

5 — ED. 108 b-1

REMARKS

OF

Mr. GEORGE BLISS,

BEFORE THE

Joint Committees on Education, Taxation,
Charities and Legislative Powers
of the Constitutional
Convention,

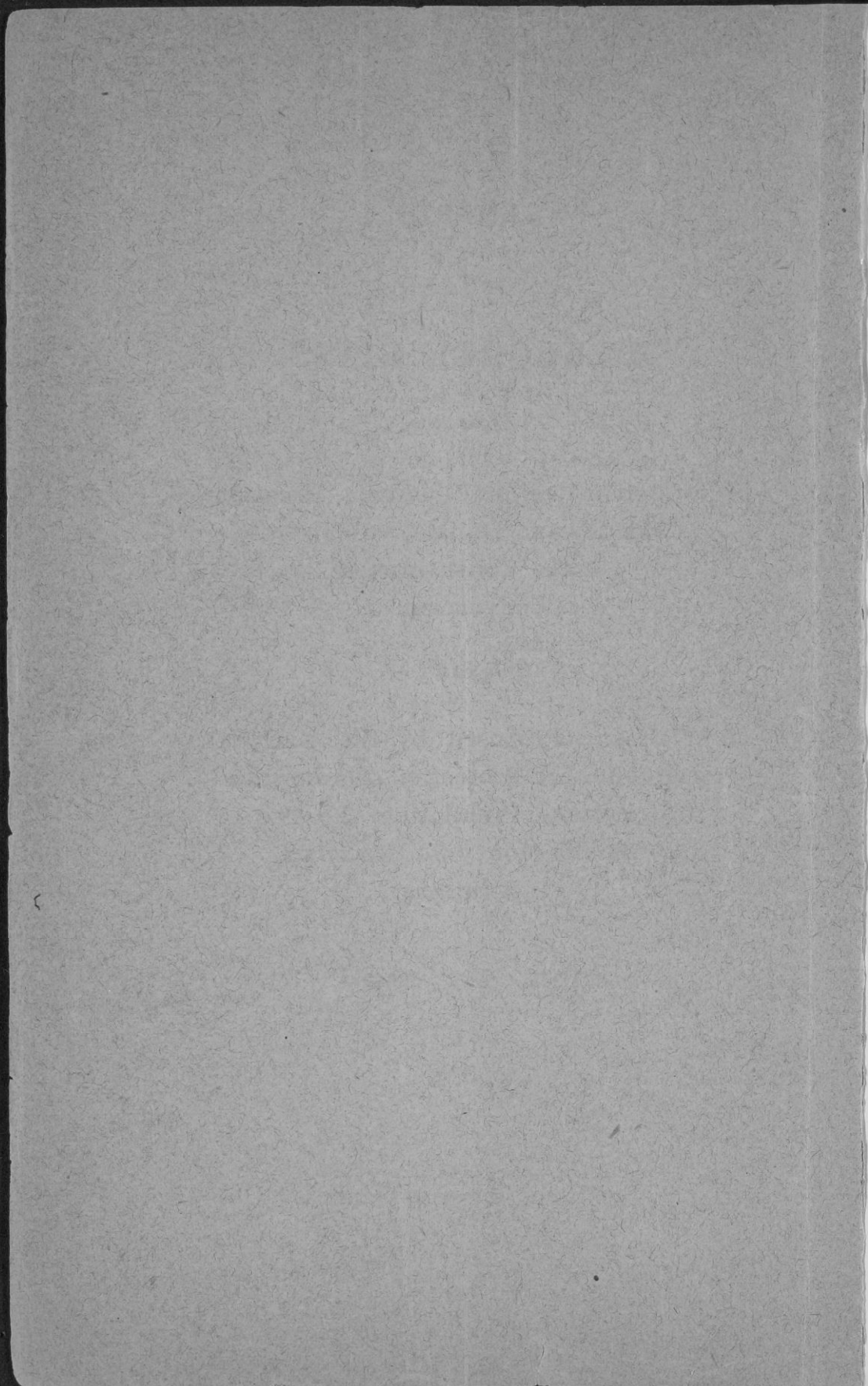
ON THE

Amendment Proposed by the National
League for the Protection of American
Institutions Prohibiting the Use
of Public Money for Sectarian
Institutions,

JUNE 26, 1894.

NEW YORK:

C. G. Burgoyne, Cor. Walker and Centre Sts.
1894.



AEP6719

Rev. P. J. PRENDERGAST, D. D.
Church of the Epiphany, N. Y.

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For want of time, the extracts from the utterances of others were not all read during the delivery of the address, but only referred to. To a limited extent other remarks here printed were passed over.

MR. BLISS : I am here, Mr. Chairman and gentlemen, as a Catholic—a Catholic, not merely because I adhere to the faith in which I was brought up whose doctrines I have accepted simply because they came to me by inheritance, but because I became a Catholic after study and thought, for the reason that it seemed to me the true church. I am, therefore, here gladly to speak, not in behalf of that church, but of some of its charitable organizations. One gentleman, I think now present in this hall, said to me the other day when it was announced that I was to make some remarks here, “Bliss, as a Republican you have taken a pretty big load to talk for the Catholic Church.” I told him that I had no commission to speak for that church, that that church was not on trial before these committees or this Convention, but that I was commissioned to speak for certain Catholic institutions and charitable societies. I added that, as an active Republican, I could say to him that I believed that what I should say would meet the approval of ninety-nine per cent. at least of the Catholics of the State, including the between seventy thousand and eighty thousand Republican Catholic voters whom our statistics show us to exist in this State (applause). I speak for those institutions, and I do not speak for any other body or schools.

I desire to say that, as Bishop Doane stated, I recognize that there are involved in this amendment two distinct questions, that of the schools and that of the institutions, and that the arguments with reference to these differ greatly. As it seems to me, Mr. King and Mr. Morgan were utterly unable to perceive that there was any distinction between the questions, or, if they perceived it, chose



to mix it up with their talk of Church and State, and the danger to our institutions and everything of that sort.

I have a few words to say at the risk of being counted among those of whom Mr. Coudert repeated the description coming from the lips of Mr. King. Mr. King says: "The introduction of sectarian institutions in the matter of public support of schools and charities, is a constant, growing element of danger." He says the amendment is objected to only by three classes, "the egotistic ignorant, the cowardly compromising, the time-serving politicians"; "the consensus of intelligent, benevolent and patriotic sentiment is in favor of this amendment"; that "the thoughtful people without partisanship are asking for it." At the risk of being assumed to possess all the undesirable qualities which Mr. King enumerates, I come to speak against the amendment.

As to the schools, I do not care what action you take in this Convention with reference to an amendment bearing upon the common schools. Mr. Coudert has very largely anticipated what I had taken the pains, so that I might not be misunderstood, to write down, but I will take the liberty of reading it so that there may be no mistake about it. I recognize that public opinion believes in using funds raised by taxation exclusively for the public schools, and that, though those schools, as now conducted, do not meet the requirements which Catholics deem essential to education, it is useless to oppose public opinion as it now exists. By and by—probably not within my generation—public opinion, I believe, will take a different view. How soon that may be, no one of us can tell. It may be sooner than we think. Ten or twelve years ago I was in Salt Lake City; I was devoting some time to the investigation of the Mormons; I met in the horse car a gentleman who, probably recognizing me as from the East, said, "From the East?" "Yes." "Interested in Mormonism?" "I am looking into the question a little." He said: "I hope you appreciate our position here." Said

I: "What do you mean?" Said he: "I am an Episcopalian. I am," I think he said, "the minister of the leading Episcopal Church here, and will you believe it, we have to pay taxes to support the Mormon schools; we don't dare to send our children into those schools; and then we have to pay for the support of our own schools besides." That is to a certain extent the condition that the Catholics regard themselves in as to the common schools. In Utah that system has passed away. How soon it will pass away here, we cannot say.

I desire to emphasize what I have said by reading to you an extract from a letter addressed to me by one of the highest dignitaries in the Catholic Church in this State, in which he says:

"We are not concerned about parochial schools; these can take care of themselves. When the day comes that the people demand the reintroduction of religious teaching into the public schools, from which in this State it has been absolutely excluded of late years, they will be disposed to discuss how best to bring about the needed change. But the discussion and the change must come from the Protestant denominations, not from us. No possible compromise could be thought of to-day nor for years to come that we could entertain. So this disturbing element of the parochial and public schools can be eliminated from this question for to-day, if not for this generation."

So, go on with any form of amendment you think necessary to prevent the withdrawal of public moneys from the public to parochial schools; you will find no present opposition from me or those I represent. You will, I think, find practically no opposition from any Catholic.

I desire, however, with reference to the schools to call your attention to one or two things—things which I believe are not known and appreciated by most Protestants. I know from my own experience, and I think I had the average means of knowledge and

the average associations which would give me knowledge, that Protestants are woefully misinformed, woefully ignorant as to the position of Catholics, and I desire to call your attention to facts which I believe are not understood.

There are certain schools in this State, particularly in the City of New York, corporate schools, which draw money from the school fund. The report of the Board of Education in the city says expressly that in all cases of non-public schools receiving public moneys the State law prohibiting sectarian instruction and the use of sectarian text-books appears to have been complied with. There were in the City of New York in 1892, sixteen corporate schools drawing public moneys. The Board of Education distributed to them \$115,722.59 of public money. They had an average attendance of 10,846 pupils. Of those sixteen schools drawing the public money, two were Catholic schools, and they had 862 pupils. And of the the \$115,722.59 of money they drew \$9,196. One was a Hebrew school having 311 pupils and drawing \$3,318 of public money. Two were by title Protestant—Protestant Episcopal, having 594 pupils and drawing \$6,337.75 of public money. Eleven were, as I assert, under Protestant management, having 9,079 pupils and they received \$98,869.39 of public money. So far, therefore, as the public schools are concerned, you will see that in New York City there is no great sacrifice on the part of the Catholics if they should give that up. They get \$9,000 out of \$115,000. I do not mean to say that all these other institutions are distinctively Protestant. I shall have something to say about that directly. But I do mean to say that they are non-Catholic, they are anti-Catholic; that several of them contain in their by-laws provisions that they shall be governed only by Protestants; and that they are, all of them, managed by people who have a horror of a Catholic.

So much for the schools. Now, as to the charitable institutions. Mr. Coudert has referred to some language used here with reference to them. There is much of this rhetoric which is not true. Those who use it, however, have been so many years repeating their stock phrases that they do not know that they are stating what is absolutely untrue or what has no application to the case in hand. Mr. King talks of "the State lending its assistance to the ecclesiastical organizations to take money out of the public treasury *for the benefit of* ecclesiastical organizations." He says "the Church must not receive *assistance* from the public treasury and this amendment is merely carrying that into effect." He further says, "the State cannot make these appropriations for sectarian purposes justly." He talks of the necessity of taking out of our politics the question of "the securing of public money for sectarian uses, for ecclesiastical uses," and exclaims, "Hands out of the public treasury for ecclesiastical purposes."

The venerable author of "Nothing to Wear" speaks of a "doling out from the public purse of money drawn from the people and applied in aid, not of that which is public in its charities and under the control of the State or its manipulation, but under the control of private charities and of sectarian, denominational or ecclesiastical bodies." Even level-headed Bishop Doane talks of money received "to be used under the direction of an ecclesiastical body or for the dissemination of religious tenets." Now, all this is merely rhetoric. No money is taken from the State Treasury or City Treasury in aid of any denominational or ecclesiastical body. No money is taken from those treasuries for the dissemination of tenets of any religious body. The only money that is taken (certainly the only money that is taken for Catholic institutions) is taken in return for services rendered, which services I shall show you are worth much more than the amount received.

Mr. King did a thing which I think did great credit to his boldness. He actually referred to what he claimed was the fact that the National Platforms of the two political parties had committed themselves to something, and he assumed that you would be so ignorant of what has been going on recently in the Senate of the United States as to suppose that the pledges of a National Platform still amounted to anything (laughter and applause). In point of fact the platforms that he quoted, except the extract that he made from that of the Republicans in 1876, related exclusively to the question of schools, which, as I have said, is eliminated here.

One of the speakers read to you a letter from the Hon. Charles P. Daly—I think I am justified in calling him “venerable,” as he was retired from the bench some, I think, ten or twelve years ago as being then seventy years of age. In that letter he said, “I have *always* been in favor of public schools and *opposed to sectarian appropriations,*” and yet in the Constitutional Convention of 1867 Charles P. Daly used the following language :

“ I admit that there is a principle in holding that the
 “ funds of the State raised for general purposes shall
 “ not be applied to charitable institutions managed by
 “ private individuals, and if the Convention is disposed
 “ to go to the length of that general principle—if they
 “ believe it wise or expedient to do so—then, whatever
 “ opinion I may entertain of it as to its policy or util-
 “ ity, I certainly can have none to its general justice,
 “ as it makes no distinction, but confines the funds
 “ raised by taxes of the State donated for purposes of
 “ charity solely to State institutions. But if the State
 “ is to continue, as it has done from the organization of
 “ the government, to bestow donations upon other
 “ institutions which relieve the State of a trust other-
 “ wise imposed upon it, either to educate its people or
 “ to relieve them when from want or destitution they
 “ become a charge upon the community—or, in other
 “ words, to fulfill the obligations of humanity toward
 “ them—I say, then, there is no justice in excluding

“ from the operations of its bounty any institution
 “ which comes under the denomination of religious.

* * * “ In respect to the other proposition, which
 “ creates a distinction in the bestowal of the bounty of
 “ the State, I cannot recognize any institution as well
 “ organized or carried on in which there is not some-
 “ thing connected with the worship of Almighty God
 “ for the benefit of those who are instructed in, or who
 “ are kept in it for any purpose. And I cannot, there-
 “ fore, but regard a prohibitory provision of this kind
 “ as exceedingly unwise in its conception, and as one
 “ that is impracticable, or else unjust or arbitrary in
 “ its operation.”

I think you will agree with me that that word “ al-
 ways ” in Judge DALY’S letter must have been written
 by a slight oversight, in view of what he said in 1867.

As to these institutions, you remember that Bishop
 Doane stated, that as to them the questions were
 different from those which existed as to the schools,
 because as to the institutions the question was
 whether you would put an end to a system which
 existed, not whether you would introduce a new sys-
 tem. I think his language was “ a system which had
 long existed and had been deliberately adopted.” That
 is one question here as to these institutions. Then, the
 second one is, as I claim—the second question as to
 which I propose to say something, is that it is not a
 question of gratuity or donation. It is simply one of
 allowing a defined sum *per capita* for certain defined
 services rendered to the wards of the State. The
 money appropriated is certainly, so far as Catholic in-
 stitutions are concerned, appropriated for the support
 of those who are in them and whom the State would
 have to support, if not in those institutions, then else-
 where.

That that system exists and has long existed there
 is not any question. Judge Daly, you will notice, says
 it has existed “ from the organization of the Govern-
 ment.” It dates back forty or fifty years at least, and
 it was introduced not by Catholics ; it was introduced

by Protestants. You follow it down, I think, twenty years or more after it was introduced before you find historically a single Catholic institution getting any benefit from the system. There was the Society for the Reformation of Juvenile Delinquents, the Female Guardian Society, the Children's Aid Society. The Society for the Reformation of Juvenile Delinquents, which is the House of Refuge, was incorporated, I think, in 1824. These institutions did not all get payments as soon as they were incorporated. But the Society for the Reformation of Juvenile Delinquents got them as soon as 1847. The Female Guardian Society as soon as 1857. The Children's Aid Society in 1858. The Nursery and Child's Hospital in 1860. And the first Catholic institution you find receiving aid is the Sisters of the Good Shepherd in 1860; St. Joseph's Orphan Asylum and the Roman Catholic Orphan Asylum appear in 1866; at the same time the Five Points House of Industry and St. Luke's Hospital also appear. Those I speak of are appropriations from the city.

From the State about 1849 there commenced appropriations—there had been appropriations prior to that time to the House of Refuge and others—but about 1849 there commenced a system of appropriations to the orphan asylums. That was commenced with Protestant asylums and continued along until in two or three years nearly all the orphan asylums of the State, Protestant or Catholic, became interested in the same way. But the system was not introduced by or for the benefit of Catholics. It was introduced by the Protestants and subsequently accepted by the Catholics.

However the system was introduced, the reasons for it are obvious. In an economical point of view it helps the State by throwing upon private benevolence a portion of the expense which otherwise would fall wholly upon the State. What is more important, it gives to the wards of the State the advantage of the private care—of the personal interest—which cannot be got in an institution managed by officers of the State. Bishop

Doane frankly says : " I do not think—I do not believe—that the State can in our alms-houses or poor-houses or the houses of the so-called penitents, the penitentiaries, or any other institutions that are founded, do the things that ought to be done for the poor of this world or the wicked."

A committee of the Constitutional Convention of 1867 stated the case as follows :

" They are willing to make provision for the education for the deaf and dumb, the blind, the insane and idiotic, and for a class of juvenile delinquents, but none whatever for our hospitals, our orphan asylums, our dispensaries ; none for providing medicine for the sick poor, for the homes of the friendless, for established houses of refuge, for eye and ear infirmaries ; none for institutions for foundlings, one of which is established to prevent child murder, which has become the great crime of the age ; none for local prisons and reforms, nor for any charity except those now established by law and under the supreme control of the State.

" Your committee do not propose general and constant relief for any or for all these objects, nor, indeed, any relief whatever, except where it can be shown to be the duty of the State to grant it, nor where such aid cannot be defended upon the principles of just economy. So long as human lives are worth saving, and the morals of the people are worth preserving, so long as the prevention of crime and of other evils are objects worthy of human effort, just so long is the State bound to interpose its power and means in behalf of those charities which, upon proof and trial, shall be found worthy of public aid. And let it not be said that the support of such institutions belongs either to local corporations or alone to citizens. When the State has done all that it will do, or all that it can or ought to do, the demands upon counties, towns, villages, cities, and persons able to give, are quite enough to exhaust the means of all such organizations.

" Your committee do not see the justice of discriminating between one and another class of those who are morally delinquent, nor of those who are afflicted in body, mind or estate. The State is taxed heavily

"to support the criminals of the State in its three
 "prisons at Sing Sing, Auburn and Clinton. With
 "what reason can it pay so much money to punish
 "crime and refuse anything to prevent crime? Is it
 "because these institutions, associations and societies
 "are local or personal in their organizations? If so,
 "we think the answer is not a good one. * * *
 "Again, all well-regulated private and local charities
 "diminish the larger charities and lessen the taxes of
 "the people. Partial aid becomes universal good. To
 "close our hospitals, orphan asylums and dispensaries
 "—to shut the doors of those homes which are a refuge
 "for the poor—is to make the State odious in the eyes
 "of those who contribute most largely to its support.
 "What is needed is revision, supervision and regula-
 "tion, not the cold hearts and closed hands of refusal.
 "Reform and build up, but do not pull down and de-
 "stroy. If need be, limit the amount of your appro-
 "priations from year to year, but do not declare in the
 "organic law of your State that from henceforth and
 "forever no charity shall receive aid from the State ex-
 "cept for the limited few in number now entirely con-
 "trolled by State authority."

The report bears the signatures of Erastus Brooks,
 Theodore W. Dwight, S. B. Strong, George T. Spencer,
 C. R. Ludington and Frances Silvester.

We all know Mr. Elbridge T. Gerry, who, with all his
 peculiarities, is an example of a very rich man who is not
 content with drawing his check for benevolent or chari-
 table purposes, but who devotes himself to that subject
 in New York, who can be found, before many of us are
 up in the City of New York, at the Tombs or elsewhere,
 looking after poor people, whether delinquents or other-
 wise. I have here Mr. Gerry's address, made before
 the conference called by the State Charities Aid Organ-
 ization in the year 1893, in which he considers at con-
 siderable length the question of these societies and the
 wisdom of supporting them.

Mr. Gerry says:

"To my mind the City of New York can well
 "afford to spend, not one million, but, if neces-
 "sary, five million, in the support, care and train-

“ing of the destitute, indigent and dependent children
 “of the City of New York. One child neglected, not
 “simply in its common-school education, but in its
 “moral and religious training, may result in the pro-
 “duction of a criminal whose misdeeds may cost the
 “City of New York ten times the amount it would cost
 “to educate and train him before conviction. In deal-
 “ing with this question of children you cannot under-
 “take to deal with them as though it was a simple
 “question of the State paying a certain amount of
 “money in order to rid itself of the education and care
 “of a certain number of voters in its government, or
 “where the State is called upon to get rid of what
 “might otherwise be a dangerous class to place them
 “in some place where they might be ground and turned
 “out as Indian meal is turned out, fit for some pur-
 “pose.”

After stating the course which is pursued in New York with reference to the commitment of children, and the investigation which is made as to whether they are properly chargeable upon the State, he continues :

“When the Magistrate is prepared to act, the
 “parties are all invited to come into court; the
 “child is brought before him, and they are examined,
 “first of all, as to what the religion of the parents is,
 “the rule of law being that the religion of the father
 “is preferred to that of the mother in the selection of
 “an institution to care for the child, and, where the
 “parties are of the same religion, of course there is no
 “question. The law then provides that the child be
 “sent to some institution as near as practicable where
 “its directors are of the same religion and faith of the
 “parents of the child, which experience of children has
 “shown to be very wise and proper. First of all, because
 “there is hardly a religious denomination, whether Ro-
 “man Catholic, Protestant or Hebrew, that is not taking,
 “in some way, some pains with their young to instill
 “into them at an early age the principles of their par-
 “ticular faith. Now, if the question of religion is not
 “considered, the hold the directors of the institution
 “have upon the child is absolutely lost. If the
 “child is sent into a different religious institution—
 “that is, one conducted under a different faith—

"experience has shown that they have to learn all
 "over again. Because, when you come to con-
 "sider the nature of a child, the fact that a child
 "possesses more faith at an early age than later,
 "the faith of a child being useful inversely propor-
 "tional to its years, you will readily see what an
 "influence the religious faith has upon a child in
 "training it right in its training. What an important
 "feature in its training is the giving it something
 "definite to believe which it has probably learned from
 "its parents it ought to believe, and the child should
 "be placed in that institution which will enable its
 "subsequent education to proceed upon that basis,
 "and it ought to result in something more than a
 "vague belief that there is a duty and that the world
 "was not made by chance."

After further stating the course pursued and referring
 to different institutions, Mr. Gerry says :

"An institution is the last place for a child who has a
 "home. There is nothing which will compensate for the
 "loss of home under the natural home influences and
 "surroundings—the influence of the family life, of the
 "family circle and family religion ; and where the child
 "from accidental or from any fault of its parents, or
 "from the nature of its surroundings, is deprived of
 "this home influence, it is necessary that some place
 "should be provided for it to prevent its growth in
 "evil practices and eventually ending in vice, and very
 "often the very best effects have resulted from placing
 "such child in an institution. In the growth of chil-
 "dren the first place should be given to religion, and
 "that training should be in the lines of parental faith ;
 "second, proper education, without which you can hope
 "for nothing in ensuing work."

In the Convention of 1867 Mr. George William
 Curtis said :

"Various statistics have been given to us to show
 "that most of the local aid has been granted to insti-
 "tutions which are managed by the Roman Catholics.
 "But, unquestionably, sir, if the State, as we have de-
 "termined, is to aid charities, it cannot avoid, at least
 "proportionately, helping those institutions which are

“ under the care of the Roman Church. It is impos-
 “ sible not to recognize the fact that the charitable
 “ foundations of the Roman Church are the most com-
 “ prehensive, the most vigorous and the most efficient
 “ known in history. It is still further true, as the
 “ chairman of the committee has told us, that the great
 “ majority of those who must be relieved by State
 “ charities in certain sections of the State, are members
 “ of that church, and will naturally fall to the care of
 “ that church. I cannot stop to speak of the various
 “ forms of the charity of that church, but it is to one of
 “ its saints that civilization owes the institution of the
 “ sisters of charity, whose benign service is known even
 “ in the hospitals of other denominations, and any
 “ system which this State should adopt which should
 “ strike at the very root of such institutions would nec-
 “ essarily bring the State to this question, ‘Are you
 “ willing to do, absolutely and to the utmost, what is
 “ now done by the institutions already in existence?’
 “ I do not believe, sir, that the State is willing to do it.
 “ I believe that the experience of this State to be that
 “ of Massachusetts. Massachusetts in the year 1863,
 “ established a board of charity. In the very first re-
 “ port which that board made, after looking over the
 “ whole ground, they announced that in their judgment
 “ the true policy of the State was to give assistance to
 “ the private foundations, of whatever sect, that already
 “ existed rather than to establish new public institu-
 “ tions. All that we want is to subordinate all institu-
 “ tions which are managed by the various sects to the
 “ great purposes of charity, and to have a board so con-
 “ stituted that such institutions shall receive proper
 “ assistance.”

In that Convention practically everybody favored
 the institutions, whether Catholic or otherwise. The
 sole question was the creation of a board to supervise
 them. Mr. Curtis was in favor of the creation of that
 board, while Mr. Prosser, of Buffalo, offered an amend-
 ment that money should be given only for institutions
 controlled by the State. Judge Daly stated what I
 have read to you, and Mr. Prosser’s amendment did
 not, I think, get even sufficient support to be voted
 upon. Finally, the convention threw out entirely the

whole question, saying that it should be left to the Legislature. Mr. Erastus Brooks, Mr. Alvord, Judge Gould, of Troy, and others were heard upon that subject.

Mr. Brooks said :

“ The State ought not to support the churches, and it ought not to make donations for purely sectarian purposes. And having answered this question, let me add that it is also unworthy of a State to deny any class of needy people the State’s aid because the recipient of its bounty perchance belongs to any one sect or to no sect ; and I may also add that it is also unworthy of ‘ taxpayers,’ and all others, to incite the fury of the State against any sect or party on account of its religious faith.

“ It is no doubt wise to be of those who are

“ Slaves to no sect—who take no private road,
But look through Nature up to Nature’s God.”

“ Yet, while discarding State and Church as combinations, we must remember that there can be no true charity where all religion is excluded—since a pure charity is the very essence of practical Christianity, though no necessary part of what in the State is called ‘ a religious establishment.’ Each member of a family, and every family, are a part of the State, whether rich or poor. The petitioners to this body seem to regard Roman Catholics solely in the light of sectarians, and in this they err, just as the people in England erred when, in the reign of King Charles, they declared that dissent from the Catholic Church was sectarianism. Men may be Roman Catholics and something more. I lay it down as an axiom, sir, for which there is the highest authority, that to enforce human duties by divine obligation is not sectarian.

* * * “ I admit, sir, again and again, that sectarianism cannot be, must not be, supported by the State ; nor must it, sir, if presented in the form of a true charity, be disowned by the State. Charity, which St. Paul makes the chief good, is scattered all over the Bible. It beams and shines there like the sun by day, and the moon and stars by night. It is the very essence of the Christian religion, and, therefore, in a civilized country cannot be excluded in precept or practice from any public or

“ private institution. Again, sir, if you strike at one
 “ mode of religious worship, you strike at all. Your
 “ blows fall everywhere, and prostrate all whom they
 “ may reach. You must not suppose that asylums in
 “ New York, Westchester, Rochester or Buffalo can be
 “ assailed upon the score of sectarianism, or Romanism,
 “ if you please, and Protestant institutions, like the two
 “ State houses of refuge, the institutions for the deaf
 “ and dumb, the blind, the children’s aid societies, Five
 “ Points Mission, hospitals for those of mature years
 “ and infant dependence escape unscathed. All are so
 “ far Protestant as to have Protestant officers, Protest-
 “ ant boards of trustees and directors, and a general
 “ Protestant management and superintendence.

“ This is true, sir, of all our main institutions, either
 “ criminal or for the maintenance of the poor. I have
 “ no fault to find with any of them, but be careful
 “ where you strike, or, like Sampson, you may bring
 “ the whole temple at your feet, and destroy all in
 “ your zeal to prostrate those you dislike.

* * * “ To say that the State has nothing to do
 “ with religion, makes it atheistical, and that education
 “ and charity form no part of its duties, makes it bar-
 “ barian. To declare, also, that all State duties look
 “ only to the protection of individual property, or,
 “ what are called the rights of society, makes it but
 “ little more than material. The State takes life, limb,
 “ time as well as property and money to maintain its
 “ power and supremacy. It makes war, fires towns and
 “ ships, incarcerates in dungeons, abridges liberty and
 “ punishes whom the law declares worthy of punish-
 “ ment, and, often, without discrimination of right.
 “ Can it do all this and do nothing to minister to the
 “ souls and bodies of those who are diseased, infirm,
 “ naked and hungry?

* * * “ And, first, of the nice distinction between
 “ charity in a State, or legal sense, and in the sense in
 “ which it is a private benevolence. It is said that it
 “ is not right to tax the people for charity; but this
 “ depends upon contingencies. If the charity is of a
 “ public nature, the tax paid for it is right. If partly
 “ public and partly private, the tax is right to the ex-
 “ tent of the aid for public purposes.”

He further said :

“ My friend from Erie (Mr. Prosser) proposes an
 “ amendment to the effect that no money shall

" be given to any charitable institution unless
 " the charity is supported and controlled entirely
 " by the State. Now, sir, I cannot conceive of
 " any provision more unjust than this. Those who
 " seek relief may be the maimed, the halt, the blind,
 " the dumb. They may be orphans whose fathers
 " sacrificed their lives in the service of the country.
 " They may be widows left wholly dependent, and having
 " a special claim upon the State, and yet my friend from
 " Erie (Mr. Prosser) would close the treasury of the
 " State against them unless they were inmates of some
 " institution wholly supported and governed by the
 " State. Sir, in an enlightened commonwealth like
 " this, I do not believe that this will ever be done by
 " legislative or constitutional enactment, or in any
 " other way. * * * The more attention I give to
 " this subject the more prompt I am to come to the
 " conclusion that it is unwise, unjust and unchristian
 " to ask what is the creed or what the religious faith
 " of any person who is a needy applicant for State
 " relief. The only reason why, in certain parts of this
 " State, the children of Roman Catholics and their
 " parents have received more money, perhaps, than
 " those of other denominations is no doubt the fact
 " that, unfortunately, in the majority of cases they are
 " among the poorer classes, and I will not, for one, dis-
 " criminate against a sect on account of the poverty of
 " those who embrace it, nor do I intend to inquire,
 " directly or indirectly, what is the faith of any who
 " are really needy and who seek relief."

Mr. Alvord said :

" I think he does not understand why certain
 " lines of charity are under the supervision of the
 " State, and that certain others which are entitled
 " to as much consideration, from the nature of
 " the case, cannot be so situated. The blind, the
 " idiotic, the deaf and dumb, and the insane bear a
 " very small proportion in numbers to those who are
 " objects of charity within the limits of this State.
 " They can, even in as large a State as ours, be taken
 " care of in one or two institutions of the State. They
 " are permitted by that fact to be under a certain
 " course of discipline and management, so far as both
 " regards the mind and the body, and which is uniform
 " in its operation. The light of science can be brought

“ to bear upon their cases vastly better than it can
 “ when these are few in numbers and scattered all over
 “ the State in different localities. But, sir, it is not so
 “ with the orphans. The orphans are a numerous body,
 “ and it would be an utter impossibility to collect them
 “ together in a State institution in consequence of their
 “ numbers ; not because, as I understand it, that they
 “ are not as much the objects of truly meritorious charity
 “ as these other cases which the gentleman (Mr. Prosser)
 “ has named in his place. And, sir, there are those who
 “ are suddenly stricken down by illness or accident.
 “ They are large in numbers, and they are scattered all
 “ over the State, and it is a physical impossibility to
 “ carry them to certain places in the State, which
 “ shall be called State institutions, for the purpose of
 “ giving them the aid that their necessitous condition
 “ requires. Therefore, there is an impossibility, so far
 “ as these two classes, and I might name others, being
 “ provided for in State institutions, and the only reason
 “ why there are certain State institutions, so called in
 “ the strict sense of the term, in reference to the other
 “ objects of charity I have named, is because of the
 “ fewness of their number and of the necessity of uni-
 “ formity in their care and treatment. * * * But I
 “ am not aware that this cry which has been raised
 “ throughout the State is entitled to any consideration,
 “ because, so far as regards the foundations of these
 “ charities, in the very nature of the case, in almost all
 “ of these institutions of charity throughout our land,
 “ so far as regards their administration, they fall into
 “ some sectarian hands. They are the creation of
 “ benevolent people—people who have organized them
 “ because they have an abundance of means—and there
 “ are very many instances, both under Protestant and
 “ Romanish auspices, where the institutions have been
 “ the emanations of the piety of individuals. Such
 “ persons consider it a part of their religion that they
 “ should perform these acts of charity and kindness to
 “ their fellow beings, and they must of necessity, under
 “ the circumstances, gather themselves together, ani-
 “ mated by the religious feeling in order to establish
 “ their work of benevolence. But, sir, I have not in
 “ the whole of my experience as a legislator in this
 “ State ever seen any attempt on the part of
 “ any religious denomination, merely for the
 “ purpose of proselyting or building up their
 “ particular church coming to the Legislature

“ for aid for charitable purposes. I have yet to learn
“ that there has been any charity under the control of
“ a denomination which has attempted to exclude an
“ orphan or a person deceased or infirm because he
“ happened to differ with the institution in religious
“ belief. They are open to all who are needy, and all
“ who, as objects of benevolence, are entitled to the aid
“ for which the institution was erected. Now, under
“ these circumstances, while the conservators of these
“ institutions may be of a denominational character,
“ their object is take care of the poor and needy, for
“ they conceive that to be a part of their religious duty,
“ and they go no further toward proselytizing than to
“ extend these necessary benefits to these unfortunate
“ individuals. And, sir, I repeat that I have never
“ heard of any one of these charities coming before the
“ Legislature of this State, and undertaking to get
“ money from the State treasury ostensibly in aid of
“ their charity, but really for the purpose of building
“ up their sect or religious creed. I believe, sir, that
“ we can leave this matter where it has been left in the
“ past—with the Legislature—and especially with the
“ guards which we have put around it, and that to
“ them eminently belong the duty of providing for
“ charities under this clause of the Constitution. We
“ have said to them that they may give away moneys
“ in charity. Leave it for the people represented in the
“ Legislature of this State, as from time to time the ex-
“ igencies shall demand, to give money in support of these
“ charities and these legalized institutions. Why, sir,
“ it is necessary to take care of the orphan who has
“ been left without father or mother in this world, for
“ the benefit of society in the future, as it is necessary
“ to take care of the deaf and dumb, the blind, and the
“ insane; it is necessary, that they may start right in
“ their course of life, and that they be nurtured and
“ cared for in their infancy, that they may become
“ good citizens as they reach mature years, as it is
“ necessary to take care of any other object of charity
“ within the limits of the State, and it is right and
“ proper for the great body politic to put their hands
“ into the coffers of the State, from time to time, as
“ may be required, and give forth of the means of the
“ people for the purpose of benefitting directly the
“ people themselves by seeing to it that this great mass
“ of human beings, orphans as they are, shall not
“ come up to be a terror to the people of the State.

“ Believing, sir, that this whole matter can well be left
 “ in the hands of the Legislature, and that the people,
 “ jealous of their rights, will look carefully and see to
 “ it that there shall be no diversion of the funds of the
 “ State in a direction which shall be antagonistic to
 “ the religious views or ideas of any particular portion
 “ of the people of this State, I trust this convention
 “ will have made up its mind, before they get through
 “ with this matter, that it is best, at least in this re-
 “ spect, to leave well enough alone.”

I have said, Mr. Chairman and Gentlemen, that this aid given to these private institutions and societies is not one of gratuity. Upon that subject I shall necessarily have to give you figures, and I know that nothing is so tedious as figures. At the same time I shall ask you to bear with me. I say that it is a case in which the State hires societies to board and educate those whom it is itself bound to support somewhere, and pays to these societies and institutions less by nearly half than it could do the same work for in its own institutions, and less by a considerable sum than it costs those institutions in which that work is done, while the State gets them better cared for.

In fact, the State gets for \$82.11 per year what it would cost it in its own institutions \$252.88 at least per year, without including the expense of buildings, and what it costs the Catholic institutions \$138.45 per year, thus saving the State \$170.77 a head per year.

In every Catholic institution the money paid is a return for services rendered, and is required to be so by the statute under which the money is given. It is equally true of the Hebrew institutions, but there are several Protestant institutions which get money from the City of New York under laws which, so far as the laws themselves are concerned, do not require them to render a dollar of service, to return a dollar's worth of service, or any service for the money they get. You had a letter read here from Bishop Potter at the last hearing. Bishop Potter has an institution, the Shepherd's Fold of the Episcopal Church, I think, which gets

\$5,000 a year, which nobody can refuse to pay them, and *under the law* they need not have a child or anybody else in the Fold. I do not know whether in the letter Bishop Potter intimated that the continued receipt of that money by one of these institutions was an immoral or an improper thing. I find from the Comptroller's Office of New York that they draw it with great promptness. If you will refer to 96 New York Reports, 137, you will find that this Society attempted to enforce the payment of this five thousand dollars a year for two years, when its doors were absolutely closed and when it had not an inmate. Fortunately it failed. There are other institutions—the American Female Guardian Society receives \$25,000 a year from the city, and it has not any obligation, so far as that money is concerned, to return a particle of assistance. And what is the American Female Guardian Society? I have here its report, its by-laws relative to applicants for children; they receive children and bind them out.

“Persons applying for children must be regular attendants at a Protestant place of worship and recommended by their pastor. The children must live in the family and regularly attend church on the Sabbath and, when not too inconvenient, Sunday-school. Only those approved by the board or Executive Committee may select children.”

This is an institution that gets \$25,000 a year from the city under an obligatory statute, a society as thoroughly and severely sectarian as any institution can be, but which is not bound to render a dollar of service for that \$25,000 under the statute. Of course, they do a good deal, but I say “under the statute.”

I have here a list of two or three other societies which are in the same way. The Childrens' Aid Society gets some of its money without any obligation to do a thing. It gets \$70,000 a year under three several acts—one is for the use of its lodging-houses, the other

for its industrial schools, and as to the other there is no stipulation. The Childrens' Aid Society, whatever it may be, is certainly not a Catholic institution. I have no hesitation in saying that it is a Protestant institution, permeated by Protestant religious influences and teaching. I was a personal friend of Mr. Brace, its founder, before he founded it. I knew him in Europe, when he studied there, and I was with him from time to time when he was getting up his system, and knew a good deal about it. He was a thorough Connecticut Protestant as much as anybody could be, and I was as thoroughly a Massachusetts Protestant. And I know what the society was, and so it has remained.

Let me say, before I go any further, that Bishop Doane was led to say in his remarks at the last meeting—and I refer to the stenographic report of it, because it is a serious charge, and I desire to meet it fully and squarely—Bishop Doane said :

“ Is there some way by which these people can be attended to without running the risk of giving to any one particular denomination the possibility of gathering in such large amounts of funds out of the public treasury as to enable that religious body not only to do that particular work for which, apparently, that money was taken, but, as I am confidently told, to have a sufficiently large surplus left behind to carry on a great deal of its own particular distinctive work.”

And I suppose I have a right to refer to the fact that a Bishop of one of the Protestant churches has stated to a prominent member of this convention substantially the same thing ; that is, that the Catholics do not render *quid pro quo* for the money they get for the support of the children and the others in their institutions, but that they get a surplus to expend in carrying on their denominational work.

Now, I desire here—after careful study of all the statistics upon the subject, going through all the reports of all the Catholic charities, one hundred in number, more or less—to say that the story is not true.

And I will show you, before I get through, by figures, that it is not. Of course, those gentlemen believe it to be true. I would say, in passing, that I think it very likely that there are institutions, both Protestant and Catholic, which receive more money than they ought to. I mean by that, that it seems to me essential to these institutions that a certain considerable portion of their support should be derived from private benevolence and private charity, and that that should be supplemented by these public returns for services rendered. I think very likely that on a careful examination there will be found that there are institutions that receive too much. I know that in the laws under which all the institutions get their money there are very serious defects. But they are defects which ought not to lead to the crystallizing into the constitution of a system which will prevent practically the distribution of these moneys, but it ought to lead to some legislation and possibly to some constitutional provision upon the subject. Let me add that the Catholic institutions may perhaps appear *prima facie* on their returns, some of them, to come nearer to sinning with reference to receiving public moneys and not adding their proper proportion of private funds, than other institutions. I do not know that they do. They may come nearer to that because in the institutions which are managed by Sisters of Charity and professed religionists, there is no allowance for salary paid to them. There is allowance simply for their food, and that of the simplest kind. And consequently when you compare the reports of Catholic and Protestant charities you find that the annual expenditure for salaries and labor is much less in Catholic than in non-Catholic institutions.

I believe legislation is defective in another respect. I think that in both Protestant and Catholic institutions, and I might say much more numerous in Protestant than Catholic institutions, the law allows inmates to be received for whom aid is to be received

from the State or city, without the proper supervision to ascertain whether those received are proper wards of the State. For instance, I copied off last night from some of the charters the following: A provision of the Infant Asylum charter allows aid to be furnished so much per head for all persons "received and maintained;" the Children's Fold for all persons "received and supported;" the Society for the Ruptured and Crippled for all persons "received and maintained." There is not in the law any provision that those received shall be dependent. There is not any provision even that they shall be residents of the city or State.

And there is not anywhere under the law, I think, any power which will prevent the payment of city or State moneys for people in those and other institutions who are able to pay for their own support or who have come from a distance for the purpose of getting cared for in those institutions. All that ought to be remedied by legislation beyond all question. There are certain institutions—the Lying-in Institutions—where provision is given for so much money, so much a week for homeless and needy mothers who, at the request of the officers, remain and wet-nurse their own children. In some cases the time is limited to a year, but in one or two cases there is no limit whatever. They are to be paid for as long as they remain, and remain at the request of the managers of the institution. I may say generally that there is no provision of law in reference to the institutions as to the time the inmates are to remain, that being limited only by the will of the managers. Now, all that is wrong, thoroughly wrong, ought not to exist. But it is not, as I submit, any reason for putting in the constitution a provision such as we have here. There is reason for creating some board or power. Let me add that the Catholic institutions are exceptional, that they receive a very large percentage—outside of the foundlings, they receive a very large percentage of their inmates by committals by the courts judicially deciding that these peo-

ple are proper to be supported at the expense of the State, and they are committed there.

Certainly, in nine of the institutions, perhaps more, receiving funds from New York City, there is no statutory provision requiring any judicial decision other than that of the managers that persons received are proper to be received. Three of these nine institutions are Catholic institutions. In point of fact most of the inmates of these institutions are committed to them by the magistrates, but no statutory provision confines them to persons so committed. Fourteen institutions, perhaps more, are confined to persons committed. Twelve of these are Catholic, one Hebrew, and one Protestant. At least a third of the children for which New York City pays are apparently not even committed to the institutions, and there is no prior official investigation that shows the persons are proper to become wards of the State.

And let me say that in all cases where they are committed by the courts there is now in New York City a most careful system of investigation before they are committed. That system is to refer the matter to the Society for the Prevention of Cruelty to Children—Mr. Gerry's Society. And he investigates it. And he investigates it with such thoroughness and care that during last year of three thousand seven hundred and twenty-three applications made to commit children to different institutions one thousand eight hundred and ninety-one were reported by that society as improper to be committed—improper to have the burden of their support thrown on the State. The committals are carefully watched. Nothing else is carefully watched.

Then, again, these different institutions get different sums for the same services. Without stopping to go into details about that, I assert that the Catholic institutions are on the whole at a disadvantage; that, for the same services, as, for instance, for lying-in females, the Home for Fallen and Friendless Girls, a Protestant

institution, gets \$150 a year, while the House of the Good Shepherd for the same thing gets \$110 a year.

It seems to me, and I make this suggestion—perhaps there may be something in it, the committee may think it is practical—that if there is to be anything in the nature of a constitutional amendment bearing upon this question, it is quite as far as the Convention ought to go to provide something like this—and let me say that in making this suggestion I speak solely for myself; I have no commission from any of the organizations or societies to speak of it, and I think some of them would not agree with me—but, I say, it seems to me and it might fairly do to have something like this in the Constitution: Providing that there shall be no appropriations—take in all Dr. King's adjectives you want, sectarian, ecclesiastical and all that—there shall be no appropriations to any such institution except (1) in return for services rendered; (2) only for those who would be entitled to support from the State, and as long as they are entitled to such support; (3) only for a certain percentage of what it would cost to support them in the State's own institutions (I am going to show you directly what it does cost); (4) only for a certain percentage of what it costs the institutions to support them, so as to require that they shall keep up the necessity of private benevolence and shall allow to each institution the same sum per capita for the same class of service and inmates; (5) that no public money shall be used for the compensation or support of any person whose time is employed either in whole or in part in religious instruction of the inmates. And (6) that no public money shall be appropriated or paid to any institution the inmates of which are not allowed to worship God according to their conscience, and that as to children who are too young to make a selection the religion of their parents should be the controlling one; and then (7) that the Legislature shall provide a board which shall have authority to see that these provisions are enforced, and either modify

or suspend payments to any institution where they have reason to think they are not enforced. There is something similar to that—not to that extent, I think—in the California Constitution.

I have not undertaken, in stating these suggestions, to go into the precise language that ought to be used. It seems to me that to the extent I have suggested and no further, it is wise to put an amendment into the Constitution.

I will say here, and I think it comes in perhaps as well as anywhere else—it meets a question that has been put to me here—whether as to those appropriations for institutions, if they were cut off by an amendment such as Dr. King urges, whether Catholic institutions would remain open and carrying on their operations. Now, with reference to that, I am justified in saying, and I think I betray no confidence in saying, that the Catholics, to whom that becomes an important question, look at it as not one as to what they would do or what they would like to do, but what they must do. And they are agreed, that, if this amendment passes, and these aids are cut off, these institutions, some of which you have seen during the past week, must practically close or reduce their operations to such an extent that they would be thoroughly crippled. The Catholics cannot raise the money, besides supporting their parochial schools—which they consider their first duty; they cannot raise the money to carry on these institutions as they are now carried on. If you pass that amendment, you must couple it with an immediate provision for taking charge of the more than twenty-one thousand people that are supported in part by State aid in Catholic institutions. I will show you where you will land when you undertake to do that.

I have referred to defects in the law. I simply inquire, in passing, whether, in view of the double investigation of the Reformatory at Elmira and the investigation now going on as to the institutions in

charge of the officers of the City of New York, it can be said that there are not wrongs in the public institutions.

I have here a careful statistical statement as to the institutions. This statement has been made up from the reports of the State Charity Commission and from the official reports of the City of New York and others. It has been made up with a good deal of care. I believe it to be correct. And yet it is possible that there may be in it some errors. There cannot be in it any considerable number however, because a gentleman who is an expert in figures originally prepared it and arrived at the result which I am about to read you. I have personally, myself, gone through all the calculations, independently of him, and without knowing what his results were, and I have arrived at substantially the same results. Naturally I think I am a little more correct. At any rate, I am a little more unfavorable to the Catholics than he is.

There are in the State, so far as I can find, sixty-three Catholic institutions or societies receiving money from city or State for the support of wards of the State, and containing at least 21,011 inmates. I say, at least, because about one-hundred and fifty inmates of one institution have been transferred to another where I have assumed they are counted though I may be mistaken. There are forty-five institutions receiving no aid and containing about 7,000 inmates. The sixty-three institutions receiving money receive from the State \$50,369. All of that, except \$2,653, is for the support of the deaf and dumb. They receive from cities and counties \$1,675,099.80, making the total receipt from the public of \$1,725,468.00. They receive from other sources than the public \$1,183,656. So that out of \$2,909,124.80 received by these institutions \$1,725,468.00 comes from the public. What, then, becomes of Bishop Doane's statement that there was a surplus received sufficient to

enable the Catholic church to carry on its denominational work or contribute thereto? The total expense divided among the Catholic institutions on 21,011 inmates is \$138.45 a head a year, as I make it. The other statement to which I refer makes it about \$141 a year. The amount *per capita* received from State, county and city is \$82.12, so that the amount of expense borne by Catholics for each one of these State wards in the Catholic institutions is \$56.33 a year. There is not any escape from this result. There may possibly be fault found or an error of arithmetic of some few dollars, but that is all.

When you come to non-Catholic institutions, one hundred thirty-three in number, they receive \$1,365,778.20, against \$1,675,099.80 to the Catholics. They have 14,197 inmates. The amount they receive from the public funds is \$96.20 per head, against \$82.12 received by the Catholics. In other words, they get \$14.08 more per head from the public for wards of the State supported in Protestant institutions than is paid for their support in Catholic institutions.

But, let me be just. There are two or three Protestant or non-Catholic institutions which make no return—no statement—of the number of their inmates. And, therefore, if we could get at how many inmates they had, they would be entitled to have them added to the number I have given, and, thus, the amount to the non-Catholic institutions would be somewhat less per head.

These figures I have stated to you, take no account of the cost of buildings and their outfit. If we reckon four per cent. on the cost of the buildings and outfit of the Catholic institutions and societies, it adds \$18.30 per head, which, added to the \$138.45, makes a total cost to the Catholics of \$156.75 per head; in return for which, they get only \$82.12.

If this amendment is passed, as I have already said, and the 21,011 inmates of Catholic institutions are transferred to the State, they would, natur-

ally, have to be supported at the cost which the State pays for its other wards in its institutions. In the State institutions, if we count only the maintenance, the cost of each person is \$196.76½ per year; while they pay the Catholics \$82.12. If you include all the current expenses, except improvements and buildings, it is \$207.62½ per year a head. And if you include all expenses, it is \$252.88. If you add four per cent. upon the cost of the State buildings and outfit, that adds \$49.20 per head, and it makes the cost of each person in the State institutions \$302.08 per head. You are paying the Catholics \$82.12, and this amendment proposes to take 21,011 wards of the State into the State institutions at the increased expense of the difference between \$82.12 and \$302.08, or at \$219.96 a head, and it proposes also to take the 14,197 wards of the State that are in Protestant institutions, or at least to expose itself to having to take them in on similar conditions. Now, what is the result of all that? It comes to this:

If you confine yourself merely to the cost of maintenance in the State institutions of those now in Catholic institutions, you increase the annual cost to the State by \$3,587,792.88. If you include the interest upon the cost of the necessary buildings, you increase the cost to the State for those now in Catholic institutions by \$4,621,534.08. If you add the increased cost for the 14,197 inmates now in Protestant institutions, you make the aggregate annual increased cost to the State \$6,845,893.24, without reckoning any interest on the cost of new buildings for them. If you include such interest on the buildings necessary for those now in Protestant institutions, you bring the total aggregate annual increased expense to the State, caused by this amendment, up to \$7,544,385.64. Of course the State would have to borrow the ten or twenty million dollars, more or less, which the buildings would cost.

I commend that to the late chairman of the Committee on Taxation in the Senate as a problem for him

to solve. How is he going to do it? He has got at almost every source of possible revenue in this State.

In this connection let me refer, gentlemen, to a statement distributed at the last hearing by the Secretary of the National League, which urges the passage of this amendment. Great reliance was obviously placed upon it. Mr. Butler referred to it as the "cold, hard figures which Mr. King has read," as showing that the Catholics get an undue share of the public money; while Bishop Doane announced that it is "one that can be relied on." I submit to you that it is one that cannot be relied on, and that I can satisfy you in less than five minutes that it is false or deceptive—whether intentionally false or deceptive I leave you to say.

History, gentlemen, repeats itself. In the Constitutional Convention of 1867, there was a circular distributed in which it was stated that the Legislature of 1866 had appropriated \$129,000.25 for sectarian purposes, of which amount the Catholics obtained not less \$124,171. Mr. Ellis H. Roberts, the editor of the "Utica Herald," denounced it as false. Mr. Cassidy, the editor of the "Albany Argus," said: "I do not hesitate to say that it is false from beginning to end; it has all the characteristics of a forgery; no one disputes it." "I have the memorial to which my friend has alluded," said Mr. Erastus Brooks; "and though it may not go to the extent of falsehood mentioned by the gentleman from Albany, that is an entire falsehood which comes under one of those offenses laid down by Paley where he says that a man may state ninety-nine facts and every one of them be a falsehood, because when the one hundredth fact is given it overthrows all that has been stated before; this is precisely one of those cases. It has just enough truth in it to make a pretense, but in point of fact and result, it is no true statement." And Mr. Alvord, an honored member of your Convention, and who was in that Convention, said he

thought "the communication was from beginning to end a falsehood." That was in the Convention of 1867.

Let us see what we have here in this Convention. There is claimed to be shown by this circular a statement of moneys appropriated for sectarian purposes in certain cities of this State in 1893. I have had no opportunity to verify it except as to New York and Brooklyn. I am told that it is absolutely false as to Rochester, but I would not undertake so to say. I will show you by official documents certified by the officers of the cities of New York and Brooklyn made since that statement was made, that it is infamously false or deceptive. The circular says that from the general fund the Roman Catholic institutions received \$604,000, Protestant sectarian institutions \$38,000 and Hebrews \$148,000. Now, I have here the certified statement of Hon. Ashbel P. Fitch, Comptroller of the City of New York, transmitted to me under date of June 13th, 1894—and you will perceive, gentlemen, that this says "appropriations"—the Comptroller's report for the year 1893, which would have shown the appropriations they made for that year, is not printed and not accessible; and though I had the estimates made in the fall of 1892 for the appropriations of 1893, I did not mean that there should be any escape from this thing. The deceptive circular says "appropriations for 1893," and I asked the Comptroller for a statement of the appropriations actually made for that year, and here I have that statement, so made by the Comptroller, and I read to you what it shows: That the appropriations made in 1893, which are stated in this list as \$604,000 to Catholics, were to them really \$603,814.40; and the appropriations to other Christian institutions, of which I will read to you the list, were \$502,729.50. These other Christian institutions are all Protestant; or, in the language of Erastus Brooks, "all are so far Protestant as to have Protestant officers, Protestant boards of trustees and directors, and a general Protestant management and

superintendence." This circular here says that only \$38,000 was appropriated in New York City for the general fund for the Protestant sectarian institutions. The Comptroller says \$502,709.80.

Twenty-five thousand dollars went to the American Female Guardian Society, of which I read to you just now the by-laws, showing that they could not bind out a child except to a Protestant. Eighteen thousand dollars went to the Children's Fold—the Children's Fold of the Protestant Episcopal Church. Four hundred dollars went to the Magdalen Benevolent Society. One hundred and twenty-two thousand five hundred dollars to the House of Refuge, which would not permit a priest to do his duty to an inmate there until the Legislature interfered, and after a long fight directed it by the so-called Freedom of Worship Bill. Ninety-six thousand seven hundred and seventy-nine dollars and fifty cents went to the Infant Asylum. Twenty-six thousand two hundred and fifty dollars to the Society for the Ruptured and Crippled. Four thousand five hundred dollars to the Infirmary for Women. Ninety thousand dollars to the Nursery and Child's Hospital, which always has Protestant service and is attended in turn by three Protestant ministers. To the Protestant Episcopal House of Mercy, eleven thousand dollars. The Shepherd's Fold of the Protestant Episcopal Church, five thousand dollars. The Five Points House of Industry, four thousand dollars. The Babies' Hospital, three thousand five hundred dollars. The Institution for Deaf Mutes, twenty-five thousand eight hundred dollars. That is five hundred and two thousand seven hundred and twenty-nine dollars. As to the one hundred and forty-eight thousand dollars stated as given to the Hebrew institutions it is correctly given.

It comes to this, that while there was appropriated to Catholic institutions \$603,814.40, which is within a few dollars of what is stated in the circular, there was appropriated to Hebrew institutions \$148,000, and then

they say there was only \$38,000 to Protestants. The circular, you will see, utterly ignores nearly half of the total amount appropriated. It says \$604,000 to Catholics, \$38,000 to Protestants and \$148,000 to Hebrews, and does not even refer to the fact that this statement leaves at least \$455,177.13 of the total appropriations wholly unaccounted for. Five hundred and two thousand seven hundred and twenty-nine dollars and fifty cents, I say, was appropriated to the institutions I have enumerated which I claim are Protestant.

Is not that, to say the least, deceptive? Why did they suppress the fact that the total appropriations were \$1,305,177.13. Does it not tend to show that those who got up the circular desired to conceal from you the fact that, out of the \$502,000 in round numbers appropriated to institutions which were neither Catholic nor Hebrew, they, the getters up of the circular, had chosen to pick out certain institutions and say those are the only Protestant sectarian ones, and so lead you to think that only that amount went to Protestant institutions? If they had stated what the total appropriations were did they not know that people would say, "Well, what became of the large sum you don't specify," and thus detect them?

I have tried to find out how it might be possible to reconcile this circular with any theory of the facts—what institutions they possibly could have taken in here to make up the \$38,000 which they allow—and I had to give it up. Because there is \$25,000 to the American Female Guardian Society, whose by-laws I have read to you; there is \$18,000 to the Children's Fold of the Protestant Episcopal Church; there is \$11,000 to the Protestant Episcopal House of Mercy, and there is \$5,000 to the Shepherd's Fold of the Protestant Episcopal Church. So that, if we take only these and leave the rest out, we have \$64,000.

Now, I do not know how that sort of thing is to be explained consistently with fairness or frankness.

MR. LAUTERBACH: We should thank you to leave these lists of expenditures with us.

MR. BLISS: Yes, sir; I will see that the committee gets these figures.

The only thing that occurs to me as the way the getters up of the circular proceeded is as I have suggested—that they did not count a lot of these institutions as Protestant sectarian. If that is the fact, I suggest that this throws a lurid light upon what these gentlemen mean when they put “sectarian” into their constitutional amendment. They mean to allow all these institutions, or to claim that all these institutions which they have omitted from this table, are not sectarian, while all the Catholic and Hebrew institutions are. And I may say to you, gentlemen, that earnest friends of this amendment in conversation have had no hesitation in saying that the intended result of the amendment was that they would exclude Catholic institutions because Catholics were clearly a sect, and that these several Protestant institutions were not to be excluded because Protestantism was not a sect.

But this deceitful circular goes further and states that from the Excise Fund the Roman Catholics receive \$609,000, the Protestants \$37,000 and the Hebrews \$37,000. They concealed from you—and I cannot think but they deliberately did it—that under the rule of distribution the excise moneys are distributed *per capita* solely to persons committed by the courts under the careful system stated in Mr. Gerry’s remarks already quoted. The courts have committed these persons to the several institutions. The Comptroller told me that when the returns came in from the institutions that they had supported A, B, C, D, E and F, he went to the certified returns from the courts to find out that they had all been committed, he went also to see that they had not been ordered discharged. And then they were paid for at an equal sum *per capita*. Ought not the getters up of this circular to have stated this fact to you, to have called your attention not only to this fact that the

moneys were received at equal rates and only for those committed, but that the committals were made to institutions managed by those of the same faith as the inmates?

Nor is the statement as to the excise moneys any less misleading than that as to the general fund.

The circular claims \$609,000 as appropriated from excise moneys to Catholic societies, \$37,000 to Protestant societies and \$37,000 to Hebrew societies. The true amount to Catholic institutions is \$609,748.32, to Protestant institutions \$71,078.66, and \$38,275 to Hebrew institutions. The institutions I have described as Protestant all come under Erastus Brooks' description as "so far Protestant as to have Protestant officers, Protestant Boards of Trustees and Protestant directors, and a general Protestant management and superintendence." Among them appears our old friend The Female Home Guardian Society as getting \$17,364.87. The other institutions are the Colored Orphan Asylum, \$16,183.56; the Home of Industry, \$29,931.22, and the Home for Fallen and Friendless Girls, \$7,599. Which of these institutions are counted as Protestant by the getters up of the circular in making up its \$37,000 I cannot say. The Female Home Guardian Society whose by-laws I have read you as confining itself to Protestant families recommended by Protestant ministers must be one, but as to which society is entitled to the credit of being the second I am unable to say.

I put together in parallel columns the statements of the circular and the statements of the official reports, classing as Protestant all institutions and societies under Protestant management.

From General Fund.

	Catholic.	Protestant.	Hebrew.
By the circular	\$604,000 00	\$38,000 00	\$148,000 00
By official report	603,814 40	502,729 50	148,000 00

From Excise Fund.

	Catholic.	Protestant.	Hebrew.
By the circular	\$609,000 00	\$37,000 00	\$37,000 00
By official report	609,748 32	71,078 60	38,275 00

Total.

	Catholic.	Protestant.	Hebrew.
By the circular	\$1,213,000 00	\$75,000 00	\$185,000 00
By official report	1,213,562 73	573,808 16	186,275 00

I have also here the report from the officers in Brooklyn as to the items embraced in the circular.

The circular says that in that city the Catholic institutions received in 1893, under city charter and special laws, \$270,500; from Excise Fund, \$40,500, and by the Board of Education, \$22,740, or a total of \$333,740; while it says the Protestant institutions got, under city charter and special laws, \$29,700; from Excise Fund, \$12,500; by the Board of Education, \$8,070; total, \$50,270; while the Hebrews got \$2,100 under city charter and special laws, \$500 from Excise Fund, and \$950 by the Board of Education; total, \$3,550. The statements I hold in my hand show the following to be the real facts:

To get at the correct figures from Brooklyn, it is necessary to combine the returns from the Comptroller and those from the Treasurer of that city and then to add the returns from the Treasurer of Kings County. The result is that the Comptroller's returns show, paid to Catholic charities \$80,236.04; to non-Catholic charities, \$118,533.56, making a total from his office of \$198,769.60. The City Treasurer pays to the corporate schools connected with Catholic charities \$19,193.47, and to those connected with non-Catholic charities \$17,663.56, or a total of \$36,857.03. The Treasurer of Kings County pays to Catholic charities \$191,197.33 and to non-Catholic charities \$166,504.24, making a total from his office of \$357,701.57. The

grand total from all these three offices is \$593,328.70, of which \$290,626.84 is to Catholic charities and \$302,701.36 to non-Catholic charities. Of the sum to non-Catholic charities, if we take the circular as correct in that respect, a total of \$3,550 goes to the Hebrew charities, leaving a total to Protestant charities of \$299,151.36. How does this look as compared with the deceptive statement that there were in all \$333,740 paid to Catholic charities, while the real sum paid was \$290,626.81, and \$50,270 to Protestant charities, while the real sum was \$299,151.36?

It is to be noted that the Comptroller's disbursements are: *First*, to dispensaries and hospitals—exclusive of the excise moneys—\$81,500; and, *second*, the excise moneys to the charitable institutions, which are based upon the number of inmates and the work done. The City Treasurer distributes on behalf of the Board of Education to the corporate schools in proportion to the number of children in them respectively. The Kings County Treasurer pays for those committed the same sum *per capita* to all institutions. He also pays \$35,177.81 to State institutions, of which St. Joseph's Hospital for Deaf and Dumb, the only Catholic one, receives \$15,926.11.

I presume that the way in which the statements of the circular as to Brooklyn will be attempted to be reconciled with the facts will be by the claim that only a few of the institutions are Protestant sectarian. The number of institutions is large, and I cannot undertake to enumerate them here. I can only say that the designation of non-Catholic institutions as Protestant is made on the same principle as the designation in New York. My list is at the service of any one who desires to verify or attack it. I have no personal knowledge as to the Brooklyn institutions, but have taken every possible means to be correct; under any circumstances the circular is as to Brooklyn as thoroughly deceptive as it is as to New York.

All I desire to add, as to this circular, is to ask this committee whether the language used by Mr. Alvord and Mr. Cassidy in the Convention of 1867, with reference to the circular distributed there, does not properly apply to the circular distributed here, and whether the only reason why the language of Erastus Brooks does not also properly apply to it is not because it has not even "just enough of truth in it to make a pretense?"

I have incidentally, in speaking of the abuses under existing laws, shown that, so far as there is any violation of the principle that no public moneys should be paid for the support in institutions of any one not entitled to support from the city or State somewhere, such violation exists to no great extent, if at all, in any of the Catholic institutions. In Catholic institutions to which inmates can be admitted without being committed, there were on January 1st, 1894, other than the Foundlings', only two hundred and nineteen inmates partly paid for by public funds, and of these by far the larger part were in fact committed by the magistrates, though they were not required to be so. All the New York City Catholic institutions receive money only in consideration of the rendering of specific services. Only once, I think, has a Catholic institution in New York city received money except as payment stipulated to be for services rendered. The Protectory got \$50,000 in 1866 conditioned on a like sum being raised by private subscriptions. On the other hand, the Juvenile Asylum had a like sum on like terms in 1852. Between 1867 and 1872, the Protestant House of Mercy received \$50,000.

From absolute appropriations without the obligation to return anything for it, no Catholic institution gets anything. Of Protestant institutions, the Shepherd's Fold of the Protestant Episcopal Church has had by statute \$5,000 a year since 1871. Not having had the pleasure of seeing or hearing the letter which Bishop Potter sent to this Com-

mittee, I cannot say whether he is going to refuse to sanction the receipt of this sum in future. It has hitherto been drawn with great fidelity, and, I think, its payment has been compelled by the Court. The American Female Guardian Society has had \$25,000 a year since 1872. The Children's Aid Society gets \$10,000 a year, by virtue of an Act of 1865; \$30,000 more by virtue of an Act of 1867, and \$30,000 a year more, by virtue of an Act of 1868, in all \$70,000 a year.

In one of the pamphlets to be handed you is a statement so striking that I insert it here.

To show the economy of public aid to religious charities we have a striking illustration in the case of the Catholic Protectory. That institution does for children of Catholic parents what the House of Refuge and the Juvenile Asylum do for Protestants. Some of you have visited both these institutions very recently. All three receive *per capita* allowances from the public funds. The House of Refuge is supported wholly by the city and State. The House of Refuge, moreover, received its land from the city, and very nearly the entire expense of its buildings was paid by the taxpayers. According to its fiftieth annual report, issued in 1875, which is the latest statement to which the original writer had access, the cost of its real estate and buildings up to that date was \$745,740, and the total amount received from private subscriptions and donations during its whole history was only \$38,702.

Now look at the record of the Catholic Protectory. That establishment contained on September 30, 1892, 2,305 children, the House of Refuge having 541. Up to 1875 (the same date we have taken for the review of the expenditures of the House of Refuge) the outlay on real estate and buildings amounted to \$933,968, of which the authorities had contributed \$193,502 in money and nothing at all in land, leaving a balance to that date of about \$740,000 supplied by the liberality of Catholics. Since that time the buildings have grown and the land occupied has increased enormously, almost entirely at the expense of the institution. Nor is this all. During the first three years of its existence the Protectory received no allowances from the public treasury. It obtained at last from the Legislature a *per capita* grant of \$50—less than half the actual cost

of maintenance. It now receives \$110 for each child; the Juvenile Asylum receiving the same amount. The deficit of the Protectors on current expenses up to 1875 reached the sum of \$250,000, and for many years it was regularly from \$40,000 to \$50,000 a year. The average cost of maintenance of each inmate, for the year ending September 30, 1893, was \$115.28. The average expense *per capita* for each inmate of the House of Refuge for the same period was \$210, all of which was paid by the State.

The House of Refuge claims not to be a State institution. Though wholly supported by the State it is governed by a body of self-perpetuating managers, all but one Protestant. A report made to this Convention by the Comptroller of the State shows that the State paid to the House of Refuge for maintenance in 1891, \$103,000; in 1892, \$102,499.96; in 1893, \$111,274.04.

I come now to ask you to tell me, if you can, what this proposed amendment means? It was introduced to the committee as the perfection of wisdom, drawn by five eminent lawyers of New York, and as having been forced upon I do not know how many State Legislatures or conventions. But Dr. King was forced to say before the close of the hearing, "I believe there will have to be some change in the phraseology." And Mr. Howland was forced to say, "I can see that some of the phraseology in that section must be changed. It has been brought to my attention by the questions put here this afternoon." Mr. McDonough, Mr. Roche and others put questions. Dr. King referred then to the law Committee. The representative of the Law Committee could not answer them and they remained unanswered practically. Further on Mr. Butler was a good deal mixed. He finally concluded that the whole matter was a question of "control," but you could not get him to define when an institution was under ecclesiastical or sectarian control. A constitutional provision should at least be clear as to what those who favor it and sup-

port it suppose it to mean. It should be made as clear as possible. Even Mr. Morgan says "there ought to be no mistake as to the meaning."

Now, again, I ask the committee what does the amendment mean? Let us see for a moment if we can get any light as to what this amendment is intended to mean. I do not think Dr. King knows, for Dr. King in Document 21 issued by his organization thus describes it:

"The amendment does not discriminate in reference to the amounts of money taken, but asserts the vital principle that *only public institutions* shall be supported by public money and indiscriminately cuts off all other claimants."

Can you read that in that amendment? Can anybody but Dr. King find it in that amendment? This is document 21, dated April, 1894. The language of the proposed amendment is as follows:

"No law shall be passed respecting (1) the establishment of religion, or prohibiting the free exercise thereof, (2), nor shall the State or any county, city, town, village or other civil division, use its property or credit, or any money raised by taxation, or otherwise, or authorize either to be used, for the purpose of founding, maintaining or aiding, by appropriation, payment for services, expenses, or in any other manner, any church, religious denomination or religious society, (3), or any institution, society or undertaking, which is wholly or in part, under sectarian or ecclesiastical control."

It says in effect you cannot found, maintain or aid by appropriation, by payment for services, expenses or otherwise, any church, religious denomination or religious society, or any institution, society or undertaking, "which is wholly or in part under sectarian or ecclesiastical control." Now, taking the last clause first, what is "wholly or in part under ecclesiastical control?" Is it so if among its trustees or directors it has one minister of the gospel? Or must there be a majority of ministers to make it under ecclesiastical con-

trol? If it means "a majority," what is meant by the words "in part?" Is it under ecclesiastical control if its trustees, directors or managers are all laymen but the superintendent or executive officer is a clergyman? Is it under ecclesiastical control in whole or in part if the trustees, directors or managers are all laymen, but the chaplain is a priest? Is it under ecclesiastical control if the Sisters of Charity have charge of it and are the people who come directly in connection with the patients and the wards, though the trustees, directors or managers are laymen? Is it under ecclesiastical control if its managers and so forth are laymen? Who can tell? And are you, gentlemen, going to put into the Constitution a clause which you yourselves do not think you can tell what it means to-day? If there is anything in God's world that should be clear it is a Constitutional provision. It should correctly express what the people who enact it intended to express, and they should be able to define that intention. It will be bad enough any way. The Court of Appeals will have to benefit us lawyers by construing it. But I submit that it is your duty, as members of this Convention, if you are going to put in any Constitutional amendment, to put it in such form that you at least can say what it means. Can you so say as to this thing?

Again, what is a "sectarian" institution? If the managers are all Catholics, of course it is sectarian. Suppose its managers are all Protestants, but of half a dozen of the sixty or more different sects, is it sectarian? Now, we won't make any concealment. The people who got up this amendment intended to say, and some of them do say in private conversation, that an institution managed by Methodists solely is sectarian, but an institution managed by Methodists and Baptists is not sectarian. They say Catholics are a sect; Protestants are not a sect, but an aggregation of sects, and so long as they get into their management representatives of one or more Protestant sects it is not

sectarian. I charge that that is intended by the get-
ters-up of this amendment, and then I leave it to you
whether you are going to be the cat's-paws to do such
a foolish thing as that. How if the managers are part
Methodist and part Baptist? How if they are part Uni-
tarians and part Trinitarians? Is it sectarian? All
these questions have got to be answered some time or
other if you are to put this amendment into the
Constitution.

Moreover, suppose a half dozen Protestants are put
into the management of the Catholic Protectory, will
it then cease to be sectarian, and if not, why not?
What is to prevent the Catholics from introducing into
the management of their institutions a few broad-
minded Protestants or Hebrews who think that charity
is not sectarian, and what then becomes of your amend-
ment?

We can perhaps get a little light on this subject of
the intended meaning of this amendment from what
the men who present the amendment here have de-
clared. Dr. King declared to you that his institution,
his body, his National League, is "an organization
absolutely unsectarian." He has published the same
thing in one of his documents addressed to the con-
vention under date of May 1st, "an organization abso-
lutely unsectarian." Among its managers I cannot find
a Catholic. Among its petitioners that are here I find,
so far as I know, but one Catholic—that is Charles P.
Daly. I have shown you how much his opinions are
worth. It has issued various circulars, and I have
some of them here. They were furnished me by the
courtesy of Dr. King himself, so that they are authentic.

A few years ago the Freedom of Worship bill
was up in the Legislature, and Dr. King and associ-
ates attacked that. They declared that the "only
party asking for such a legislation is the politico-eccle-
siastical department of Roman Catholicism which,
wherever it has been in power, has always denied free-
dom of worship." They declare that "it is im-

possible to classify into sects juvenile criminals or delinquents," and that when a delinquent gets into an institution the managers must govern as to its religious instruction. They declared that the Freedom of Worship bill was being "influenced to be passed by bribes and threats." They declared that "the passage of the so-called Freedom of Worship Bill would be clearly understood by the people as an open publication of an alliance between the parties responsible for its passage and the ambitious ecclesiastics who were promoting it;" that, "unless we have a State religion, the fact that the State contributes in some measure to the support of such institutions, partly relieving them from the total charge of supporting these waifs, gives the State no right whatever to interfere with the religious teaching which may be provided or authorized by the managers of these institutions." In other words, Catholics committed to these institutions are not to be allowed to have their own religion taught to them. And then, in Document No. 2—which it issued as instructions for its subordinate lodges, or whatever they call them—I find this extraordinary language: "Denominational institutions; to see that no juvenile waifs, &c., are committed to the charge of denominational institutions"—in this State, you will bear in mind, the committals must, so far as possible, be to institutions or societies of the same religious belief as those committed—"where they may be subjected to an education and training of a foreign character, where they will be deprived of the opportunities of American training," &c. Now, this is the society which is responsible for this amendment; these are its documents, and it shows what it regards as "absolutely non-sectarian." It claims to be "absolutely non-sectarian." It and its friends have not only all the intelligence and all the honesty and all those qualities which Dr. King claimed to be in their exclusive possession, but they are abso-

lutely non-sectarian. If that is so, I submit that, according to their views, this amendment is intended to cut off—as I say is the intention—only Catholic institutions. If this National League is absolutely non-sectarian, there is not a non-Catholic institution in this State which is sectarian. I would like to know if they claim that the House of Refuge is non-sectarian. The Freedom of Worship fight was over that. Is the Juvenile Asylum? I hope these questions will be answered, and answered specifically. Let us know what, in the opinion of these gentlemen, is the fact. Is the House of Refuge a sectarian institution, within the meaning of the proposed amendment? Is the Juvenile Asylum a sectarian institution? Is the American Female Guardian Society, whose by-laws I read to you? Is the House of Mercy? Is the Infant's Asylum? Is the Nursery and Child's Hospital? Is the Samaritan Home for the Aged, as to which its report says it is "absolutely free from all sectarian bias and open in its direction and objects to all Protestants," * * * "all Protestant denominations and whose managers represent indiscriminately our common Protestant Christianity." Let us know whether an institution of that kind is sectarian or not?

By the way, let me say in passing, I see that Mr. Baker, who is, I think, the superintendent of St Luke's Hospital, spoke in behalf of the amendment and was a good deal shocked at the idea of sectarian appropriations, but St. Luke's Hospital cannot throw any stones about any donations to institutions, or about getting relieved of burden at the public expense. It stands to-day on a block three-quarters of which passed from the City of New York by a conveyance which, though not absolutely gratuitous, was so nearly gratuitous that the only consideration was the release of some disputed claims in the lower part of the city. St. Luke's Hospital, moreover, is pretty canny. They have sold their property to a body of speculators who are advertising it for

sale as laid out for fine buildings. I thought I saw you looking at it the other day, Mr. Chairman—

MR. LAUTERBACH: I do not suppose any of us members of the convention will pay for it out of our *per diem* here.

MR. BLISS: I presume not. And yet that same canny institution came to the last Legislature and got relief from an assessment for improvements on property which it had sold.

The question of the meaning of this word sectarian is no new one in connection with this question.

In a controversy which arose in, I think 1841, the distinguished John C. Spencer, then Secretary of State and Superintendent of Public Instruction, had occasion in a communication to Governor Seward to consider incidentally this question of what is "sectarian." He said:

"The Trustees of the Public School Society profess, and doubtless sincerely, their readiness to omit everything that may justly be regarded as offensive; they yet maintain, and properly, that education is imperfect without inculcating moral and religious principles, and hence they allow the reading of the Scriptures or portions of them and inculcate the leading principles of Christianity. But it is impossible to perceive how even these principles can be taught so as to be of any value without inculcating what is peculiar to some one or more denominations and denied by others. * * * Even the reading of the text of our common translation of the Scriptures is objected to by many. * * * Even the moderate degree of religious instruction which the Public School Society imparts must, therefore, be 'sectarian;' that is, it must favor one set of opinions in opposition to another; and it is believed that this always will be the result in any course of education that the wit of man can devise. If these views are sound, this dilemma is produced, that, while some degree of religious instruction is indispensable, and will be had under all circumstances, it cannot be imparted without partaking to some extent of sectarian character, and giving occasion of offense to those whose opinions are thus impugned.

“ The solution is the principle of the Constitution, absolute non-intervention. To this plan objections have been made that it would enable different religious denominations to establish schools of a sectarian character, and that thereby religious dissensions would be aggravated, if not generated. It is believed to have been satisfactorily shown that there must be some degree of religious instruction and that there can be none without partaking more or less of sectarian character, and that even the Public School Society has not been able and cannot expect to be able to avoid the imputation. The objection itself proceeds on a sectarian principle and assumes the power to control that which it is neither right nor practicable to subject to any domination. Religious doctrines of vital interest will be inculcated, not as theological exercises, but incidentally in the course of literary and scientific instruction, and who will undertake to prohibit such instruction ?

* * * * *

“ It is believed to be an error to suppose that the absence of all religious instruction, if it were practicable, is a mode of avoiding sectarianism. On the contrary it would be in itself sectarian because it would be consonant to the views of a particular class and opposed to the opinions of other classes. Those who reject creeds and resist all efforts to infuse them into the minds of the young before they have arrived at a maturity of judgment which may enable them to form their own opinions, would be gratified by a system which so fully accomplishes their purposes, but there are those who hold contrary opinions, and who insist on guarding the young against the influence of their own passions and the contagion of vice by implanting in their minds and hearts those elements of faith which are held by this class to be indispensable foundations of moral principles. This description of person regards neutrality and indifference as the most insidious forms of hostility. It is not the business of the undersigned to express any opinion on the merits of those views. His only purpose is to show the mistake of those who suppose they may avoid sectarianism by avoiding all religious instruction.”

The question as to the meaning of the word “sec-

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The question as to the meaning of the word “sec-

tarian" came up in the Convention of 1867, and Judge DALY, whose letter was read by Dr. King, and who appears as the one known Catholic supporter of this amendment, there used the following language :

"It is sought to get over that difficulty by adding to the word 'religious' the words 'or sectarian.' What is a sectarian institution? Let us take the oldest form of religion amongst us—that of the primitive people who preached Christianity in the establishment of the monotheistic worship of one God—the Jews. The Jew will say that he is no sectarian, because his was the first religion that established the worship of a single God and that, as the etymology of the word sectarian denotes, which is "cut off" or "separated from," all the rest have separated from and are sectarians, while he is of the original faith, that the whole body of Christians are "breakers off" from the primitive form of worship which his ancestors established. If you take the Christian faith, then the oldest existing form of that faith is the one of which I am a member—the Roman Catholic; and I may say with regard to the subsequent faiths called Christian, that they are sectarian, because they are "breakers off" and "seceders" that the term "sect" applies to them and does not apply to the Roman Catholic faith, which represents the prior organization of the Christian Church.

* * * "It is a matter of no consequence to the State, in the bestowal of its bounty, whether children are educated to be Catholics, Baptists, Presbyterians, Methodists or otherwise, if these denominations choose to take the matter in charge, and give the children of their denomination a good education, though it may be in accordance with the denominational religious views. It should not be the desire of any one denomination to bring about a state of things by which children of another sect shall be required in their education to conform to the doctrines of a different faith from that in which their parents wish them to be brought up."

Referring to the provision looking merely to a State Board, which it was proposed, in 1867, to insert in the Constitution, Judge DALY added :

"It has been my vocation for many years to pass upon the interpretation of language embodied in pro-

visions of this nature in our laws, and I speak of the language here employed with something of the same confidence which a mechanic feels in respect to the use of his tools. I say, in the first place, that this provision is one which belongs legitimately to the Legislature, and that if I were sitting as a legislator, and were called to consider this section and to adopt it as the law, I should not, though it might be changed the following year, be willing to vote for it. I should have so much doubt and uncertainty, in regard to the practical operation of the provision, that I should not be willing to assent to its enactment for a single year. If that be the effect upon the mind in reading this provision, and I have read it carefully over several times, what views must I take when it is deliberately proposed in the Convention to enact it in the fundamental law of the State, and make it a permanent and unchangeable provision for a period of twenty years; that, whatever be its operation or effect, to put it out of the power of the Legislature to make any change or alteration in it."

I commend these views to you and to Dr. King.

But to resume, if you want to make this amendment consistent you must make it read—insert in the closing sentence this language, "An institution which is wholly or in part under sectarian or *Roman Catholic* or *Protestant* or ecclesiastical control." Then you hit all the institutions alike. As it is now, you don't hit them.

MR. LAUTERBACH: You left Mr. Stern out.

MR. BLISS: That is so, I left the Hebrews out.
[Laughter.]

Further than this let me say a word on the question of exemption. At the last meeting some one referred to that subject, and you, Mr. Chairman, said that exemptions were before another committee. I submit, however, that that is not conclusive and that the subject of exemption from taxation has a very direct and pertinent connection with the precise question of this amendment; and that, if you are to exempt, as you do, churches, ministers' houses, and various things

of that sort that are thoroughly ecclesiastical, you ought to put in a provision in this amendment—and it belongs here, and I would put it in precisely in this way “founding, maintaining or aiding by appropriation, payment for services, expenses or in any other manner, *or by exemption from taxes, assessments or other public burdens*, any church, religious denomination or religious society, &c.” Can you be consistent in passing this amendment unless you put right in it that provision about exemption? Is there any difference in principle between taking a thousand dollars out of the taxpayers and paying it over to an institution, and in relieving that institution from taxation to the extent of a thousand dollars and throwing that burden on others? I do not say you should do that thing at all. I simply urge that if you are going to be consistent, if you are going to pass an amendment which will not subject you to derision, you must in the nature of the case put some such provision as that into your amendment.

Bishop Doane undertook to state the distinction between donation and exemption, and I remind you of “what a fist” he made of it. He said, “The difference between the exemption of a school or church from taxation, and a donation from a State to a church, is simply this: that the work of the church and school is pious work, reformatory work, which relieves the State of just so much work in punishing criminals by preventing them, and, therefore, I believe is service done by the church or school which earns the wage exemption from taxation.” Is not that precisely what every one of these institutions receiving public moneys does—whether Protestant or Catholic; and was not Mr. McDonough right when he replied to Bishop Doane: “I believe you are right, Doctor: that would cause donations to be given to every school in the State.”

A leading journal of New England said the other day:

“It is a practical question and not by any means a religious one, whether the Roman Catholic Church,

for example, with its trained and disciplined orders of self-denying men and women formally consecrated to the service of their fellow men, can expend a certain portion of the benevolent fund of the State with better result than any State agency can do. * * * A position of absolute religious neutrality implies the practice of perfectly even-handed toleration. One religious sect must be held to be quite as good as another, and because they are religious the common end of all must be assumed to be to make men better, more law-abiding, more honest and of purer mind and conduct. Each and all of them, therefore, whether Roman Catholic, Methodist, Presbyterian, Episcopalian, Baptist, Unitarian or Hebrew, when they apply their machinery to the promotion of work which the State deems it to be a public duty to forward, may justly claim recognition as agencies eminently fitted for the relief of the distressed, the destitute or the suffering. The point may be freely conceded that no State money should be expended by any agency whatever without being followed by State supervision. But, that there is something essentially wrong in allowing a Roman Catholic orphan asylum to have any aid from the public treasury, while no exception can be taken to giving the money of the taxpayers to a sectarian Children's Aid Society or a Society for the Prevention of Cruelty to Animals is a proposition difficult to understand. Its only intelligible basis is one of sectarian rancor, except, indeed, it be the belief that no admixture of religion with benevolence ought to have legal recognition, and that would be fatal to the existence of most philanthropic efforts whether avowedly sectarian or not."

I intended to have said something before closing in correction of a common error that in the City of New York the Catholics have received large gifts of land for nothing, or for merely nominal sums, while the Protestants have received but few such gifts. Among certain documents which I will leave with the Committee is a small pamphlet entitled "Grants of Public Lands to Private Charities in the City of New York," which contains what I believe to be an accurate history of all such gifts or grants of land. It shows that from the commencement of time the Catholic bodies have had

three grants of land and the Protestant bodies have had eighteen. The relative value of the grants, whether taken at the time they were made or judged now, will be largely against the Catholics. The Catholics have never had permission to sell a lot granted to them by the city, and apply the proceeds to general purposes. That cannot be said of any other denomination—not even of the Hebrews.

Either the friends of this amendment desire to stop all appropriations to institutions not maintained and controlled by the State or they don't. If they want to confine it to State institutions, why don't they say so plainly and simply? I can see that there would be some ground of principle in such a provision, but the friends of the amendment obviously do not want to go so far. Mr. Butler declares he does not wish to do that, because his little three-hundred-dollar institution at Yonkers would get hurt. If you do not want to go so far, and do want to prohibit the existing system then draw an amendment which has some approach to justice in its provisions, which shall lead to fairness between Catholic and Protestant institutions. Don't, as does this amendment, practically declare that no appropriation shall be made to a Catholic institution, because Catholics are a sect, but that appropriations may continue to be made to Protestant institutions, provided they are managed or controlled by more than one of the sixty or seventy Protestant sects which exist. You cannot conceal from yourselves or your constituents that such an amendment is a sham. Assuming, as I do, that you do not mean to recommend any such amendment as this, I say it is your duty, if you are going to recommend any, to draw one which will not be such a sham and fraud as this is. How you are to do it I confess I cannot quite see; but, if you are to have any amendment of the Constitution upon the lines indicated by this amendment, you must do it, or attempt to do it. Of course, you would not dare to propose to

provide that no appropriation shall be made for the support of the wards of the State in any institution in which religious instruction is given. You would not at this day venture to imitate Stephen Girard. I say that you would not, because even the Rev. James M. King has used the following language :

“ What constitutes real education, and what are the perils of education when purely secular? Education consists in the symmetrical development of the whole man for the purpose of his creation. This purpose is admitted to be moral. The State is preparing citizens to be competent to their responsibilities, and these are all moral. Secularized education is a misnomer. It is no education at all. * * * Many children and youth of the nation live under family conditions incompatible with self-respect or with moral purity. And these get all their education from the State. Under a republican form of government not only, but under any government, in fact, the morality of the Christian religion must constitute the basis of its educational system for the training of its citizenship, if the form and privileges of government are to be perpetuated. In case secular education is to be made non-Christian in order to be made constitutional, there must be non-Christian editions of text-books prepared by the State. And these must cover the fields of history, natural science, mental and moral philosophy and general literature. Christian truths and facts are so ingrained in the sources of knowledge of English-speaking people that the secular teacher who seeks to avoid the assertion or denial of them will find his teaching reduced to very narrow rudiments. To avoid, in instruction, the facts concerning the work and worth of Christianity in our history is to impart anti-Christian instruction not only, but to misrepresent, and this is to destroy the basis of all morals; and moral instruction cannot be separated at any point or for any period of time from the intellectual without injury. The public schools cannot be wholly secularized and claim to educate. They cannot be wholly secularized unless they are confined to the barest elementary instruction, and this would not be education, but simply getting ready to acquire knowledge. * * * In view of the fact that any adequate education for responsible citizenship cannot be entirely secular, we

demand as an ultimatum that the schools, the nurseries of our citizenship, shall not be handed over to godless instruction and divorced from Christian moral culture, thus becoming the nurseries of vice and immorality where God is ignored. * * * The attitude we ought to assume in case our rightful demands are not conceded; the State failing to meet the requirements of a citizenship made up of accountable beings, and the public schools becoming godless and, therefore, necessarily immoral, Christian citizens must deny the right of the State to assume to give such an inadequate education. The added demands that we believe it is high time we announced: Yes, more than this, I am about convinced that the time has come when we must demand that the State, assuming to teach its citizenship as a preparation for the responsibilities of citizenship, must not only recognize Christianity as the religion of the people in conformity with historical and judicial precedent, but must require the teaching of Christian morality wherever education is supported by taxation or by State grant."

In other words, Dr. King claims that you must separate Church and State; and not only whenever you give public money for the support of the wards of the State, but in your public schools, you must require a Christian education—by which he means a Protestant education. You will hardly agree with him, Mr. Chairman; but you will agree with me that the man who uses such language must be opposed to institutions, whether State or private, in which no provision is made for religious education. What, then, will you do? Have only State institutions, with freedom of worship therein for every sect or denomination? That would have a basis of principle to recommend it. Have private institutions in which the State aids to support its wards and secures them religious instruction in the religion to which they belong? That is, substantially, the present system. Or will you provide—what this amendment seeks to establish by a juggle of language—that public moneys shall be given only to Protestant institutions, where, if there is any

religious instruction, it must be Protestant, and where all the influences that surround Catholic or Hebrew children shall be Protestant?

This question, I say, you must decide, and decide it in such a manner that no distinction can possibly be introduced into the Constitution between any sect or denomination, whether Christian or Hebrew, Protestant or Catholic; in such way, moreover, that your conclusion does not shock the sense of justice of the average American. You cannot palter with words, or quibble with adjectives. If your conclusion even seems to lean one way or the other, against or for Protestant or Hebrew or Catholic, your whole work will go down when submitted to the people.

While a large portion of the people of this State are Protestants, a larger portion of them are fair, and, bearing in mind that fact, I respectfully say that you will not dare to introduce into the Constitution a provision which is shown to be neither fair nor just.

In conclusion, I thank you, gentlemen, for the patience and attention with which you have listened to me. I claim to have established the following conclusions: *First*, that all question of the schools and school funds is eliminated. *Second*, that the system of using public moneys in support of the wards of the State in private institutions was introduced, not by Catholics, but by Protestants. *Third*, that that system has, in the past, had the support of the wisest and best men of all faiths, and that nothing has occurred to weaken the force of the reasons which led to the introduction and development of the system. *Fourth*, that it is not a system of donation or gratuity, but a system under which the State secures the support of those whom it is bound to support somewhere at such expense to it that it saves an average of \$219.96 per head over what it would cost if the same persons were supported in the State institutions; and that to put an end to this system you add at once to the annual expenses of the

State \$4,621,534.08, even if the rich Protestants are able and willing to entirely support the wards of the State now in their institutions, and \$7,544,385.64 if such is not the case. *Fifth*, that it is not a source of profit to the Catholic institutions, but that, as a whole, they are compelled, to meet their expenses, to rely upon the voluntary contributions of individuals; and that, if the payments of public moneys are withdrawn, the institutions must be closed or greatly narrowed in their work. *Sixth*, that the amendment is urged by incorrect and misleading statements proceeding from those who got it up. *Seventh*, that the proposed amendment is, by the admission of those who prepared it, defective; that it is impossible to tell what it means, and that there is every reason to believe that it is intentionally so obscure and deceptive in its language that it will apply only to Catholics and Hebrews. *Eighth*, that at most there should be inserted into the Constitution a clause limiting appropriations to those who are entitled to claim support from the public and to a percentage of the actual cost of their support.

The members of the committee will receive three printed documents: One entitled Grants of Public Lands to Private Charities in the City of New York; one entitled Private Charities and Public Money, and one entitled Payments to Private Charities by the City of New York. The two former are based on articles prepared by the late J. L. G. Hasserd, of the "New York Tribune," the gentleman, I believe, who deciphered the famous cipher despatch of the Presidential Campaign of 1876. The other one has been prepared by Mr. E. J. McGuire. I commend them, especially the latter, to your careful study.

I again thank you for your patience.

MR. LAUTERBACH: The Committee are indebted to you.

