various pastoral capacities in the cities of Cork and Bandon (1808-1820), and took an active role in the anti-veto resistance movement led by Daniel O’Connell (1775-1847). Influenced by the Enlightenment writings of Rev. Arthur O’Leary (1729-1802), he became a forceful advocate of religious and civil liberty in Ireland, editing the Cork Mercantile Chronicle (1813-16), an organ of anti-vetoism. In 1820, Irish clerics in Rome nominated England for the newly-established Diocese of Charleston, South Carolina. From 1820 to 1842, he served as Bishop of Charleston, establishing the first Catholic newspaper, the United States Catholic Miscellany, demanding a conciliatory form of episcopal government, in the United States, modeling his diocesan government after the Federal Constitution and the convention system of the Protestant Episcopal Church, and becoming the foremost apologist for American Catholicism.

The following selection is a constitution that England framed to eliminate excessive lay control over ecclesiastical affairs, to outline the governo
ing powers within his diocese and to show the compatibility of Catholic Church government with American republicanism. The written constitution was a governing instrument that met the demands of canon law and the aspirations of England’s democratic-minded people. It was a legally binding document, approved in the state legislatures, that created a voluntary corporation within the Diocese of Charleston and that outlined various rights and responsibilities in the church, balanced the powers of all members within the ecclesiastical government of the diocese, provided for lay participation in the administration of temporal ecclesiastical affairs at the parish and diocesan levels, and delineated rules for a yearly diocesan convention of elected lay and clerical representatives of the diocese.

NOTES

1. Periodically, from 1808 to 1816, a number of Irish and English politicians (Catholics as well as Protestants) tried to obtain for the British Government the right to veto the nominations to Irish and English episcopal sees. In exchange for the veto, the Catholics were to obtain emancipation and financial support for their church. Anti-vetoists resisted such attempts on the grounds that such a proposal would, among other things, unite church and state.


TEXT


... The constitution of this diocese was formed, for the purpose of presenting in future the recurrences of evils of this description (i.e., quorom) within its limits.

The portions of our church government are very like to those of the government of this Union. The entire consists of dioceses, the bishop of each of which holds his place, not as the deputy of the Pope, but as a successor to the Apostles, as the governor of each state holds his place not as the deputy of the President, but as vested therewith by the same power which vests the President with his own authority. And as all the states are bound together in one federation, of the which the President is the head, so are the dioceses collected into one church, of which the Pope is the head. Each state has power to make its own laws, provided they do not con- vene the general Constitution of the United States; so in each diocese there exists, the power of legislation, provided the statutes made therein be not incompatible with the faith or general discipline of the Catholic Church. The legislature of the Union is collected from all the states, and the decisions of the majority bind the individuals and the states which they represent; the general legislative body of the church is a council composed of the representatives of each diocese, and the decision of the majority binds the members and their dioceses; it is the duty of the President to have the laws of the Union executed in every state, as it is the duty of the Pope to have the general laws of the church executed in every diocese. The bishop is also bound to have them carried into execution within his own diocese, and he has power, and it is his duty to make such special regulations and laws as circumstances may render necessary for their more efficient observance, and for the spiritual benefit of his own diocese. As our states are subdivided, so are our dioceses: and as the laws of Congress and those of the state are binding in each subdivision, so are the general laws of the church and the laws of the diocesan in each parish or district of the same; but in each subdivision, special regulations are made, each corporate city, town, or district, has its own by-laws, which would be invalid if incompatible with the laws of Congress or those of the states, otherwise they are of force; so in each parish or district by-laws which are incompatible with the general law of the church or the law of the diocese, are invalid.

With this general view, the frame of the following Constitution will be the more easily understood. The object of its formation was to lay down those general principles of law, and to show their special bearing in the most usual cases; and then upon the mode of raising, vesting, and managing church property, to fix the special manner in which the great principles
that are recognized by the church should be carried into practice. This was done by consultation, discussion, and arrangement between the bishop, the clergy, and the laity, in several meetings in the several districts; and the outline of the entire, together with some of the most important of its special provisions, was laid before the Holy See, after it had been adopted, on the 25th of September, 1822. No objection having been received from that quarter, and its provisions having been more maturely examined, and tested by some experience, it is now published for the use of the members.

CONSTITUTION OF THE ROMAN CATHOLIC CHURCH,
OF THE DIOCESE OF CHARLESTON.

TITLE I.

DOCTRINE.

1. Our principle is that man is bound to believe all those things, and only those things which God hath revealed. Hence we have no right to select some of those doctrines which we will believe, and others which we may reject, for the divine authority and credit is equal as to each; therefore we admit no distinction between the doctrines of revelation, so as to call some fundamental, which should be received in preference to others to be called not fundamental, as if they may be rejected; for we believe no person is at liberty to reject the testimony of God in great things or in small things.

2. We are not to reject doctrines revealed by God, because they exhibit to us matters beyond the force of our reason to discover. For the unlimited knowledge of God comprehends many things beyond the discovery of our limited reason,—and he may, if he thinks proper, reveal to us that such things do exist, though he should not manifest to us the manner of that existence, nor the reason why those things so be.

3. Faith is the belief upon the authority of God, of all those matters which he hath revealed to us, even though they should be above or beyond the comprehension of our reason.

4. Although we be not obliged by faith to submit our understanding to our fellow-creature, as to God; yet we may have evidence, and of course confess, that God hath made that creature his infallible witness to us. In receiving the testimony of that witness, we therefore pay our homage, not to our fellow-creature who testifies, but to the Creator, who, by that witness, reveals to us his doctrines, or gives to us his precepts.

5. We have evidence that God hath spoken frequently, in divers ways in times of old, by his prophets to the fathers, and last of all by his beloved Son, who hath on earth established his church as the pillar and the ground of truth; and who hath commanded all persons to hear and to obey that church as the infallible witness of his doctrine and precepts; which church he hath built upon a rock, making to her a promise that the gates of hell shall not prevail against her.

6. We have evidence that, notwithstanding many persons have in several ages gone out from this church, and formed for themselves new associations, yet that Church of Christ hath subsisted in every age, and still continues to be a visible body of believers, united under one visible head in the profession of the same faith, using the same sacraments, teaching doctrines of moral and religious observance which are confessedly holy and which, being reduced to practice, have exhibited, at all times, men and women of eminent sanctity in the bosom of that society spread through the whole civilized world, and tracing its origin through the unbroken succession of its pastors, to the Apostles who were commissioned by the Son of God to teach all nations; and with whom and with whose successors he promised to be, all days, to the consummation of the world.

7. From this church we receive the testimony of the doctrines and precepts which God hath revealed; to which doctrines no man may add, from which doctrines no man may take away; and which precepts by the divine authority are binding upon those to whom they are given.

8. We therefore believe with a firm faith, and profess all and every one of those things which are contained in that creed which the holy Catholic (Roman) Church maketh use of, to wit: we believe in one God, the Father Almighty, maker of heaven and earth, of all things visible and invisible. And in one Lord Jesus Christ, the only begotten Son of God, and born of the Father before all ages. God of God; light of light; true God of true God; begotten, not made; consubstantial to the Father, by whom all things were made. Who for us men, and for our salvation, came down from heaven, and was incarnate by the Holy Ghost of the Virgin Mary; and was made man. Was crucified also for us under Pontius Pilate; he suffered and was buried; and the third day he arose again according to the Scriptures. He ascended into heaven; sitteth at the right hand of the Father, and is come again with glory to judge the living and the dead; of whose kingdom there shall be no end. And in the Holy Ghost, the Lord and giver of life; who proceedeth from the Father and the Son, who, together with the Father and the Son, is adored and glorified, who spoke by the Prophets. And we believe one, holy, Catholic and Apostolic Church. We confess one baptism for the remission of sins; and we expect the resurrection of the dead and the life of the world to come. Amen.

We most steadfastly admit and embrace apostolical and ecclesiastical traditions, and all other observances and constitutions of the church.
We also admit the holy Scriptures according to that sense which our holy mother, the church, hath held and doth hold, to which it belongs to judge of the true sense and interpretation of the Scriptures; neither shall we ever take and interpret them otherwise than according to the unanimous consent of the fathers.

We also profess that there are truly and properly Seven Sacraments of the new law instituted by our Lord Jesus Christ, and necessary for the salvation of mankind, though not all for every one: to wit, Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Order, and Matrimony; and that they confer grace: and that of these, Baptism, Confirmation, and Order cannot be reiterated without sacrilege. We also receive and admit the received and approved ceremonies of the Catholic Church in the solemn administration of all the aforesaid Sacraments.

We receive and embrace all and every one of those things which have been defined and declared in the holy Council of Trent concerning original sin, and justification.

We profess, likewise, that there is offered to God in the Mass a true, proper, and propitiatory sacrifice for the living and the dead. And that in the most holy Sacrament of the Eucharist there is truly, really, and substantially, the body and blood, together with the soul and divinity, of our Lord Jesus Christ; and that there is made a conversion of the whole substance of the bread into the body, and of the whole substance of the wine into the blood,—which conversion the Catholic Church calls Transubstantiation. We also confess that, under either kind alone, Christ is received whole and entire, a true Sacrament.

We constantly hold that there is a Purgatory, and that the souls therein detained are helped by the sufferings of the faithful. Likewise, that the saints reigning together with Christ are to be honoured and invoked: and that they offer prayers to God for us, and that their relics are to be respected.

We most firmly assert that the images of Christ, of the Mother of God, ever Virgin, and also of other saints, may be had and retained, and that due honour and veneration is to be given to them.

We also affirm that the power of indulgences was left by Christ in the church, and that the use of them is most wholesome to Christian people.

We also acknowledge the holy Catholic Apostolic Roman Church for the mother and mistress of all other churches; and we promise true obedience to the Bishop of Rome, successor to St. Peter, prince of the Apostles and Vicar of Jesus Christ.

We likewise undoubtedly receive and profess all other things delivered, defined, and declared by the sacred canons and general councils, and particularly by the holy Council of Trent. And we condemn, reject, and anathematize all things contrary thereto, and all heresies whatsoever condemned, rejected and anathematized by the church.

This true catholic faith, without which none can be saved, * we do at this present, freely profess and sincerely hold, and we promise most constantly to retain and confess the same entire and unviolate, with God's holy assistance, to the end of our lives.

TITLE II.
GOVERNMENT.
SECTION I.

The Church of Christ, on earth, of which we have treat, is the visible body of true believers under its proper government. (See Tit. I. c. 6.)
1. The government of the church is not of human invention, nor established by the agreement of men; but it is the positive institution of God, and is subject only to the administration of those persons whom he hath commissioned to regulate and carry it on.
2. It is not in the power of men by any convention or law, or act of authority, or of force, to change the nature of that government which our Lord Jesus Christ hath established for his church.
3. We do not believe that our Lord Jesus Christ gave to the civil or temporal governments of states, empires, kingdoms, or nations, any authority in or over spiritual or ecclesiastical concerns.
4. We do not believe that our Lord Jesus Christ gave to the rulers of his church, as such, any authority in or over the civil or temporal concerns of states, empires, kingdoms, or nations.
5. We do not believe that our Lord Jesus Christ hath appointed any special or particular mode of civil or temporal government for mankind, so that men should be bound by the divine law to adopt or to prefer one mode of civil or temporal government to any other.
6. We believe that as Church government and temporal government

*The following declaration of the bishops of the Irish Church gives the exact meaning of this too often misrepresented tenet of exclusive salvation. John, Bp. of Ch.

"Catholics hold, that, in order to attain salvation, it is necessary to belong to the true church, and that heresy, or a wilful and obstinate opposition to revealed truth, as taught in the Church of Christ, excludes from the kingdom of God. They are not, however, obliged to believe, that all those are wilfully and obstinately attached to error, who, having been solicited into it by others, or who, having imbibed it from their parents, seek the truth with a cautious solicitude, disposed to embrace it when sufficiently proposed to them; but leaving such persons to the righteous judgment of a merciful God, they feel themselves bound to discharge towards them, as well as towards all mankind, the duties of charity and a social life."
are not necessarily united the one to the other, nor dependent the one upon the other; the one unchangeable mode of Church government may therefore continue for ever to subsist, as it hath, during all ages of Christianity, subsisted, in the several nations which have had different modes of temporal government; and that the several members of that one Church may still continue in their respective nations, as they have hitherto been, faithful and meritorious citizens of republics, and loyal subjects of limited or of absolute monarchs. Nor does, therefore, the difference of temporal government in their several nations require or make lawful any change in Church government, so as to assimilate the same to the temporal governments of those several nations.

7. We do not believe that our Lord Jesus Christ gave to the faithful at large the government of the Church, nor any power to regulate spiritual or ecclesiastical concerns; neither do we believe that he gave to the laity nor to any part of the laity, such government nor such power, nor any portion of such government or of such power.

8. We believe that our Lord Jesus Christ hath appointed his Apostles the governors of his Church; to be witnesses of his doctrine in Jerusalem and all Judea, and Samaria, and to the very ends of the earth; his ministers the dispensers of the mysteries of God, the Sacraments instituted by our blessed Redeemer; and bishops placed by the Holy Ghost to govern the Church of God, by establishing and preserving wholesome discipline therein.

9. We believe that for the purpose of preserving his Church in unity and in that peace which the world could not give, and of making it one as he and his heavenly Father are one, the Saviour Jesus Christ did establish one chief ruler amongst his Apostles, with a primacy of honour and of jurisdiction to which supreme ruler every member of the Church ought to pay the reverence and the obedience justly due to a person placed by the divine authority in so eminent a station.

10. We believe that this supremacy in and over the universal church was promised by our blessed Redeemer to Simon the son of Jonas, when the Saviour changed the name of that Apostle to Peter, and that it was conferred upon him principally when our blessed Lord told him that he had prayed for him that his faith should not fail, and exhorted him when he should be converted, to confirm his brethren; and again, when after his resurrection the Saviour having required from him a declaration of greater love, gave to him more extensive authority; to feed his lambs and to feed his sheep: we behold in his subsequent acts evidence of his exercise of this power, and the same doctrine is testified to us by the Church.

11. We are taught, and do believe that this office of supreme ruler was ordained by our Lord Jesus Christ to remain in the Church during its existence: and we find undoubted evidence that St. Peter, the chief Apostle, did finally establish his seat of authority in the city of Rome, near to which he and the Apostle St. Paul were put to death, and that the power with which he was invested by our blessed Redeemer was thus caused to descend to the Bishops of that holy See.

12. We also find that the Christian Churches from the beginning did receive and hold this doctrine of the supremacy of one see, and did recognize and acknowledge the fact, that it was vested in the Bishops of Rome, who have at all times by divine appointment exercised the power thereof, and to which power those churches that did continue in the primitive communion have at all times willingly submitted.

13. We therefore acknowledge the primacy of honour and of spiritual jurisdiction throughout the whole world to be, of divine right, in the Pope or Bishop of Rome, duly and properly appointed; and we pay to him the reverence and the obedience justly due to his eminent station, and we feel it necessary to adhere to his communion and to be subject to his spiritual and ecclesiastical authority.

14. We are not required by our faith to believe that the Pope is infallible. Nor do we believe that he is impeccable; for it is not a consequence of his being vested with great authority that he should be exempt from the frailties of human nature; but we do not believe that his authority would be diminished, nor the institutions of our blessed Saviour destroyed, even if the Pope were to be guilty of criminal actions.

15. We do not believe that by virtue of this spiritual or ecclesiastical authority, the Pope hath any power or right to interfere with the allegiance that we owe to our state, nor to interfere in or with the concerns of the civil policy or the temporal government thereof, or of the United States of America.

16. We believe and acknowledge the majority of the bishops of the church, who are the successors of the apostles, in union with their head aforesaid, to be an ecclesiastical tribunal appointed by our Lord Jesus Christ to decide by his authority, with infallible certainty of truth, in all controversies of doctrine, and to testify truly to us those things which have been revealed by God to man. We also recognize and acknowledge in that same tribunal full power and authority, by the same divine institution, to regulate and to ordain the general ecclesiastical discipline of the whole Church of Christ.

17. We believe and acknowledge that in the several dioceses, bishops are placed by the Holy Ghost to govern the Church of God. And we acknowledge the bishop regularly appointed, according to the usages of the church, and in due time consecrated according to the form of the same, and holding communion with the Pope, to be the ordinary lawful governor.
and ecclesiastical legislator of the church of this diocese: to whom we are bound to pay reverence and obedience in all spiritual and ecclesiastical concerns, according to the divine institution and the canons and usages of the church.

18. During the absence of the bishop, we acknowledge the power of governing the church of this diocese in conjunction with him, to be in the vicar whom he may appoint. And even when the bishop may be present, we acknowledge the vicar appointed by him to be vested with such spiritual and ecclesiastical authority as the bishop may specify, and that such vicar is to be respected and obeyed accordingly.

19. During the vacancy of the see, we acknowledge the power of governing the church of this diocese to be in the vicar who may be regularly appointed by the proper ecclesiastical authority; and that such vicar is to be respected and obeyed accordingly.

20. We acknowledge the priests of the church to be, in subordination to the bishop, the preachers of the doctrine of Christ, the ministers of the sacraments, and, when duly appointed, the local rulers of ecclesiastical districts, and that they ought to be respected and obeyed accordingly.

21. As in the church there are other orders of clergy, who may occasionally receive from the bishop authority to perform those duties of which they are capable; we acknowledge the existence of the orders of deacon and sub-deacon and minor clerks. And according to divine and apostolical institutions, canons, and ancient usages, we will yield due obedience to the authority with which they may be invested, and we will respect themselves, their orders and their offices.

22. As our religion was not invented by men, but revealed by God, and as the government of the church was not framed by human convention, nor by human authority, but by the institution and by the authority of our Lord Jesus Christ; we acknowledge its source to be divine; we therefore disavow and disdain any right or power, under any pretext, in the laity to subject the ministry of the church to their control, or to interfere in the regulation of its sacred duties, this being the exclusive province of those persons whom the Holy Ghost hath placed bishops to govern the Church of God.

[Ed. Title III of this constitution delineates the ownership, collection and distribution of property. Title IV outlines the qualifications for membership within the corporation created by the constitution. Only baptized males who were twenty-one years of age, were free from ecclesiastical censures and who had assented to the constitution were considered qualified members of this voluntary corporation.]
7. No person elected to serve upon the vestry can, during the year of his office, be removed therefrom, except by 1. His voluntary resignation. 2. His refusal or neglect during one month to qualify; or 3. His loss of membership.

8. Should there be a vacancy in the vestry by reason of death, removal from the district, or either of the causes in the foregoing clause, the same shall as soon as possible be filled up by an election to be held for that special purpose after a public notice of at least one week from the clergyman.

9. When the clergyman is present, the elections shall be conducted under his regulations; in his absence, they will be conducted by the secretary and the wardens then in office.

Each separate church thus formed shall have power to make by-laws for its own special regulation in the following manner, provided they be not inconsistent with this constitution: 1. Such by-law must be an act of the clergyman. 2. It must be confirmed by a majority of the members of the church, who may be present, at a public meeting to be held for that special purpose, after at least one week's sufficient notice; and 3. It must be approved of by the bishop or vicar. And no by-law of any separate church shall be altered or repealed, except in the same manner as a new by-law might be made.

SECTION II.

Mode of proceeding, power and duty of the vestry.

1. In the meetings of the vestry, the principal clergyman who may be present is to be president; and in order to proceed to business, the presence of one clergyman and of three laymen shall be necessary. But if there be no clergyman resident in the district, the laymen may proceed to business, and procure the subsequent confirmation of their acts by the proper clergyman.

2. For the validity of an act of vestry there will be required the assent of a majority of the lay members who may be present, and of the proper clergyman—or in case of the refusal of the clergyman, the assent of the bishop or of the vicar.

3. But in making contracts or agreements for the performance of any work or duty which shall have been directed by an act of vestry, and in all elections and appointments to be made by the vestry, no clergyman shall have a negative power, but shall only possess his right of precedence and his right of vote.

4. At all meetings of the vestry, the president, or, in his absence from the district, the layman who may take the chair, shall, in case of an equality of votes, have a second or casting vote, so as to enable the meeting to decide. But it is strongly recommended that all things be done in peace, harmony, and good will; and in any cases of importance, or where the feelings of opposed parties appear to be deeply interested, it would be better that an adjournment should take place, to afford time for calmness and reflection, than that a hasty decision should be made, and jealousy and ill-will be excited.

5. When the vestry assembles without the clergyman, the chair shall be taken by one of the wardens, according to the precedence of the name upon the entry of their appointment; and if the wardens be absent, by that vestryman whose name stands first upon the list of their appointment.

6. It shall be the duty of the vestry to exert themselves to procure for the bishop and the clergyman of their own district decent and comfortable support; to have the church and other buildings kept in good order and repair, and to provide all the necessaries therefor, according to the means which they shall be able to procure; to provide and to keep in order a burial ground for the interment of members in the communion of the church according to the canons of the same; and to see that the church property intrusted to their care be well preserved and improved, and faithfully administered.

7. The vestry have the right of electing the organist, the clerk, the sexton, and the other lay-officers or servants of the church; also they have the appointment of their own secretary and treasurer; and of the church wardens of their district, and of the collector of the general fund within the same. The church wardens shall be chosen from amongst the lay-members of the vestry. The treasurer, the secretary, and the collector for the general fund may be chosen by the vestry either from amongst their own body, or from the other members of the church.

8. The bishop or the clergyman of the district has a right and power, whenever he may see a cause to suspend the organist, the clerk, the sexton, or any other lay-officer or servant of the church. But the church warden, the secretary, or treasurer of the vestry, or the collector for the general fund, are only removable by an act of vestry. Any officer or servant so removed or suspended is ineligible to the same or to any other office or place of the church for one year, unless with the written consent of the bishop or of the clergyman of the district.

9. The vestry shall every year make a fair and correct statement of their accounts and of the situation of the church before the congregation and another such statement before the bishop previous to the first Sunday in January. And they shall also furnish and exhibit their accounts at any other time to the bishop, and to the congregation when called upon by either of them to do so.

10. Should the vestry of the district be displeased with the conduct or
property of the church; except the sacred vessels and vestments, of which the clergyman shall have charge, and for which he shall be accountable to the proper ecclesiastical persons; to pay, as far as the funds in his hands will allow, all orders of the vestry signed by the secretary and approved by the proper clergyman; to render an exact and fair statement of all his accounts on the first day of January in each year to the bishop, and another to the vestry at the same time, and also to the bishop and to the vestry when so required by either of them.

3. The duty of the church wardens shall be, to superintend the execution of any work ordered or contracted for by the vestry; to preserve in decency and repair the buildings and other property of the church; to aid the clergyman in preserving order and decency in the church, to remove therefrom all disturbers or nuisances.

TITLE VI.
THE CONVENTION.
SECTION I.
Composition, and mode of assembling.
1. There shall be held yearly in some convenient part of the diocese, to be designated by the bishop or vicar, and at the time by him appointed, a
convention of this church, which shall consist of the following portions, which shall hold their sessions separately, viz.:
1. The bishop, or in his absence the vicar.
2. The clergy having spiritual jurisdiction in the diocese and not claiming any exemption from the bishop's ordinary jurisdiction, nor any special privileges except such as may arise from the special act of the bishop, or from statutes of the diocese.
3. The lay-delegates from the districts of the diocese.
2. The bishop, or in his absence, the vicar, will give at least two months' public notice of the time and place of holding the convention, as well by one or more public advertisements in the newspapers, as also by special letter to each clergyman who is entitled to a seat; the clergymen shall also publish the same to their respective flocks.
3. Upon the creation of a new district the bishop will specify how many lay delegates shall be elected therefrom to the next convention, which number shall be elected and admitted accordingly.
4. The delegates of the laity to the convention from each district shall be men having the qualifications which, in that district, are required for members of the vestry, and they shall be chosen by the voters of that district, upon due notice to be given by the vestry of the time and place for
holding the election, within six weeks preceding the day for holding the
convention, the election to be conducted in the same manner as that for
electing the vestry.

5. The districts of the dioeess shall be ranked from time to time by the
house of lay delegates according to the Catholic population, as of the first,
second, and third rank; districts of the first rank shall, during their being
so classed, send four delegates to the convention; districts of the second
rank, two delegates; and districts of the third rank, one delegate; and
each district will contribute its proportion to defray the expense of the
Convention.

The bishop or vicar will judge of the qualifications of the clergy; the
house of lay delegates will judge of the qualifications of its own members.

SECTION II.

Order of proceeding.

1. The clergyman highest in dignity, and if there be no precedence in
dignity, the clergyman senior in ordination shall be president of the house
of the clergy.

2. The house of the laity will choose its own president.

3. Each house shall appoint its own officers and servants, and regulate
the internal order of its own proceedings.

4. When a majority of both houses shall have met, and the presidents
have been ascertained, they will inform the bishop of the same, and he will
appoint the time when the convention will be opened.

5. The convention will be opened with a solemn mass, at which it is
recommended that the members of each house do go to communio. At
this mass there will be a sermon, and if the bishop shall think proper to add
a charge or exhortation. Before the blessing, the presidents of both houses
shall, standing in presence of the bishop, hear and sign the proper declaration
and promise, after which each president will read or cause to be read
for the members of his house the same declaration and promise, which
each member shall subscribe.

6. After mass each house shall meet apart for business, and the bishop
will cause to be laid before them the treasurer’s account, the report of the
general trustees, and any other documents and communications which
may be necessary.

7. Neither house shall adjourn, except from one period to another of
the same day, or from day to day, before the third day of business, unless
with the consent of the bishop. And after the dissolution of the convention,
neither house shall meet, except it be specially convened for some particu-
lar purpose by the bishop or vicar.

SECTION III.

Powers.

1. The convention has no power or authority to interfere respecting
any of the following subjects, viz.:
   1. The doctrine of the church.
   2. The discipline of the church.
   3. The administration of sacraments.
   4. The ceremonies of the church.
   5. Spiritual jurisdiction.
   7. Ordinations.
   8. The superintendence of the clergy.

2. The convention is not to be considered as a portion of the ecclesi-
stical government of the church; but the two houses are to be consid-
ered rather as a body of sage, prudent, and religious counsellors to aid the
propececclesiastical governor of the church in the discharge of his duty, by
their advice and exertions in obtaining and applying the necessary pecu-
nary means to those purposes which will be most beneficial, and in super-
intending the several persons who have charge thereof; to see that the
money be honestly and beneficially expended, wherefore the convention
has the following powers, viz.:
   1. To dispose of the general fund of the church in the way that it
may deem most advantageous.
   2. To examine into, and to control the expenditures made by its
own order or by that of a former convention.
   3. To examine into, regulate and control, with the exception of
their spiritual concerns, all establishments of its own creation; or
which being otherwise created may be regularly subjected to its
control.
   4. To appoint the lay-officers and servants of such establish-
ments.
   5. The house of the clergy has power to examine into the ecclesi-
astical concerns of such establishments, and to make its private
report thereon to the bishop or vicar, together with its opinion and
advice, but such report of advice shall not be published in any other way, without the consent of the bishop or vicar first had and obtained in writing under his hand and seal.

3. In those cases where the convention has no authority to act, should either house feel itself called upon by any peculiar circumstances to submit advice, or to present a request to the bishop, he will bestow upon the same the best consideration at the earliest opportunity; and as far as his conscientious obligations will permit, and the welfare of the church will allow, and the honour and glory of Almighty God, in his judgment require, he will endeavour to follow such advice or to agree to such request.

4. No act shall be considered a valid act of the convention except it shall have been passed by a majority of the clergy and by a majority of the house of the laity, and been assented to by the bishop or vicar.

5. In all elections to trust, or places or offices, the decision will be made by a majority of the clergy and laity voting conjointly, and their choice assented to by the bishop, except when in any instance a different mode of election shall have been specially provided for.

TITLE VII.
AMENDMENT OF CONSTITUTION.
SECTION I.

What parts may not be altered.

1. There are parts of this Constitution which are of the doctrine of the Holy Roman Catholic and Apostolic Church—of course they are part of the revelation of God; they are unchangeable, for we have no power to add to the revelation of God, nor to take from it. Those parts may be known by the decision of the bishop, or in case of an appeal from his decision, by the testimony and decision of the See of Rome; which decision shall be final and conclusive.

2. There are parts of this Constitution which are matter of divine institution; they are unchangeable; for no human power has authority to change the institutions of God. Those parts which are of divine institution may be known in the same manner as those parts which are of doctrine.

3. There are parts of this Constitution which are of the general discipline of the Holy Roman Catholic and Apostolic Church; those parts, so far as regards our power are unchangeable; because the Church of the diocese of Charleston, being only a very small portion of the Universal Church, is bound by the general laws of the same, and hath not authority to alter the enactments of the supreme legislature of that body, of which it is so small a particle: neither hath it power to withdraw itself from the observance of the general discipline of the Universal Church, without thereby separating from its communion, and thus incurring the guilt of schism. Those parts which are of such general discipline may be known in the same manner as those which are of doctrine, or those parts which are of divine institution.

SECTION II.

What part the Bishop may change.

1. There are parts of this Constitution which are parts of the special ecclesiastical discipline of the diocese of Charleston, and which are enacted by the bishop, who by divine institution is the proper and competent ecclesiastical legislator thereof: those parts are distinguished from the former as they relate only to this diocese, and from the parts recited in Sect. III., and may be known by the bishop's testimony and decision, which in that case is final and conclusive.

2. Those parts of this Constitution which are of the special ecclesiastical discipline of the diocese of Charleston, may be altered and amended as he may see cause; especially after he shall have advised with the diocesan synod thereupon, according to the canons and usages of the church; but such consultation, though useful, is not essential.

3. But the said special discipline of the diocese of Charleston, and its alterations and amendments, must be not in opposition to, but in conformity with the doctrine and general discipline of the church, and the divine institutions; upon all which matters, in case of doubt, or of appeal, the supreme See of Rome is to judge and determine; and such judgment and determination shall be final and conclusive.

SECTION III.

What parts may be amended by the Convention, and how.

1. The parts of this Constitution, which regard the collection and regulation of property, the appointment of trustees, and lay officers, and servants; the qualifications for lay delegates, and vestrymen, and voters; and generally all the parts thereof which are not of, or belonging to the divine institution, or the doctrine or general discipline of the church, or the special diocese of Charleston, may be altered and amended in the following manner only, viz.:

1. A copy of the proposed alteration, addition, or amendment shall be laid before the bishop with a request to know whether the
same is compatible with the doctrine and the general discipline of the church, and with the special discipline of this diocese, and with the divine institutions.

2. Should the bishop answer that he judges such alterations, &c., to be so compatible, the said propositions, in the same words in which they shall have been returned by the bishop, shall be submitted to the two houses of the convention, and if a majority of each house should concur in their support, they shall be submitted to the bishop for his approbation.

3. Should the bishop approve the alterations so concurred in, he will send copies thereof to the several vestries of the diocese, who will, as soon as may be, signify their assent or dissent to the bishop.

4. Should two thirds in number of the vestries approve of the propositions so sent to them, and the bishop continue of the same judgment as before, he will at the next convention signify the same to both houses, and the said proposed alterations, or additions, or amendments shall then be finally submitted to the decision of those houses, and should a majority in each house be in favour of the same, they shall then be part of this Constitution.

2. But should a majority of both houses differ from the bishop respecting the nature of the said proposed alterations, as to their compatibility with the doctrine and general discipline of the church, or the divine institutions, they may of course appeal from his judgment to the See of Rome, but pending the appeal they must conform to his judgment.

3. And should the judgment of the bishop be set aside upon such appeal, he shall not thereby lose his power of assent or dissent which he possesses as one branch of the convention.

A SELECTED BIBLIOGRAPHY

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