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ONE PENNY EACH

THE DRINK QUESTION

Its relation to Church and State
Duties of both in regard to it

BY

RIGHT REV. MGR. HALLINAN,
D.D., P.P., V.G.



Daite áda Cluicé:

Dublin:

comluicé na fírinne caitlice i nÉirinn,
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24 Spádo uaé. uí Conaill,

24 Upper O'Connell Street.

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uinginn a luac.

PRICE ONE PENNY.

Catholic Truth Society of Ireland.

Episcopal Approbation.

IN the Pastoral Letter of His Eminence Cardinal Logue for Lent, 1902, we find the following :—" A great work is being done by the Catholic Truth Society of Ireland for furnishing the people with such reading as will deprive them of all excuse for resorting to the poisoned sources from which so many were wont to imbibe an irreligious, sensual, and often corrupting draught. *Their efforts merit and should receive every support.* Whenever I see in a church the well-known box destined for the distribution of their publications, I take it as a clear proof of the pastor's zeal for the best interests of his people."

In the Lenten Regulations for the Diocese of Dublin, 1903, His Grace the Archbishop writes :—" The work of the Catholic Truth Society [Ireland], now so firmly established and happily so successful throughout the diocese, *is deserving of every encouragement from both clergy and laity.*"

" It is well known," writes His Grace the Archbishop of Tuam, " that various printing presses in Great Britain daily pour out a flood of infidel and immoral publications, some of which overflows to this country. We have a confident hope that the Society's [C.T.S.I.] publications will remove the temptation of having recourse to such filthy garbage, will create a taste for pure and wholesome literature, and will also serve as an antidote against the poison of dangerous or immoral writings."

" Allow me, dearly beloved," writes Dr. Fennelly, Archbishop of Cashel, in his Lenten Pastoral, 1903, " before concluding, to say something in favour of the Catholic Truth Society, which has been got up for the purpose of counteracting a growing taste amongst our people for an overflow of filthy literature from England and other countries. Its publications are racy of the soil; are very varied in point of subject; and, as far as I can judge, are, in many instances, of high literary merit. *I ask priests and people to support the Catholic Truth Society, by taking and reading its publications.*"

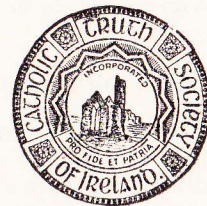
THE DRINK QUESTION

ITS RELATION TO CHURCH AND STATE

DUTIES OF BOTH IN REGARD TO IT

BY

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Dublin :

CATHOLIC TRUTH SOCIETY OF IRELAND

24 UPPER O'CONNELL STREET.

THE DRINK QUESTION.*

*Its Relation to Church and State. Duties of
Both in Regard to it.*

Historical Aspect of the Question.

INTEMPERANCE is not a modern vice. The Prophets of the Old Law denounced it. It existed in the time of our Blessed Lord and the Apostles. The homilies of Saints Augustine, Chrysostom, and other Fathers bear witness to its prevalence in the early centuries of Christianity.

It has been observed that Northern nations have been at all times more prone to this vice than others. It was little known in Italy in past or recent times.

England and Ireland.

I have seen it stated that England, as a nation, was remarkable for its sobriety until the time of Queen Elizabeth, when, it is said, the English soldiery contracted habits of intemperance in Ireland and Holland, and returning to their native land, corrupted the whole nation to such an extent that it became as notorious for intemperance as it had been for sobriety. The truth is, England had been at all times, and under all races, notorious for its drinking propensities.

The Britons, according to St. Gildas, the Teutons and

*A Paper read at the Meeting of the Maynooth Union, June, 1902.

Danes, according to St. Boniface, were all mighty drinkers; and William of Malmesbury attributes the easy conquest of England by the Normans to the prevailing habits of intemperance.

John of Salisbury, towards the end of the twelfth century, says, "that habits of drinking have made the English famous among all foreign nations." This national failing must have been well known to Innocent III., in 1206, when the case of the exemption of the Abbey of Evesham, from the Bishop of Worcester was being argued before him. The Bishop's advocate said: "Holy Father, we have learnt in the schools, and this is the opinion of our masters, that there is no prescription against the rights of Bishops." The Pope replied: "Certainly, both you and your masters had drunk too much English beer when you learnt this."

Not only beer, but all kinds of drink, were welcome to the English, according to an old poet:—

The Russ drinks quass. Dutch Lubeck beer,
And that is strong and mighty;
The Breton, he Metheglin quaffs,
The Irish aqua vitæ.
The French affect the Orleans grape,
The Spaniard tastes his sherry,
The English, none of these can 'scape,
But he with all makes merry.

As regards Ireland, on the other hand, there is no evidence to show that up to a comparatively recent time, as a nation, it was addicted to the vice of intemperance. On this point I will read for you the verdict of a writer of deep research, clear mind, calm and impartial judgment, and a thorough Englishman moreover—namely, the late Father Bridgett, one of the bright lights of the Redemptorist Order. In his admirable treatise, "The Discipline of Drink," speaking of England, he says: "Nor is drunkenness a vice of modern England merely. Though it has enormously increased in the last two centuries with the increase of population, and from other causes, yet there has been a tendency, at least amongst the inhabitants of Britain, to the abuse of

intoxicating drinks in each successive age, with which we are acquainted, and which each successive race has strengthened."

Speaking of Ireland, after weighing all the available evidence before him, he uses these words: "On the whole the evidence would seem to prove that drunkenness, as a national vice in Ireland, is of a very modern date." So much in the interests of historical truth.

Increase of Intemperance after the Reformation.

In connection with this aspect of the case, it may not be out of place to observe that when the bonds of morality were loosened by the introduction of the tenets of the so-called Reformation into England, the vice of intemperance spread with alarming rapidity. Up to that period one power alone had grappled with the evil, and that was the spiritual power of the Catholic Church. That it did so not without success is evident from the fact that when that power was practically destroyed in England and Scotland, the ravages of drunkenness became so widespread and enormous, that the civil power had to come forward, and by legislation, try to check it. The first Act of Parliament dealing with the drink question was passed in the reign of Edward VI.

We are told by a Protestant writer that one hundred years after the time of Elizabeth, when the power of the Catholic Church was completely crippled, and civil legislation had tried to arrest the progress of the evil, the organs were in London transferred from the churches to the taverns to accompany the bestial bacchanalias of men and women.

State of the Question at Present.

But whilst these few remarks on the historical aspect of the question may be of some interest, they are introduced merely as a kind of preface to the main object of this paper, which is altogether of a more practical kind. For, whatever may be said about intemperance in these islands in the past, there can be no doubt, that at the

present moment it is the greatest, the most crying evil, not only in Great Britain, but also in Ireland. It is a gigantic evil, stalking through the land, affecting young and old, rich and poor, male and female, filling our prisons, workhouses, and asylums with its victims, and driving thousands into early graves and eternal perdition. Think of it. Thirteen millions of pounds spent in drink—that is about one-third of the value of the annual agricultural produce of the country. More than half the taxes of the country paid for drink. 25,000 licensed houses for four-and-half millions of people—that is, one for every 174, including women and children that is, 10,000 more public houses now than there were when the population was over eight millions. No need of giving further statistics. The question is: What is to be done to arrest the progress of this demon, and what part are we, Catholic Clergy, called on to act in this great work of salvation?

Two Powers have to Cope with this Evil.

First of all, we must bear in mind that drunkenness is not only a crime against God's law, but in this country it is likewise a great social evil. Hence two powers have to deal with it—the Civil and the Ecclesiastical. Let me treat first of the Civil power. On the very threshold of the inquiry I am met with the trite aphorism so glibly used by many: "Men cannot be made sober by an Act of Parliament." The reply is: Neither can men be made honest by an Act of Parliament."

May not the State, therefore, pass laws to prevent robbery, or punish it? Quite true, a law cannot make a man sober if he wishes to be a drunkard, but bad laws—or good laws badly administered—may make drunkards of persons. Leaving the influence of heredity out of the question it may be safely stated that most people become drunkards or dishonest according to the opportunities or temptations thrown in their way. To regulate these comes within the functions of the Civil authority, and hence its influence in dealing with the evil.

Duties of the State.*

But how is it to exercise this influence and discharge its proper functions? Some persons wish that the State would prevent altogether the sale of intoxicating drinks. A person who was once asked whether more harm was due to the public-house or grocer's license, replied: "May the Lord sweep them both from our land."

This may be a desirable thing, but is it attainable? I should say not. Many people, perhaps the majority, in these countries—rightly or wrongly—regard alcoholic liquor, within certain restricted limits, as a useful, if not a necessary article of diet. This is a fact which cannot be disguised or ignored; and in the face of it a proposal to end the drink traffic is not within the range of practical politics just now. The most we can hope for is to mend it; and even to do this, we ought to bear in mind that it is a complex question, which cannot be settled all at once. It is like the proverbial bundle of sticks, which have to be dealt with one by one. And in this work all, total abstainers, without renouncing their principles, moderate and even excessive drinkers, can take a hand, and be united in demanding from the State, not visionary, but possible and useful reforms. If the drink question has not been solved long ago, it is not for want of laws, as there are no less than two hundred and fifty Acts in the Statute Book to regulate it.

This very multiplicity and complexity of Parliamentary Acts necessarily begets confusion and difficulty of administration, and has doubtless conducted much to the failure of the licensing laws during the past three and a half centuries. One of the first and most necessary steps, therefore, to be taken by the State seems to be to simplify, codify, and largely reform these Acts.

Duties of the Church.

The mission of the Church is to save the souls of men. It is her's to safeguard virtue, to combat crime.

* For the legal aspect of the question see Appendix.

Intemperance is not only a social evil, it is also a most degrading crime, excluding from the kingdom of God. Hence the Church of God has at all times, and in all places, fought against it. For over a thousand years, single-handed, she grappled with it in these islands, and with success, as we have seen.

During the past three centuries her power has been, to a great extent, paralyzed. Besides this, many other causes have led to the enormous increase of intemperance, such as the bustle of modern life, the concentration of people in large cities, and consequent difficulties of pastoral supervision and the influence of public opinion, the enormous increase both of wealth and poverty, the unsanitary housing of the poor, the absence of innocent and healthful amusements, bad laws—or laws badly administered—and the poisonous adulteration of liquor; and last, though not least, the introduction of a new agency, and a most powerful one, namely, alcohol in its undiluted strength, which, in the words of Cardinal Manning, “has added a new madness to the evils of intemperance.”

Direct and Indirect.

Now, in considering the duties of the Church towards this vice, we must bear in mind that over these causes the Church has, at least, no direct control. Hence, of herself, short of an abiding miracle, she cannot gain a complete victory over the vice of intemperance. Hence, too, she not only does not refuse, but she invokes and welcomes the co-operation of the secular arm in her conflict with it. The duties of the Church are, therefore of a two-fold kind, direct and indirect. Direct, which consists in the use of her own spiritual weapons, and indirect, in the exercise of her civil and social influence, such as it may be, on the causes which are combining to create and spread the evil. We, priests, are the principal standard-bearers, the warriors of the Church, in this struggle of tremendous import for time and eternity in this country. Let us ask ourselves what are the duties, and how are we to discharge them?

Two Pitfalls to be Guarded Against.

Before considering them in detail, we must guard ourselves against two pitfalls—one a snare to faith, the other to morals. From the earliest ages of Christianity there were heresies regarding the use of fermented liquors. The Gnostics and Manicheans taught that the use of them was sinful, because they regarded them as the creation of an evil principle.

The heresy was condemned and refuted by the Fathers of the Church of that time, and by none more powerfully than by Origen. The Albigensians repeated the error in the beginning of the twelfth century, and were vigorously opposed and denounced by St. Bernard. “These men,” said he, “are mere rustics, and utterly contemptible, yet they must not be neglected, for their words spread like a canker. They abstain from food that God made to be received with thanksgiving; and are heretics not because they abstain, but because they abstain heretically.”

And lest anybody may think he was opposed to the Christian practice of self-denial, he added: “If they are guided by spiritual physicians and ascetic discipline, I approve their virtue in taming the flesh and bridling its lusts.” But they were not. They made distinctions of food, and said the use of some of them, and amongst these fermented liquors, was unlawful; hence the great St. Bernard said they abstained heretically. Some modern ardent advocates of temperance, especially amongst the separated sects, propound doctrines dangerously akin to these heresies. Cardinal Manning had them before his mind when he delivered a memorable address to the Holy Family at St. Mary’s, Commercial Road, London, in 1875. “Now, my friends,” he said, “listen I will go to my grave without tasting intoxicating liquors, but I repeat distinctly, that any man who should say that the use of wine, or any other like thing is sinful, when it does not lead to drunkenness, that man is a heretic, condemned by the Catholic Church. With that man I will never work.”

The second snare is one to morals. In our zeal in the

cause of temperance we are invited, and naturally led, to stand on a common platform with all advocates of that cause. In doing so we must guard ourselves against error and exaggeration. Many non-Catholics regard temperance as a kind of a God, and raise the promotion and practice of it to the dignity of a natural religion. In doing this they may be acting in conformity with their own tenets, but for us to imitate them would be a fatal error. To them temperance stands alone and by itself as a natural virtue; but to us Catholics it is a part and parcel of our Catholic system, requiring God's grace, the help of the Sacraments, and other aids for its practice, and ought not, moreover, be separated from the Catholic view of its being an exercise of penance and expiation.

Weapons of the Church.

What weapons, then, does Holy Church place in our hands to combat this dread monster, and how do we use them? Some of these weapons are as ancient as the Church herself. Some are new, and accommodated to the altered circumstances of the fight; for, whilst the soul of the Church is ever the same, she varies her forms and her discipline in accordance with the requirements of time and place.

Ancient Weapons.

She puts in our hands the same weapons that our Blessed Lord placed in those of the Apostles when he sent them "*praedicare regnum Dei*," "to preach the Kingdom of God"—she gives us the sword of the "Word of God, which is living and effectual."

At our ordination she warns us, "*Sacerdotem oportet praedicare*"—"it is the duty of a priest to preach." Do we wield this sword in season and out of season? Do we preach from the housetops against this vice? It is a noon-day evil staring us in the face. Are we for ever raising the cry of alarm against it, or do we not frequently pass it by unheeded, either because it is so common, or because we are too faint-hearted to attack

it? "*Væ mihi si non praedicaverò*," says St. Paul. "For woe is unto me if I preach not the Gospel."

The second weapon is the Sacrament of Penance. The priest sows the seed in the pulpit, and reaps the harvest in the confessional. Do we use to the fullest extent the opportunities offered in this sacred tribunal to promote total abstinence or temperance, according to the requirements of each individual penitent? Do we warn license-holders of the dangers of their trade and the obligations by which they are bound? Do we ever try to dissuade our people from rushing recklessly into a business fraught with such terrible temptations and consequences? Do we, as often as we may, impose abstinence, either total or partial, as a sacramental penance? These and such questions should form the subject of our examination of conscience from time to time.

New Weapons. The Pledge in General.

Amongst the new weapons which Holy Church places in our hands, the pledge takes the first place. In the sense in which it is now generally accepted, as the binding by a solemn promise of an individual, or a number of individuals in a society, to promote sobriety, the pledge is new, and little known to history. From the days of Father Mathew to the present time the temperance pledge has been the means of saving many from the evils of intemperance. But, like most good things, it is liable to be abused, and hence it devolves on us to point out to the people the motives for taking it—which are, either as an act of mortification, or for the purpose of edifying and encouraging others—or through necessity, and for self-preservation; that a pledge of itself does not work a sudden moral or physical change—that it is not a sacrament, nor, apart from the Sacrament of Penance, does it confer sacramental grace; that it does not at once eradicate the bad habit nor dispense from the ordinary precautions against temptations to relapse: that a pledge, as now sanctioned by the Church, is not an oath, nor a vow, but at most a solemn resolution or a promise made to man; and, moreover that those who cannot,

or will not, bind themselves by the more perfect total abstinence pledge, may usefully do so by a partial one.

Total Abstinence and the Clergy.

As regards the total abstinence pledge amongst the clergy themselves, it is to be observed, in the first place, that, whilst the Church imposes on her ministers the more severe and difficult discipline of celibacy, she does not bind them to total abstinence from intoxicating liquors. She charges them to be sober, warns them against danger, prohibits what is unbecoming, often under pain of canonical censure, but she leaves it to their own discretion whether they are to be total abstainers or not. But whilst all this is true, there can be little doubt that the ecclesiastic who is a total abstainer has generally more freedom of action in the cause of temperance than the one who is not. Hence it is that we all look forward with high hopes to the successful promotion of temperance in our own and future times, knowing that, year after year, young priests are leaving this world-renowned college—the nursery of the priesthood of Ireland—filled not only with priestly zeal, but most of them total abstainers. To them I would say, vast is the field of labour before them, and great will be their success if they persevere in keeping their pledges, and preach temperance, not only by word, but likewise by the noble example of their own lives. But whilst practising corporal abstinence from drink, they should guard themselves against a more insidious enemy, namely, spiritual intoxication. For there is a tendency amongst some total abstainers to look on themselves as “not like the rest of men.” They should bear in mind that, for the majority of priests, total abstinence is a counsel of perfection, and that there are many among them, temperance-reformers, admirers of total abstainers, who are not prepared to follow that counsel. “*Non omnes capiunt verbum istud,*” “not all receive that word.” They should bear in mind, too, that many of the clergy, who have now passed the meridian of life, began their priestly careers in a different order of things and adapted them-

selves to their environments: now that their habits of life are formed, total abstainers must not grow impatient with them, if they are not all prepared to adopt the more perfect course. Let the total abstainers try to convert the moderate drinkers to total abstinence. If they succeed they will have done a good work; if their efforts are not always crowned with success, let them not judge us too harshly, nor reject us as incapable of doing anything in the cause of temperance: let them be patient and tolerant towards us, use us for all we are worth, according to our lights and means, and allow us to die out quietly.

Temperance Associations.

Temperance associations form another of the modern weapons which have the sanction of Holy Church. Temporal affairs are largely carried on in these times by guilds, companies, and associations. The Church adapts herself to the times. The principle underlying this economy is the old one; union is strength. In all these societies, whether under the banner of total abstinence or temperance in a wider sense, they have the same object in view, to cure the same evil, the vice of intemperance.

In alluding to them a word of warning may be useful: Let us avoid jealousies. Total abstainers should not depreciate the efforts of partial abstainers, nor should these minimise the noble services and examples of those.

St. Bernard, speaking of the jealousies which existed in his time between the Cistercians and Cluniacs, says: “What security, what quiet shall we find in the Church if every man, when he was chosen one state of life, despises those who live differently, or thinks himself despised by them? When Christ ascended to His Father, He left to His Spouse, the Church, His seamless tunic, woven from the top throughout; but the tunic, though seamless, because of the charity which binds it in indissoluble unity, is many-coloured, because, of the diversity of graces and gifts. . . .” He continues: “Let every man abide in the same calling in which he

was called (1 Cor. x. 22.) Different remedies befit different diseases. You may often safely recommend to another what you may abstain from yourself. . . I praise, then, every order in the Church in which men live justly and piously. I belong to one by my mode of life, but to all by my charity."

In the address already alluded to, Cardinal Manning uses the following language on this point: "Now, I desire to promote total abstinence in every way that I can; I will encourage all societies of total abstainers. But the moment I see men not charitable, attempting to trample down those who do not belong to the total abstainers, from that moment I will not work with those men. I would have two kinds of pledge—one for the mortified, who never taste drink; and the other for the temperate, who never abuse it. If I can make these two classes work together, I will work in the midst of them. If I cannot get them to work together, I will work with both of them separately." These wise words of the great Cardinal should be ever present to the minds of the many earnest temperance advocates of our time, whether amongst the total or partial abstainers.

Every association that has for its object the removal of any of the many causes of intemperance deserves the good will and blessing of every true temperance reformer.

We all know how much our social customs have had to do with the spread of intemperance in this country, and what havoc has been wrought by them owing to the blindly generous nature of our people. Baptisms, marriages, wakes, and funerals have been often turned into occasions of intemperance.

Any law, diocesan, provincial or national, which aims at putting an end to such un-Christian customs will be heartily welcomed by all, both clergy and laity, who have the welfare of Ireland at heart. We know, too, how ruinously the custom of treating in public houses or places where drink is sold, so prevalent amongst our poor people (especially in the country) has operated against the cause of temperance. This system, which has become such a curse to the country, and such a friend to the British revenue, is not the outcome of generosity, but of meanness and vanity. It is propped up by two classes of

persons—those who are known by the unsavoury names of loafers and spongers—and those silly, vain persons who wish to pose as decent and open-hearted, according to the public-house code. The custom is an outrage on common sense, and is at this moment nothing short of a national evil. Any association, therefore, that aims at breaking it down deserves well of the country.

Anti-Treating League.

Hence the Anti-Treating League, so successfully launched in two dioceses in Ireland, merits the serious attention of the bishops and clergy, both collectively and individually. I say of the bishops, because unless the League is taken up, not only with the permission, but with the blessing and direct personal encouragement of each bishop in his own diocese, it is either doomed to failure, or its success will be, at most, limited and short-lived.

Each member binds himself not to take a treat from another, nor to give one himself in any place where drink is sold. He promises, moreover, not to be guilty of the sin of intemperance himself, and to prevent, as far as possible, drunkenness in others. These rules leave a reasonable margin for the use of one's liberty in the use of stimulants, whilst they are well adapted to cope with this evil custom of treating, which, at the present moment, seems to be peculiar to our country and our race.

From the very nature of this League it requires to be started simultaneously either throughout a diocese or, at least, in large sections of it, comprising several adjacent parishes.

As regards the rising generations, nothing need be said, as the rule adopted, as far as I know, by all the bishops of Ireland of administering to the children at Confirmation a total abstinence pledge up to the age of twenty-one, must be productive of most salutary results so far as they are concerned.

Duties of the Clergy regarding Social Questions in general and Temperance in particular.

But we, clergy, must not confine our zeal and activity in the cause of temperance to the use of the spiritual and disciplinary helps, with which our Mother, the Church supplies us. We must likewise direct our attention to the removing or remedying the social cause of intemperance. It is the wish of our Holy Father the Pope, that, whilst the Catholic clergy the world over should discharge their priestly duties with all possible zeal and devotedness, they should likewise take their part as citizens in those social questions which are bound up immediately and directly with the temporal, but mediately and indirectly with the spiritual welfare of the people.

In the eighties, when the country was passing through the throes of a great social revolution, the Catholic clergy stood on the political platform as guides and counsellors of their flocks, and, as a body, well and wisely directed them, and saved the nation from a cataclysm, which, without their moderating influence, was inevitable.

The people are now better trained in political methods, and do not require the interference of the clergy to the same extent in that arena. It would seem as if the time has now come when our counsel, co-operation, and influence, should be directed to the solution of the great social problems with which we are confronted. In this country the question which towers above all others in importance, both for the corporal and spiritual, the temporal and eternal interests of our people is the Drink question. Everything, therefore, that has a bearing on the solution of that great problem must be a subject of deep interest to us.

Housing of the Poor.

As bad housing and unsanitary conditions of life are frequently the result, and often the cause of intemperance, it is our duty to take our part in, aye, to promote movements for the removal of this cause.

Amusements.

As "all things have their season, and there is a time to weep, and a time to laugh," so the people must have their amusements. The cause of temperance is not necessarily connected with gloom and sadness; on the contrary, innocent, healthful amusements and recreations conduce much to sober habits of life. Hence all prudent directors of temperance associations study to supply this need to their members. But there exist in this country, unfortunately, amusements calculated to promote not the cause of temperance, but of intemperance. I allude to the public hurling and football tournaments on Sundays and holidays, got up principally, if not exclusively, by publicans, beside villages and licensed houses in country districts.

Apart from the gradual blunting of the religious feelings of reverence for the Lord's Day, which such public boisterous sports naturally generate, they are, as a rule, associated with much intemperance. Whilst, therefore, giving encouragement in every way in our power, to healthful, innocent amusements, indoors and out of doors, on Sundays and week-days, in town, village, and country, it is our duty to discourage and prevent, as far as possible, those which are carried on in dangerous proximity to public houses, which generally lead to intemperance and other sinful or unseemly excesses.

Suggestions regarding our Future Action.

Before I conclude this already too lengthy paper, I will take the liberty of submitting to your consideration and discussion a few points regarding our future action.

The evil which we wish to eradicate is not the drunkenness of individuals, numerous though they be, but the general and habitual abuse of intoxicating drinks. It is not National drunkenness, but National intemperance.

What is the cure for this evil? Is it teetotalism or temperance?

Theoretically either would remedy it; but a total

abstaining Ireland seems to me an Utopian idea-- a temperate Ireland a rational and feasible one. What we have to aim at, in my opinion, is national temperance. In order to bring this about, we must operate on the mind and will of the people. For we must not lose sight of the fact that laws--the administration of laws--aye, the fate of the law makers themselves, depend in the ultimate analysis on the popular will.

If Parliaments are unwilling or unable to pass any radical and comprehensive laws to stem the tide of intemperance in these islands it is because the drink traffic and its interests are a dominant factor in the Councils of the Nation. And this is so because the drink trade has the popular will at its back. It is our duty, therefore, to try and change this. How can it be done? We have the weapons at hand--amply sufficient, because supernatural--prayer, the preaching of the Word, the use of the Sacraments, the pledge and the employment of associations to combat the causes of intemperance. The question is: How are we to use these powerful and supernatural agencies in order to secure success? Is it individually, each in his own sphere of life according to his lights and abilities, or is there need of an organisation of our forces? Individual efforts have done and can do much.

Father Mathew's Apostolate.

Witness those of our own illustrious fellow-countryman, the great Father Mathew, who during six years of his apostolate, from 1838 to 1844, without any assistance from the State, but because of the change made by himself in the habits of the people, succeeded in reducing the number of public houses from 21,000 to 13,000.

Father Mathew was a man of a century, and we must not be waiting for the advent of such another. His success, too, marvellous as it was, was transient. Why? Principally, because when he passed away, he left behind him no national organisation to carry on his work.

To-day we are witnesses of a new spirit moving over the face of the land. Our language and our literature

are being revived, and with them the prospects of the revival of our decaying industries are becoming brighter day by day. Side by side with this return to an Irish Ireland, we see springing up in all directions a Movement calling for a sober Ireland.

Forces working for Temperance require to be Organised.

The forces are many, earnest and active. Will they succeed? They will, I am confident, if they are organised. We want a national organisation to unify, control and direct them--an organisation having for its object to promote habits of temperance, self-control, and a healthy public opinion, comprising within its ranks the earnest, partial abstainers, as well as the self-sacrificing total abstainers, having a central authority under ecclesiastical control, and branches affiliated through the country. Such an organisation would require suitable agents to carry on its work. Dealing with a people intensely Catholic, such as ours, amongst whom, unfortunately, for reasons not necessary to detail, this vice has been making the most dreadful havoc, such agents should be Catholic priests devoted exclusively to the promotion of temperance by preaching, giving missions, establishing leagues, total abstinence, partial abstinence or anti-treating, according to the requirements of different localities; attacking vigorously the different social customs, connected with baptisms, marriages, wakes, funerals, sports, treating, which have all in their measure concurred to the spread of this evil. If God raised up military orders to redeem the Holy Places from the yoke of the Saracens, and a religious order for the redemption of captives from the bondage of the Turks, may He not now, if invoked through the intercession of Saint Patrick, raise up a body of religious crusaders to free our country from a captivity worse than that of the Saracens, namely, from the thralldom of the demon of intemperance? Is the establishment of some such national temperance organisation desirable and feasible? The answer to that question rests with you.

APPENDIX.

The administration of the existing laws falls on three bodies :—The Excise, Police, and Licensing Authorities:

Excise Authority.

The duties of the Excise authority are more or less of a mechanical kind, and have little bearing on the question.

But it may be asked whether it would not be an improvement if license duty were based, not on the valuation of the house, as is now the law, but on the quantity of spirits sold, of which an account is at present kept by the Excise for income-tax purposes.

Duties of Police Authorities.

The duties of the police authorities have a more important and practical bearing on the subject. For it is theirs not only to arrest and prosecute drunkards, but likewise to supervise licensed houses, to detect and prosecute offences against the licensing laws, and report same to the licensing justices. Experience teaches that, where there is an active and efficient police officer or head constable, intemperance noticeably decreases, and there are fewer breaches of the law. We must, not, however, lose sight of the difficulties in their way.

Some members of the force have not, perhaps, high ideals on this question, and are disposed rather to connive at than detect breaches of the law. Then they have sometimes to face an apathetic, if not hostile magistracy, who either refuse to convict on sufficient

evidence, or to inflict a punishment commensurate with the gravity of the offence.

Occasionally, too, there are temptations thrown in their way—free drinks, perquisites, prospective testimonials from the publicans, all which it is not easy to resist, and are not, it is to be feared, always resisted—to the detriment of public morality and the cause of temperance.

It is said that the public houses, which the Licensing Justice have multiplied with reprehensible indiscretion in purely country districts, are, in many places, centres of dissipation and drunkenness on Sundays. Are the Police Authorities exercising due supervision over these, and if not, why not? Why is it that, making all allowances for the difficulties in their way, the Sunday closing law is violated so frequently with impunity? Again, to allow drunkenness on the premises is one of the greatest offences a publican can be guilty of. Yet, what do we find? The offence is practically left unpunished in this country.

Many persons are arrested and punished for drunkenness—how rarely are the publicans, in whose houses this drunkenness was permitted, prosecuted and punished? Why is this?

Is it a defect in the law, or in the administration of the law? The practice, I understand, is to shift the *onus probandi* on the prosecutor. Now, if a drunken person is found on or leaving the premises of a publican, is not the presumption against the publican and would it not therefore, seem more reasonable to throw on him the burden of proving his innocence?

Licensing Authority—Nature of its Functions.

But, so far as the civil power is concerned, the body that has most to do for good or evil with the drink question is the Licensing Authority. In the first place, it may be asked, what is the nature of the functions of the Licensing Authority? Are its functions purely judicial, or are they administrative?

Up to quite a recent period the idea prevailed in England, and, I believe, it largely prevails to the present

moment in Ireland, that its duties are purely judicial. The decision of the House of Lords, within the last few years, in the case of *Boulter v. Kent*, has definitely settled that point, not only for England, but, to my mind, also for Ireland. For, whilst it seems to me that there may be accidental differences regarding the powers of the licensing bodies in both countries, there is none in their essential elements.

It would be an anomaly if, under the same legislature and for the application of a law that has the same object in view in both countries, the executive body in one country should be administrative, and in the other purely judicial, that is bound to act on the evidence officially brought before it.

It is not probable that such was the intention of Parliament, and consequently, I believe, that the Licensing Authority is an administrative body in Ireland as well as in England, like the Board of Guardians, or other such public bodies.

But some persons may say, if the functions of the Licensing Authority are not purely judicial, why take evidence on oath? My reply is, that all evidence is taken on oath before the Licensing Justices in England, too, yet there is no longer any doubt that the Licensing Authority in that country is administrative and not purely judicial.

Licensing Authority.—An Administrative Body.

The fact is, the Licensing Justices, as an administrative body, can examine into cases and judge for themselves without hearing evidence at all; but, if they accept evidence, the law requires that it be sworn, but they are not bound to act on that evidence. This is a point of far-reaching importance, and at the very root of the better administration of the licensing laws.

In general it may be laid down that it is the duty of the Licensing Authority to grant as many licenses as are required for the needs of each locality, and to see that licence-holders be persons who, by character, training, and the circumstances of their position, are

suitable to carry on the trade and unlikely to resort to illegal or disreputable practices.

Such being the duties of the Licensing Authority, such the nature of its functions, it follows, that on it depends to a considerable extent, the solution of the question of temperance reform in this country, so far as the Civil power is concerned.

Granting New Licences.

And, in the first place, let us consider the question of granting new licences. The multiplication of licences for the sale of intoxicating drink in this country, in these latter years, has been nothing short of *national scandal*. It is acknowledged by all. An unanimous voice from North, South, East and West, from pulpit, platform and press has been raised to protest against it. Every new licence is a new temptation to drink, and the multiplication of temptations to drink means an increase of the victims of drink, and the consequent spread of intemperance. So great has the abuse become that Parliament has been called on to interfere and pass a law restricting the power of the magistrates in this respect.

Whilst we welcome this law, it cannot be regarded as other than a discredit to the justices themselves, for it means that their administration has been so unsatisfactory, aye, so mischievous that a special law has to be passed to deprive them of some of their power. Even if this law should pass, an interval will elapse before it is put into operation.

Resolution of Licensing Justices in Limerick.

Will the Licensing Justices, in the meantime, perpetuate this scandal and grant more new licenses? Let us hope not—rather let us hope that they will imitate the example of Judge Adams and the Justices in Limerick, who have pledged themselves to grant no more new licences in purely country districts.

I have heard it stated that such a pledge was both illogical and illegal, as every new application should be tried and decided on its merits. This view arises from the erroneous idea regarding the purely judicial functions of the Licensing Authority. As far as I can see their action was both logical and legal. From their personal knowledge they were well aware that all the reasonable requirements of every country district, in their jurisdiction, not only for the present, but even for coming generations, had been amply provided for, and that any further multiplication of licensed houses would mean, not a boon, but a curse. As wise administrators of the law, using the discretion with which, in the very nature of things, they were invested, they bound themselves individually and collectively to grant no more licences in such purely country districts. For the same reason, seeing that the number of licensed houses in towns and villages was out of all proportion to the wants of these places, and required rather to be decreased than increased, they bound themselves not to give in future any new licences, nor to extend Beer and Spirit Licences until three existing licences had lapsed.

Such a proceeding seems wanting neither in logic nor common sense, and it is hard to see where the illegality comes in. West Limerick was in no worse condition than other parts of Ireland, as far as I can know. What the County Court Judge and Magistrates have done there may, perhaps, be done usefully elsewhere.

Let us hope that, as a result of the meeting of magistrates held recently in Dublin, some such action will be taken immediately in every part of Ireland.

Duty of Magistrates to Reduce Licences.

But should we be content with this, and ask no more from the Licensing Authority? Certainly not. We should ask the Magistrates to begin to use to the fullest extent wisely and independently their administrative powers. Not only should they abstain as a rule from granting new licences, but they should begin at once to lessen the number of existing ones.

The Licensing scandal has been allowed to exist too long, with the result that through the whole country the number of licensed houses is at present far in excess of the needs of the community.

The present Magistrates are very much, though not altogether, to blame for this. They found things bad, and, instead of mending them, made them worse. It is their duty now to begin to undo the evil they have done, and reduce, as quickly as possible, the number of licensed houses. How can this be done?

How This May be Done.

The adoption of a resolution similar to No. 2, just mentioned, of the Newcastle West Magistrates, by the Licensing bodies elsewhere, would help, though slowly, to attain that object.

Take again the very common cases of renewals and transfers of Licences. Cannot the Magistrates, as an administrative body, inspect the locality, and see for themselves whether the licence is required at all, whether the house is a suitable one, why the transferrer is leaving it, what are the qualifications of the would-be transferee, and grant or refuse the transfer accordingly. An exemption may be made when the licence holder wishes to transfer the licence to a member of his own family, as was recommended by the Royal Commission on Liquor Licensing. By adopting this course, in the city of Bradford, the Justices have reduced the number of "off licences" by 254 since the year 1882, and in Liverpool, from 1889 to 1896, the number of "on licences" was reduced by 144.

Clearly the Licensing Authorities in those cities have had a different idea of their powers and responsibilities from that which generally obtains in this country. They did not allow their intelligence and activity to be fettered by the "purely judicial" nature of their function.

Passing through Dublin yesterday, I got access to the record of the case of *Sharp v. Wakefield*, tried before the House of Lords in 1891.

The question at issue was, whether in the case of an application for a renewal of a licence, the Licensing Authority has the same discretionary power as in the case of a new licence, namely: Can the justices take into account the character and the necessities of the locality, the remoteness or otherwise from police supervision, and grant or refuse the renewal, the same as in the first instance. The unanimous decision of the five Lords of Appeal was that the Licensing Authority has the same discretionary power in the case of a renewal as in that of a first application. The decision, to be sure, was for England, but the reasons for the decision apply with equal force to Ireland. In giving his decision, the Lord Chancellor (Lord Halsbury) uses these striking words—"If in the original grant the magistrates have a discretionary power, and it is their duty to consider the wants of the neighbourhood with reference both to its population, means of inspection by proper authorities and so forth, what sense or reason could there be in making these things irrelevant in any future grant." These words seem to me to apply with equal force to Ireland as to England. In Ireland the justices have a discretionary power to consider all these circumstances in the first application for a license—why not then in the renewal? I have seen it stated that there is some legal decision to the contrary. I have not seen that decision, but, if it exists, it seems to me to be based on a false interpretation of the law, and would be reversed by the House of Lords, if a test case were referred to it.

Tied House System.

Then there is the "tied" house system.

Tied houses are the channels for the trade of public breweries and distilleries, whether belonging to individuals or companies. The conditions of the tie vary. Sometimes the brewer holds a mortgage on the premises—sometimes he is the owner and appoints a yearly tenant or a manager. Sometimes the tie is for the sale of beer only; sometimes for beer and malt liquors, and sometimes for every article that can be

sold in the public-house. The occupier of a tied house once said, when asked what he was tied for, "I am tied for everything but sawdust."

Whatever may be said of the system in theory, in practice it works out injuriously to the public interest, and blocks the way to temperance reforms. For very often public brewers, and, more frequently still, public brewing and distilling companies, which like other corporate bodies have no conscience, and seek only for profits and dividends, care little as to the methods employed to secure their object. They are not always content with the profits of their wholesale trade, but wish also to partake of the retail profits, and so charge the tied customer more than the free. The result of this is that the tied customer, between pressure from within and competition from without, is tempted to have recourse to illegal methods to meet his engagements. He finds himself in this dilemma, if he does not push the trade of his master, he will be sent about his business; if he is over active in pushing it, he is likely to be caught in the meshes of the law, and then, too, exposed to dismissal. Hence, one finds that there are far more cases of transfers in tied houses than in free ones. Many honest, thrifty people, who look on a public house as a kind of El Dorado, have invested their savings in these houses, and after a few years' experience have discovered their mistake. Now it is evident that the Licensing Justices, from the very nature of their office, have power to save license holders from conditions of tenancy, which necessarily expose them either to failure of business or violation of the law. Except in large cities the tied house system does not exist to any appreciable extent in Ireland; but it is likely to increase, and consequently the evils arising from it should be known and guarded against in time.

Licence Holders Should Be Specially Selected Persons.

It is the duty of the Licensing Authority to see that licence holders be specially selected persons, qualified for the spirit trade by training, character, and social antecedents.

Do the Licensing Justices in Ireland attend to this most important branch of their duties? How often do we find licences to carry on this dangerous trade given to persons utterly unfit for it?

Combination of Trades in a Licensed House Promotes Intemperance.

Is it to the public advantage to have a combination of trades in a public house? In England no other goods except eatables are allowed to be sold in the same premises with intoxicants. In Ireland, on the contrary, it is not uncommon to find for sale, under the same roof with intoxicants, groceries of all kinds, hardware, soft goods. This system multiplies temptations, makes supervision difficult, and gives a cloak to drinking among women, who are sometimes supplied with drink under the title of groceries. On the whole, the system militates against the cause of temperance. Have not the Licensing Justices, as an administrative body, the power of taking some united uniform action to save the country from this danger, without inflicting an injustice on the existing license holders? The discontinuance of the system would quickly lead to a diminution of the number of public houses. Would it not be well, too, if licences were altogether refused to houses under a certain valuation, as at present licences are attached to some houses utterly unfit for the business.

Sunday Closing.

Consider the closing regulations. These have a most important bearing on temperance reform. Take the Sunday Closing Law. That this law has been, on the whole, a great boon to Ireland there can be no doubt; and few, if any, amongst the publicans themselves would, I venture to think, now ask for its repeal. Wherever the law is strictly enforced the results are excellent. But is it strictly enforced? I fear not, partly owing to the remissness of the police authorities and partly to the

apathy and laxity of the magistrates in punishing violations of it. If No. 3 of the West Limerick resolutions was universally adopted and acted on, and if a few notorious violators of this law, in every town and village, were deprived of their licences, it would have a most salutary effect.

Early Closing on Saturday Night.

Experience teaches that arrests for drunkenness are more numerous on Saturday nights than at any other times, and that the heaviest drinking takes place between 10 and 11 o'clock.

In Scotland the Licensing Authority has a discretionary power since 1887 of early closing, except in seven large towns. They put it into effect, with such beneficial results, that the excluded towns are agitating to be included.

The Licensing Authority in Ireland has not this discretionary power; but if it had the power, say to make an order for early closing by any time up to two hours, to be renewed every year, and exercised it properly, it would be productive of much good.

Clubs and Soldiers' Canteens.

Two other sources of intemperance in this country are clubs and soldiers' canteens. A well-regulated club, with its library, reading room, debates, and various opportunities of intellectual improvement and innocent amusements, is a public boon. But a social club, with a drinking bar, is often a greater danger than an ordinary public house. For the club is not under the same legal supervision and restrictive regulations, and hence it has all the temptations with fewer of the safeguards. The consequence is that many persons have contracted habits of intemperance in these clubs, who would have escaped the ordinary snare of the public house. The evil of the drinking club is on the increase in Ireland, and is to be met with, it is to be feared,

not only in the workingmen's clubs, but in ones with more pretensions, whether County, Commercial or National.

It is in the interests of the members themselves of these clubs to see to the danger in time—to have them properly conducted—and that none but members be supplied with drink, and even these within the limits of moderation. Otherwise, public opinion will have to be created against them, and the legislature invoked to regulate them. I have been informed that it is not an uncommon thing to have civilians supplied with drink for payment on Sundays in soldiers' canteens in Garrison towns. This is an abuse to which the attention of the military authorities should be directed.

Question of Compensation.

If the Licensing Authority in this country have the courage to make a forward move to reduce the number of public houses, then the question of compensation has to be considered. This is a thorny question, on which I will merely touch.

Since the case of *Sharpe v. Wakefield*, decided in 1892, it seems beyond doubt, that there is no strict legal claim to compensation for the loss of a public house licence.

The licence is granted for one year, and no longer.

Furthermore, it is given to a particular person for a particular house; but the law recognises no property in the licence, except during its annual currency. Hence, when a licence holder is dying he cannot bequeath it, neither does it become an asset of his legal representative, who has to make a formal application for its transfer.

Again, whatever views individual justices may have on this point, when there is a question of the refusal of a transfer or renewal in the ordinary way, they need not be deterred from doing their duty, through fear of inflicting injury or ruin on the licence holder. For there are licence Insurance Companies which, for small premiums, will insure the holders against loss of licence, whether through misconduct, or for any other cause. Then the brewers themselves have combined to establish

Mutual Insurance Companies for the same purpose. So that every prudent licence holder can easily secure himself against the loss of his licence in one of these companies.

But if the Licensing Authority undertake to reduce on a large scale the number of public houses, on the ground of their not being necessary, then the question of compensation would arise from another point of view. By the suppression of some the surviving ones would derive very substantial benefits on account of diminished competition, and thus an inequality would be created. It would seem only fair, in such cases, that the owners of the suppressed licences should get, at least, a money compensation from the houses that remain; whether in addition they should not get security of tenure for a certain number of years before suppression, from the Licensing Authority, is a matter of detail into which we need not enter.

Existing Licensing Authority not to be Ended, but Methods Mended.

As regards the Licensing Authority itself in this country whilst its record on the whole has been one of mal-administration, I should be sorry to see any radical change in its constitution, or to have the power taken from the Justices, and given over to the County Court Judges, as was suggested some time ago. I am not so despondent as that of the administrative capacity of my fellow-countrymen. Moreover, among the Licensing Justices there are men of ability, experience, and independent character, heedless of the breath of passing popularity, and beyond yielding to the temptations and pressure of local influences. We cannot afford to lose the services of such men, as without them any general and permanent reform of the Licensing Authority would scarcely be possible at present. It strikes one, however, that the present Licensing Authority is rather unwieldy for effectual working purposes.

Would it not be competent for the Justices in each licensing district, to appoint out of their own body a committee of capable, independent men for a certain

period, say of two or three years, to which all licence cases should be referred, either to report or decide on them with a right of appeal to the general body?

To sum up, the duty of the Civil power is not merely to pass laws regulating the sale of intoxicants, but generally to strengthen the hands and extend the authority of the bodies entrusted with the execution of these laws.

The Licensing Authority has—or if it has not, should have—as an administrative body, discretionary powers, not only to grant or refuse new licences, but likewise to refuse renewals and transfers, to examine into contracts between owners and tenants, the suitability of the house, and closing regulations. A strong Licensing Authority, by the judicious exercise of powers such as these, could, and would, effect many reforms now, and would thus gradually prepare the way for comprehensive ones in future, such as local veto, or local management; either of which, for the present at all events, seems not to be feasible.

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