

THE QUEEN, OR THE POPE?

THE QUESTION CONSIDERED

IN

ITS POLITICAL, LEGAL AND RELIGIOUS ASPECTS:

IN A LETTER

TO

SPENCER H. WALPOLE, ESQ., Q.C., M.P.

BY

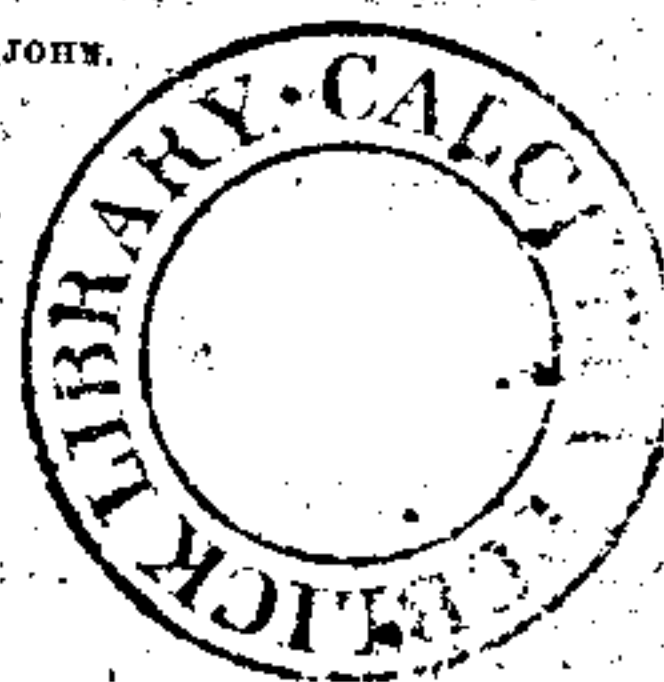
SAMUEL WARREN, ESQ., F.R.S.

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"BUT AS WE UNDER HEAVEN ARE SUPREME HEAD,
SO, UNDER HIM, THAT GREAT SUPREMACY,
WHERE WE DO REIGN, WE WILL ALONE UPHOLD,
WITHOUT THE ASSISTANCE OF A MORTAL HAND:
SO TELL THE POPE; ALL REVERENCE, SET APART,
TO HIM, AND HIS USURP'D AUTHORITY."

KING JOHN.

Second Edition.



WILLIAM BLACKWOOD & SONS,

EDINBURGH & LONDON.

1850.

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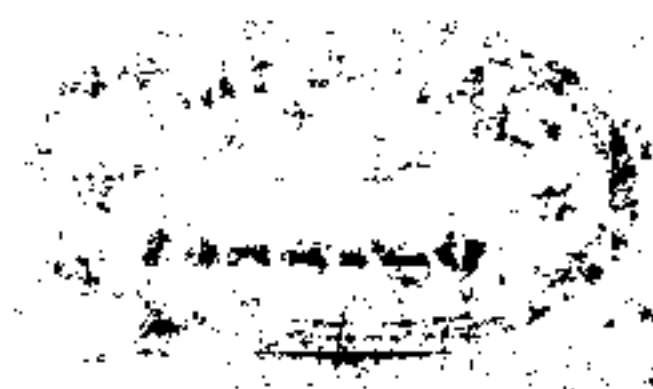
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PREFACE.

THE ascendancy of the Protestant faith in this Country is in danger, notwithstanding the noble movement which has been made in its defence. The position so suddenly taken by the mortal enemy of that faith, is meant to be permanent; and he is silently entrenching himself in it: regarding all that has been said, by this great nation, as “sound and fury, signifying—NOTHING.” He is infinitely more to be feared than he wishes at present to be believed; and though the precipitancy of priestly ambition may have deranged, for a moment, the working of his policy, it is really profound and comprehensive, as its results will in due time shew; and has been accommodated to the political and ecclesiastical circumstances of the Country, with malignant exactitude and skilfulness.

The political power of the papacy lies hid under its spiritual pretensions, like a venomous serpent lurking under lovely foliage and flowers. A leading object of this Letter, is to explain and illustrate that truth, in its practical application to the great question now before the country, challenging its best energies of

thought and will. It would be fatally fallacious to regard the late act of the Pope, as exhibiting only the spasms of weakness. The more it is considered, the greater cause will be developed for anxious but resolute action. As a pretender to the exercise of direct temporal power, the Pope seems quite impotent; but he is the visible exponent of a spiritual despotism, founded (so we Protestants believe, or have no right to be such) as clearly on falsehood and impiety, as its pretensions and purpose are at once sublime and execrable; that purpose being to extinguish, and in the name of Heaven! the liberties of mankind.

The question then—" *The Queen, or the Pope?*"—is a momentous one, which we have been very insolently challenged to answer. The whole matter, social, political, and religious, is gathered up into those few words; and posterity will sit in judgment on our mode of answering that question.

It has been endeavoured, in the ensuing pages, to explain with precision one point of the highest importance—the nature of the Queen's Ecclesiastical Supremacy; which I venture to say has been the subject of serious misapprehension. It is an essential element in the question under discussion.

How we may henceforth safely tolerate Intolerance, and that in its most offensive and portentous form, is a problem now proposed to us by the Pope himself, which must solemnly engage the attention of

British Statesmen; each one of whom may say with Coriolanus,—

“ My soul aches
To know, when two authorities are up,
Neither supreme, *how soon confusion*
May enter 'twixt the gap of both, and take
The one by the other !”

Perfidiously abused as has been the liberality of the legislature in 1829, the Author is, nevertheless, not among those who think the time arrived for revoking the concessions then granted; and would have a broad indelible line of distinction drawn, between vindictive and protective legislation. After the frank and dignified declarations of the Duke of Norfolk and Lord Beaumont, which, doubtless, echo the sentiments of a majority of our loyal and enlightened Lay Roman Catholic fellow-subjects, it appears to me that the Roman Laity and Priesthood ought to be henceforth regarded and dealt with very differently. Unless, indeed, I am mistaken, Dr. Wiseman has contrived to prove himself the greatest enemy to the political interests of the Roman Catholic laity in this country, which they ever had; and the next general election may shew them the seed which he has sown, in deadly bloom.

I trust it is proved distinctly in the ensuing pages, that the plain letter of our law has been most impudently violated.¹ I beg to draw attention to the

¹ I have this day (18th December), had the great gratification of finding that Sir Edward Sugden, one of the most consummate lawyers,

fact, that on the 8th December, 1847, Mr. Anstey, an able Roman Catholic member of the bar, and who has recently published a defence of the late Act of the Pope, expressly stated in the House of Commons, that, '*the statutory prohibitions against bringing in, publishing, or using in this country, any Bull or writings of the See of Rome, remained; with the liability to fine and imprisonment at common law.*'² On that occasion, and subsequently, he tried in vain to repeal that law; which the Pope, and his supporter and champion, Dr. Wiseman, have since, therefore, advisedly violated, in order to commit an enormous encroachment on the sovereignty of the nation.

It will be observed, that I refuse to give to Dr. Wiseman the title of "Cardinal," any more than that of "Archbishop." I cite Mr. Bowyer, also an able Roman Catholic member of the bar, the 'authorised' apologist of Dr. Wiseman, as a witness to the truth of the proposition, that "foreign dignities are not allowed in England;" one which he enunciates in his recently published "Commentaries on the Constitutional law of England," with reference to this very "dignity" of Cardinal. There is no doubt about the correctness of this position; and *Dr. Wiseman's ominous silence as to the oath he may have taken, though repeatedly and publicly challenged to disclose it*, concurs to render the observance of this law, now, a matter of serious importance. Till, therefore, this gentleman

whom this country ever produced, yesterday expressed an opinion in accordance with that contained in the ensuing pages, as to the *illegality* of Dr. Wiseman's proceedings.

² Post, p. 81. And see Hansard (3rd Series), vol. xciii., col. 804.

shall shew us the Queen's licence to assume this foreign dignity. here, I call him plain Dr. Wiseman; conceiving that otherwise I should be only acquiescing in a slight and indignity offered to Her Majesty, the sole Source of honour and dignity in this country.

Nor have I thought it necessary to deal ceremoniously with this foreign ecclesiastic, who has ostentatiously assumed the entire responsibility³ of those proceedings which have so convulsed the country. He has been sufficiently unceremonious with *us*—with everybody, and with everything that we love and revere. He has presumptuously defied us all, “Liberal and Conservative, Anglican and Dissenting;”⁴ slandered a Press to whose power, enlightenment, and moderation, he and his supporters are at this moment incalculably indebted; sneered at the bar, at the Lord Chancellor,⁵ and at the Prime Minister; calumniated the Clergy; trampled on our laws; insulted our Queen, attempting to shake even

³ “Appeal to the Reason and Good Feeling of the English People,” p. 6.

⁴ Id. page 7.

⁵ Dr. Wiseman, in his rude invective against the Lord Chancellor, most significantly refers to his Roman Catholic predecessor, Sir Thomas More: a personage who entertained notions, doubtless in strict unison with those of the *pseudo* “Archbishop.” Thus spoke More himself,—“That which I professe in my epitaph is, *that I have been troublesome to heretics*. I have done it with a little ambition; for I SO HATE THEM—THESE KIND OF MEN—THAT I WOULD BE THEIR SOREST ENEMY THAT I COULD, if they will not repent; for I find them such men, and so to increase every day, that I now greatly fear the World will be undone by them.”—See *Miss Benger's Memoirs of Anne Boleyn*, vol. ii. p. 383 (n).

the foundations of her throne; and equalling the presumption, but forgetting the fate of Uzza,⁶ put forth his hand and touched our ARK.

In the humbler ranks of that calumniated Clergy, stands the venerable father of the writer: who trusts he need say no more, in England, to obtain pardon for any possible excess in sternness or fervour of expression.

⁶ 1 Chronicles, xiii. 9, 10.

INNER TEMPLE, *December*, 1850.

III G 35

THE QUEEN, OR THE POPE? •

"MOST CERTAIN IT IS, THAT IT WAS THE FIRM RESOLUTION OF THIS PRINCESS, NOT TO OFFER ANY VIOLENCE TO CONSCIENCES; BUT THEN, ON THE OTHER SIDE, NOT TO SUFFER THE STATE OF HER KINGDOM TO BE RUINED, UNDER PRETENCE OF CONSCIENCE AND RELIGION."

LORD BACON—*'Felicities of Queen Elizabeth.'*

MY DEAR WALPOLE—

AN unbroken friendship of twenty years' duration, in the course of which we have never had a difference of opinion, on any subject personal, political, or religious, though we have discussed almost every topic that has attracted public attention during that long interval, induces me to address this letter to you, as an uncompromising member of our Protestant legislature, on a question of immense political and religious importance, arising out of the recent astounding act of the Pope. *'What has been done,'* boasts one of his pretended bishops in this country, *'no power on earth can undo.'* In whatever sense this may be held true, it should not be doubted that those who consider themselves making, on a great occasion, an irrevocable move, ought to be given credit for far-sighted consideration of the consequences. It becomes, then, us, against whom such a move has been made, by no means to act hastily; but, first to ponder, and then bestir ourselves decisively. The view which I take of the matter now agitating the entire English nation is, that a position has been suddenly occupied by the deadly enemy of our Protestantism, from which it may possibly be somewhat difficult *as suddenly* to dislodge him; but from which, never-

theless, he must, and shall be dislodged, unless the Nation lose its political and religious identity. I am convinced that we have to deal with a dangerous and profound policy, stealthily elaborated at deceptive intervals, carefully as well as malignantly accommodated to the real or supposed peculiarities and difficulties of our position, social, religious, and political; and now *masked under its very audacity*; one requiring to be encountered cautiously and resolutely, or we are mastered: and, however little we may relish being told so, sooner or later fall, a Protestant people, with Protestant institutions, prostrate at the feet of our subtle and watchful enemy at Rome¹.

It is my intention in this letter, to touch upon matters of delicacy and difficulty, some of which our enemy would have us avoid; to look deeper than he wishes; to put things together which he would have kept separate; and sunder those things which he desires to blend together. This I shall endeavour to do in the spirit of a loyal Protestant layman, concerned for the safety of his religion, the welfare and honor of his Queen, and the integrity of our far-famed Protestant institutions; but at the same time reverencing the principles of an enlightened toleration, even when called upon to deal with the very incarnation of intolerance.

The words which head this letter express a question (undoubtedly demanding an answer) which has been thus suddenly and offensively forced upon us from Rome, in a 'Bull, Writing, or Instrument'², which, in your opinion and mine, has been brought into the country in daring and deliberate defiance of the common and statute law of the realm. In that Bull is assumed to be exercised a DIRECT ACT OF SOVEREIGNTY OVER THESE REALMS. Such, at all events, it must be considered, as against those who dare here to carry it into execution, under any pretence whatsoever, so long as our fundamental laws continue as they are. I suspect that this view of the matter may have been suggested to, and startled, Dr. Wiseman

¹ "The Pope, for divers usurpations is called *the common enemy to the king and the realm*."—Lord Coke. Second Institute, p. 585.

² See Statute, 13 Elizabeth, cap. ii. §. 3. It would seem that the Roman Catholics do not style the document in question, technically, a Bull, but "Letters Apostolical." I shall, however, use the former word as having acquired a popular definite signification, which cannot mislead.

himself³; for he has tried to evade it, by a stroke of ludicrous Jesuitry. He says, that,⁴ “as according to us ‘the Pope’ really *has* no power or jurisdiction spiritual or ecclesiastical in these realms, it follows that his ecclesiastical acts with regard to England are mere nullities; and it is as though the Pope had not spoken, and had not issued any document”!

Dr. Wiseman will find that this quibbling will not avail him in his dilemma; and that the case is infinitely too serious to be thus trifled with. It may be held not to lie in *his* mouth to make this answer. Any traitor might avail himself of such a plea. Of this, however, more hereafter. Here is the Bull of Pope Pius IX. “under the seal of the Fisherman,” and here is its adventurous and perhaps precipitate bearer, who has thought proper publicly to avow, moreover, that the blame, if any, and responsibility of the measure rests with *him*, and his colleagues, ~~and~~ “not with his Holiness”! whom he consoles by the assurance that he is “ready to stand between the Pontiff and the vituperation cast upon his act.”⁵ I doubt not that he feels bound thus to stand by infallibility in its straits, for reasons gravely personal to himself.—Here, I say, is, in the midst of us, the Bull: here is Dr. Wiseman, who brought it, and may, for a while suppose that he chiefly profits by it; here also are certain other persons, pretending to have been created by it Bishops, invested with ecclesiastical dignity and power, in and over this land, which they have dared to exhibit and exercise as confidently as though they had derived it from the only legitimate fountain of dignity, honour, and authority in this country. This is a grave matter for our consideration, and for theirs. They must be presumed to have contemplated and calculated the consequences of what they have done, in deliberately defying both the legislative and executive powers of the State. The person chiefly concerned, has, if report speak truly, already secured the services of an ingenious and astute friend of ours at the bar, should they become necessary. They may be heavily taxed, to extricate Dr. Wiseman from his difficulties.

³ “Appeal to the Reason and Good Feeling of the English People,” by Dr. Wiseman, p. 6.

⁴ My reasons for thus designating this gentleman, have already been intimated; I regard it as disloyal, and even illegal, to speak of, or to recognise him as “Cardinal” till her Majesty’s license shall have been duly promulgated.

⁵ “Appeal to the Reason and Good Feeling of the English People on the subject of the Catholic hierarchy,” p. 21.

It is to be hoped, for his sake, that before committing himself so far, he bethought himself of the wise maxim, Begin nothing of which you have not well considered the end. He might well hurry to the Temple with his retainer, on reading the ominous written declaration of the Queen's Prime Minister, that what had been done amounted to "a pretension to supremacy over the realm of England, a claim to sole and undivided sway, and was inconsistent with the Queen's supremacy: a declaration sustained by those of the Duke of Norfolk⁶ and Lord Beaumont, averring, as Roman Catholic subjects of the Queen, that obedience to this Bull of the Pope is inconsistent with their allegiance to her and their obedience to the laws and constitution.—"The present state of the law shall be carefully examined, and the propriety of adopting any proceedings with reference to the recent assumptions of power, deliberately considered." These are well-weighed words, comprehending *enforcement* and *amendment* of the law; and they were communicated to the country with a discreet promptitude. Had this not been done, no one could have answered for the consequences, as soon as the nature of this monstrous transaction became generally understood. We regarded Lord John Russell's Letter to the Bishop of Durham as a solemn pledge, given voluntarily and deliberately to the nation, that as Her Majesty's Government appreciated the exigency which had arisen, they would meet it with all their energy. We understand it to mean, that if the existing law were not strong enough to meet the case, it should be quickly made so: that either legislative or executive action was inevitable, and perhaps both. As for legal proceedings, doubtless they are at this moment, and have for a long time

⁶ The solemn avowal in his grace's letter is, that "ULTRA-MONTANE OPINIONS are TOTALLY INCOMPATIBLE with *allegiance to our Sovereign, and with our constitution.*" As it is possible that this letter may be read by some who are not familiar with the full significance of the expression, "*ultra-montane opinions,*" it may not be amiss to intimate, that ultra-montanism means, the endeavour to render the Roman Catholic Churches of the various countries on this side the Alps, more subservient to the Pope than is compatible with the existing ecclesiastical laws, with the rights of the Sovereigns, and, with the independence and intellectual freedom of each country where those churches are established. This timely expression of opinion by the natural head and leader of the English Roman Catholic laity in this country, is of incalculable importance; and will serve to draw a broad line of distinction between *priestly* ambition and bigotry, and *lay* loyalty and enlightenment.

been, as they ought, the subject of anxious consideration by the proper authorities. A state prosecution, especially on so momentous an occasion as the present, is indeed a serious affair, entailing great responsibility; and those who may have to sustain it must be allowed to act with comprehensive circumspection. The tone of Lord John Russell's letter speaks, in my opinion, an honest and resolute writer. Independently of all higher considerations, he knows that now to draw back, on any pretence, would be instant political perdition. He is not the man to dream of encountering that peril. With all England up in arms around him, what would become of him, if his trumpet prove to have given an uncertain sound? But I repeat it, there is no fear from any quarter, of treachery or trifling with the Queen and people of England. I, therefore, for one, am *still* not uneasy at that apparent inaction which some are beginning to view with distrust, but believe the interval is being well employed. If it be not, who can answer for the consequences? I have no wish to see Dr. Wiseman and his pretended bishops incarcerated in the Queen's prison, and heavily fined for what they have presumed to do in the Queen's dominions. Roused though it has been, the temper of England is not vindictive, however indignant or contemptuous. It has spoken out with an unanimity and a determination, which must have astounded those who caused it to do so.

In addition to its intrinsic claims on our attention, Lord John Russell's letter was invested with immense significance as emanating from the First Minister of the Crown, constitutionally responsible to the Queen and to her People for the vindication of that Prerogative, in the preservation of which they are so vitally interested: with which their safety and happiness, the honour and authority of their Queen, and the integrity of their institutions are intimately and indissolubly united. And, indeed, what have we just heard⁷ from Her Majesty's own lips, in resolute response to the loyal and determined declaration of her united people? IT IS MY DETERMINATION TO UPHOLD ALIKE THE RIGHTS OF MY CROWN, AND THE

⁷ Edward III. is reported thus to have addressed his Parliament, on announcing that he was going to war with France, for an insult which had been offered him: "*I have received a blow in the face; and all Europe is looking to see how I bear it.*"

INDEPENDENCE OF MY PEOPLE, AGAINST ALL AGGRESSIONS AND ENCROACHMENTS OF ANY FOREIGN POWER." And, in our turn, we have said, and say, that we will stand by our Queen, herein. Were it otherwise, unworthy descendants should we be of our ancestors, our Catholic ancestors, who, some five hundred years ago, in repelling an insolent intrusion and usurpation of the Pope, sternly placed on record in our statute book^a the words following, which glisten brightly in our eyes, and, when heard, have the sound of a solemn trumpet.

".... So the crown of England, which hath been so free at all times, that it hath been in no earthly subjection, but immediately subject to God, in all things touching the regality of the same crown, and to none other, should be submitted to the Pope, and the laws and statutes of the realm by him defeated and annulled at his will, in perpetual destruction of ~~the~~ sovereignty of the King our Lord, his crown and his regality, and of all his realm, which God forbid!

"And, moreover, the commons of the realm in this present Parliament say, that the said things so attempted be clearly against the King's crown and his regality, used and approved in the time of all his progenitors.

"Wherefore they, and all the liege commons of the realm, will stand with our Lord the King, his crown and his regality, in the cases aforesaid, and in all other cases attempted against him, his crown and his regality, in all points, to live and to die. And, moreover, they prayed our said Lord the King, and him required by way of justice, that he would examine all the lords of Parliament, as well spiritual as temporal, severally, and all the states of the Parliament, how THEY think of the cases aforesaid, which be so openly against the King's crown, and in derogation of his regality, and how they will stand in the same cases, with our Lord the King, in upholding the rights of the said crown and regality. Whereupon the lords temporal, so demanded, have answered, every one by himself, that the cases aforesaid be, clearly, in derogation of the King's crown, and of his regality, as is notoriously, and hath been of all time, known; and that they will stand with the same crown and regality, in these cases specially, and in all other cases

^a Statute 16 Richard II. chapter v., A. D. 1392.

which shall be attempted against the same crown and regality, in all points, with all their power.

So will our Parliament, our lords spiritual and temporal, and all the liege commons of the realm, STAND BY OUR QUEEN, IN ALL POINTS, TO LIVE AND TO DIE. She is the Queen, the Protestant Queen of England, the Queen of Protestant Christendom: who reigns over our hearts, representing the majesty, but not the tyranny or meddling of the state: who is the sworn defender of the Protestant faith: who is, and, with God's blessing, shall continue to be, over all persons, and in all causes, ecclesiastical as well as civil, in these her dominions, SUPREME.

But as against whom is it, that we shall thus stand by our Queen? In the stern quaint language of our great master, Lord Coke, I answer, the Pope, the common enemy to the ~~King~~ and the realm!⁹ He has done an act against us which will amaze posterity; as it is amazing us, and the whole world, looking on to see the issue of this sudden and strange contest between the Queen and the Pope; how she and her people will bear the blow which he has struck her and us. A blow it is, and a desperate one, at least in intention; and yet he and his confederates in this country would have us believe that it is no blow at all: that while we are talking of insult and aggression, he is conscious of nothing but exercising his innocent spiritual rights, and doing what we have expressly authorised him to do. But, furthermore, he gives us to understand, that however he got where he is, he cannot, and he will not go back, come what may, and however we dislike, and disturb, and defy him. One is apt, at first sight, to laugh at this, as being something like Punch and Judy taking forcible possession of London. As an independent sovereign, as an intrusive temporal prince, he is an object of utter contempt: his expulsion from his own realms, and his restoration to them, are like scenes in a farce. But while we were moralising on the spectacle of his pitiable and irrecoverable prostration, many seeing in it the accomplishment of prophecy, behold! he seized pen, ink, and paper, affixed to what he had written, "the seal of the fisherman," and England—mighty England—is convulsed to its centre. This is very humiliating, doubtless: and it also appears

⁹ Ante, p. 12. n.

unspeakably ridiculous, but to those only who look at the mere surface of things.

You and I may be altogether mistaken; but we regard the 'situation,' to use a modern expression, as one of great gravity; becoming more so, the more anxiously we try to calculate the future from the past. The time, however, for contemplation—for expressing indignation and astonishment, is gone by, and the time for action is close upon us: when we must acknowledge before the whole world, and especially to the impotent representative of infallibility at Rome, that staid England has had a sudden fit of lunacy which as suddenly passed away; or maintain that our Queen has received a direct and flagrant insult, and in Her person the nation; that our confidence has been perfidiously abused by those for whom we perilled the safety of our most hallowed institutions, in admitting them to the fullest participation in political power; and that a systematic and audacious assault has been made by the Pope of Rome upon our Protestant faith. Are we to appear before the world a nation of children and fools, or of clear-headed and determined men, able to appreciate and provide against any manner of danger to ourselves and our institutions?

It is of the last importance to ascertain what is the real question now before the country—to look at it closely and steadily, however far-stretching and unexpected its consequences. *To be fore-warned, is to be fore-armed.* Much secretly-contrived mischief has suddenly issued in an overt act of such a nature as challenges the comprehensive consideration of statesmen, and, at the same time, enables them to deal with it deliberately and effectually, in spite of every apparent difficulty and embarrassment. There is infinite significance in the moment selected for the perpetration of this outrage. It was immediately after the prorogation of Parliament: in order to obtain as long a period as might be, for the working of this experiment upon the national forbearance or supineness. What a contemptible estimate must its makers have formed of the national character! Either they or we are profoundly deluded as to realities. Infallible as the Pope may deem himself (infallibility being, as our illustrious Isaac Barrow tells us, *the mother of incorrigibility*), and dangerous as is the policy he has conceived, and is endeavouring to carry out, it would assuredly

appear that he has made a prodigious and irreparable blunder, of which it is our business to make the most, and turn it to our permanent advantage. Now that he has suddenly opened our eyes, he may rely on our making the best use of them. His has been, indeed, a desperate procedure, and will signalise the century.

I repeat an observation already made, and which I venture to think worthy of being constantly borne in mind by every member of the legislature, by all thinking persons, that we have to deal with a policy stealthily elaborated at deceptive intervals, *carefully and malignantly accommodated to what may have been deemed, and perhaps are, weak parts of our social, political and religious economy.* It was designed to develop tendencies to disunion. That is why the Pope has thrown the apple of discord among us. Certain vexed questions arising out of our peculiar and complex institutions, civil and ecclesiastical, recently mooted in important national transactions, at home and abroad, have been stirred up intentionally by these proceedings of the Pope who hopes that he may ~~filch~~ from us our faith, while we are wrangling about such differences as exist, and are tenaciously continued such, by sincere but short-sighted disputants. I can foresee pretty plainly that to some little extent he may prove successful; but it seems as plain that it will not avail him, if we take care what we are about: and we seem likely to do so.

It appears to me that the question with which we have to deal, has three aspects: legal, political, and moral: in respect of an act of that threefold character, imposing upon us corresponding duties.

To justify a national outcry, it must be shown that there has been a commensurate national injury, or reasonable ground for apprehension of it. To determine whether one of two parties has perpetrated an act of insult, injury, and encroachment; on another, it is first necessary to ascertain their respective characters and relative positions: then the rights alleged to have been infringed; the act of alleged insult, injury and encroachment; its consequences; and the mode of obviating and redressing them.

The parties, here, are the QUEEN and the POPE, respectively representing the sovereignties of England and Rome, and in an especial manner, the Protestant and Roman Catholic

religions. The relative positions which they occupy, are at all times, perhaps necessarily, anomalous, critical, and delicate. The right which is alleged to have been infringed, is that of the nation's sovereignty, including our Queen's supremacy, ecclesiastical and temporal. The act complained of is the Bull of Pope Pius IX., dated Sept. 29, 1850, brought into England by Dr. Nicholas Wiseman, and by him attempted to be carried into operation here, in obedience solely to the authority of the Pope of Rome, without the royal or national consent or permission. The consequences are, that the Queen's authority has been altogether passed by and set at nought in her own realms, in such a manner as to amount to a signal insult to Her Majesty and the nation; her supremacy as the Protestant sovereign of these Protestant realms, has been the subject of aggression, injury, and encroachment; and therefore the entire body politic, consisting of the Queen and her subjects, that is to say, the British nation, has received injury and indignity.

Thus far had I written⁸ when a document made its appearance of unspeakable importance, on which I shall hereafter offer some observations; but I cannot refrain from again calling special attention to the fact already referred to, that a Roman Catholic peer of the realm, a member of the legislature, has spontaneously denounced the Pope's Bull as one compelling British Roman Catholics to elect between allegiance to the Pope, by obeying his Bull, and "allegiance to the constitution of this realm." The noble lord, with a decision of character which became one in his high position, has declared that he will adopt the latter alternative.

Yet again, as we have also already seen,⁹ and before these sheets could be committed to the press, a second trumpet-note of defiance has echoed through the land, and must, by this time, have been heard by the already sufficiently startled occupants of the Vatican—I mean the letter of the Duke of Norfolk, the premier Duke and hereditary Earl Marshal of England, expressing concurrence with the opinions of Lord Beaumont! I presume, that for this exhibition of loyalty and honour, these two noble persons must be excommunicated;

⁸ Nov. 26, 1850. See *The Times* of that day.

⁹ Ante p. 14.

or the Pope is wiser than he is given credit for being, and his Bull is by his potent and infallible self, admitted to be a nullity. It becomes us, however, at present, to deal with it as an intolerable reality.

The religious and political bearings of this question I conceive to be inseparably intermingled, in the eye of a Christian statesman. This country enjoys the responsible distinction of being a great Protestant state, constituted such by the strongest and sublimest sanctions comprehensible by mankind, expressed with as much distinctness as language is capable of. What constitutes that Protestantism no one need be told; but it is a condition of our political existence, that a considerable portion of the community should be allowed freely to hold, to profess, and to teach, that form of faith against which we as a nation *protest*—a perplexing political problem, as demonstrated more clearly than ever by recent events. We all, however, profess a common Christianity; worshipping one Christ—but, alas! how differently! The gulf between us is confessedly fearful and impassable,—as absolute as the distinction between truth and falsehood. We, as Protestants, believe that our Roman Catholic brethren may be saved: but they hold, and Pope Pius IX. has authoritatively declared, that we, as Protestants, must be damned.—There is a passage in one of Jeremy Taylor's Works,¹ entitled, "Letters to a Gentlewoman seduced to the Church of Rome," which, ever since my youth, influenced my own opinion on these subjects: and it breathes such a solemn and noble spirit of truth and charity, that I beg leave to place it before you.

"Whether you may be saved, or whether you shall be damned for your errors, does depend upon neither our affirmative nor your negative, but according to the rate and value which God sets upon things. *Whatever we talk, things are as they are, not as we dispute, or grant, or hope*; and, therefore, it were well if your men would leave abusing you and themselves with these little acts of indirect support. For many men that are warranted, yet do eternally perish; and you in your church damn millions, who, I doubt not, shall reign with Jesus eternally in the Heavens.

"I wish you would consider, that if any of our men say salvation may be had in your church, it is not for the

¹ Works, vol. xi. p. 198, edited by Bishop Heber.

goodness of your new propositions, but only because you do keep so much of that which is our religion, that upon the confidence of that, we hope well concerning you. And we do not hope anything at all that is good of you or your religion, as it distinguishes from us and ours. We hope that the good which you have common with us, may obtain pardon directly or indirectly, or may be an antidote of the venom, and an amulet against the danger, of your very great errors: so that ~~if~~ you can derive any confidence from our concession, you must remember where it takes root; not upon anything of yours, but wholly upon the excellence of ours. You are not at all safe, or warranted, for being a Papist, but we hope well of some of you, for having so much of the Protestant: and if that will do you any good, proceed in it, and follow it whithersoever it leads you."

Influenced by such considerations, I sincerely say, God forbid that I should speak with levity or inconsiderateness on an ancient form of faith, still professed by so many millions of my fellow Christians! I should, however, be disentitled to the name of Protestant, did I not from my soul believe, and unhesitatingly declare the belief, that what we have rejected in the Roman Catholic system, is utterly and destructively false: a frightful excrescence on the divine form of Christian truth, as believed and established in this kingdom, long, I hope, to continue the bright centre of Protestant Christendom. That divine form, in all its sublime simplicity and purity, let us cherish with renewed vigilance, with a pious though stern solicitude. But what say our opponents? In this very year 1850, one of their clergy has translated and published in London, Count Le Maistre's elaborate portraiture of the Pope, as peculiarly fitted for these times;¹ from which I extract the following dismal passage.² "What shall we say of Protestantism, and of those who defend it, when it will no longer exist? Let them rather aid us in making it disappear!—In order to re-establish a religion and a morality in Europe, in order to give to truth the strength it requires for the conquest it meditates,—*it is an indispensable preliminary, to efface from the European dictionary that fatal word Protestantism*"! Is there

¹ "The Pope, considered in his Relation with the Church, Temporal Sovereignships, Separated Churches, and the Cause of Civilization."—*Dolman*, 1850.

² Page 355.

not a difference between the spirit of Jeremy Taylor, and that of Pius IX. and Count Le Moistre? It is that between me and my Roman Catholic brother of 1850; and it is in that spirit that I proceed to discuss the great question before us.

I. OF THE POPE, his character and pretensions.

I lay it down as a fundamental proposition, *that the Pope's avowed spiritual power is pregnant with disavowed political power.* If I am wrong here, I confess that I have read his history in vain; diligent, honest, and long-continued, as my endeavours have been, to get at the carefully-concealed truth. What a task it is to thread one's way through the endless mazes of slippery sophistry, of subtle, and, at the same time, barefaced, evasions, equivocations, subterfuges, reservations, and falsehoods, by which this cardinal truth has ever been disguised and concealed! A plain man becomes, at length, puzzled, or indignant and disgusted. If the facts of history be cited, they are disingenuously explained away and (with portentous asseverations of which I shall presently give an instance), unscrupulously contradicted: while there is on record an inexhaustible series of decrees, of bulls, letters, declarations, and rescripts, speaking every way, calculated to confuse and silence objectors, whenever, and in whatever form, they present themselves. WE, however, will not have dust thrown in our eyes; and I assert that the root of the political question before us lies deep in the avowed, or unavowed—disguised, or undisguised—claim of the Pope to universal supremacy: and it is this claim, or pretension, which constitutes the exact political difficulty which we in England have undertaken to solve. *We have to tolerate a rival, who condescends to equality, only as an advance to ascendancy!* This truth all history proves, or is false, and our own recent national experience confirms, or we cannot form correct notions of what is passing around us, and transacted by ourselves. It is like the host compelled to entertain him who avows that he intends to kill his entertainer; by which I mean, that the Roman Catholic religion openly avows its object and intention to be, by all available means, to subvert and exterminate the Protestant religion. I do not advance this as an argument against toleration, however the principle may be strained and almost dislocated by the severe trial to which it is put; but only as a reason for sleepless future vigilance on the part of all who value our institutions, civil and ecclesiastical, and the liberties they are designed to protect and perpetuate.

The Pope's political power appears to sleep only till it can assert itself; with the opportunity, it suddenly starts up into venomous activity and power. What blind infatuation it is, to doubt or disregard this fact, or shut one's eyes on history! I will prove, out of the mouth of Pope Pius himself, and of Roman Catholics alone, and that down to the present day, the proposition for which I am contending.

The famous Florentine Canon, of more than four centuries' standing,³ is expressly stated by the late Mr. Charles Butler, an eminent Roman Catholic lawyer, and a most, discreet, and astute adviser of his party, "to contain the true doctrine of the Church; and that Roman Catholics are answerable for the consequences justly deducible from it."⁴ He quoted it disingenuously, and was severely rebuked for his attempt to suppress an essential portion of it! Here it is, *verbatim*:—

"Moreover, we define that the Holy Apostolic See, and the Roman Pontiff, have a primacy OVER THE WHOLE WORLD; and that the Roman Pontiff is the successor of St. Peter, the chief of the Apostles, and true Vicar⁵ of Christ; and that he is HEAD OF THE WHOLE CHURCH,⁶ and the father and teacher of ALL CHRISTIANS; and to him, in St. Peter, was delegated by our Lord Jesus Christ full power to feed, RULE,⁷ and govern the UNIVERSAL CHURCH, as also is contained in the acts of General Councils, and in the Holy Canons."

Who can fail to note the guilty ambiguity, vagueness, and comprehensiveness of this canon? And what consequences might *not* be deduced from it? Boniface VIII. tells us, in the Canon Law, that "both swords, the spiritual⁸ and the material, are in the power of the church; the one to be used *by*, the other *for*, the church: but one sword ought to be under the other,⁸ and the temporal authority to be subjected

³ A.D. 1439.

⁴ Book of the Roman Catholic Church, p. 126 (2d Ed.)

⁵ Or "representative" [*vicarium, τοποτηρητην*], the Canon being written both in Greek and Latin, owing to the attempt then making to effect a union between the Greek and Latin Churches.

⁶ These words were suppressed by Mr. Butler. Not that he professed to give the entire canon; but he gave a portion of it, omitting this.

⁷ "Potestatem regendi."

⁸ "Opportet autem gladium esse sub gladio, et temporalem auctoritatem Spirituali subjeci potestati." Bonif. viii., Extrav. Com. I. 8. 1. This is a capital article in that Canon Law, which Dr. Wiseman (Appeal, &c., p. 4.) states to be "inapplicable under vicars apostolic, and that, *therefore*, it was necessary to have a hierarchy!"

to the spiritual." The celebrated Cardinal Bellarmine holds that "the Pope has only a spiritual power; but, nevertheless, by reason of the spiritual he has, at least INDIRECTLY, a certain power, and that supreme, in *temporals*."¹ Let us descend the stream of time, and come down to Count Le Maistre; who, writing in the year 1816-17 (his treatise, as we have seen, reprinted and translated by the Catholics, this very year) says, "The Popes never maintained anything beyond the right of judging the princes who were subject to them, in the spiritual order, when these princes became guilty of certain crimes. . . . This right would be more properly called 'spiritual omnipotence,' since the Popes never assumed anything except by virtue of their spiritual power; and if the exercise of this power, acknowledged to be legitimate, *entails temporal consequences*, the Popes cannot be held responsible, since it is impossible that the consequences of a true principle should be false. . . . WISE MEN ARE BEST SATISFIED TO LEAVE CERTAIN QUESTIONS IN SALUTARY OBSCURITY!"²

On the 8th December 1847, Mr. Drummond read aloud in the House of Commons an address, recently written and sent by Mr. John O'Connell, son of the late Daniel O'Connell, to Pope Pius IX., on the part of the Roman Catholics of Ireland. Mr. John O'Connell was present, and by his silence on the subject, admitted the fact to be as stated; yet, when he afterwards addressed the House, he made no allusion to the matter. In that address occurs the following passage:—"We recognise in your Holiness the true example of what the vicar of Christ should be on earth; not only the faithful guardian and protector of His church, *but the guardian, protector, promoter, and illustrious champion of the rights, the liberties, and the legitimate and well-ordered privileges, political and social, of the universal family of man!*"³ Many English and Irish Roman

¹ Pope Sixtus V. was sorely displeased by Bellarmine's concession that the Popes had no direct temporal authority; on which account he the more strenuously contended for the Pope's *indirect* temporal power. He compares the temporal power with the body, the spiritual with the soul, of man; he ascribes to the church the same dominion over the state, which the soul exercises over the body.—See Ranke's *Popes of Rome*, vol. i. p. 485. (Mrs. Austin's translation) 3rd edition; a work which ought, at the present time, to be carefully read and considered.

² "The Pope," p. 173.

³ Hansard, 3rd. Series, vol. xcv. col. 821. § 10; ib. col. 839.

Catholics were in the House at the time, two of them distinguished, namely, the Earl of Arundel and Surrey and Mr. Shiel; and neither repudiated this doctrine; though the former, in answer to the allegation, "that the Catholic laity acknowledged the temporal rights of the Pope," contented himself with a brief dry denial that the Roman Catholic laity acknowledged the temporal rights of the Pope; 'as was sufficiently evidenced by the oath taken by Roman Catholic members of the House.'

Let me now, however, go to the fountain-head—to Pope Pius IX.: who, on his "elevation to the dignity of the Supreme Episcopate," addressed an elaborate Encyclical Letter to all patriarchs, primates, archbishops, and bishops, dated the 9th November 1846; and which, to the eyes of any person in whom exists a single spark of true Protestant Christianity, appears surcharged with blasphemous presumption, falsehood, and bigotry. In this document, the Pope formally and solemnly asserts his claim to be the Vicar of Jesus Christ on earth!—declares that "God has constituted the Pope a LIVING AUTHORITY to teach the true sense of his heavenly revelations, and to JUDGE INFALLIBLY⁴ in all controversies on faith and morals!"—and that, "*out of the Catholic church there is no salvation!*" and he bitterly denounces our "most crafty Bible Societies!" Oh, that a copy of this document, of dreary significance, were universally disseminated in this country, at this moment; it would open every eye not wilfully shut!

In this Encyclical Letter, the Pope will be found adopting, in the year 1846, the essential terms of the Florentine Canon, which has been in force for *four hundred and eleven years*; and *under whose sanction, consequently, have been perpetrated, by the papal authority, all the enormous crimes and offences which history records against it during that long period*; under which, for instance, Pius V. dared to excommunicate and depose our illustrious Queen Elizabeth! Let us patiently hear the Pope: "On our elevation to the sublime seat of the Prince of the Apostles, we accepted the weighty charge, bestowed on us in the person of the blessed Peter, by Him who is the Eternal Prince of Pastors, of FEEDING, AND RULING, not only the lambs, that

⁴ "*Infalibili judicio*" (the former word is printed in italics in the original). I quote from the official authorised copy in Latin and English, published by Dolman.

is, THE ENTIRE CHRISTIAN PEOPLE, but also the sheep, who are the prelates. . . . *Living and* INFALLIBLE AUTHORITY exists only in that church which, founded by Christ our Lord on Peter, the HEAD, the PRINCE, and the PASTOR of the WHOLE CHURCH, has ever preserved, uninterrupted, her succession of lawful pontiffs, sitting in his chair, deriving their succession from Peter himself, and being inheritors and guardians of the same doctrines, dignity, honour, and power. And since where Peter is, there is the church, and Peter speaks by the lips of the Roman Pontiff, and *ever lives and exercises authority* in the persons of his successors; therefore, the Divine Word is evidently to be accepted in that sense [!] which this Roman See of blessed Peter has held, and does hold; that See which is the mother and mistress of all churches, —which has alone kept entire and inviolate the faith delivered by Christ our Lord—the metropolis of piety, in which is preserved the whole and perfect body of the Christian religion—into which, on account of its superior headship, all churches amongst the faithful must have recourse, and with which he who does not gather must inevitably scatter.[!] With firmness and zeal, encourage in all a union with the Catholic church, OUT OF WHICH THERE IS NO SALVATION, and obedience to the chair of Peter, on which, as upon a firm foundation, the entire edifice of our holy religion is reared”!⁵

So much for the Pope's own avowed *spiritual* power. Now read, by the light of passages already cited from the Canon Law—by the glare of two torches held out by Boniface and Bellarmine—the following enunciation by Pius IX. of his “INDIRECT” *temporal* power:—

“We trust that the princes, our dearest sons in Christ, remembering, in their piety and religion, that the kingly authority was given to them, not only for the government of the world, but more especially for the protection of the Church;—and that we, whilst we maintain the cause of the Church, maintain that also of their kingdoms and of their safety, that so they may hold their provinces in undisturbed possession, will aid our common wishes and endeavours, with their power and authority, and defend the liberty and safety of the Church, that the right hand of Christ may defend their kingdom.”⁶

⁵ Encyclical Letter, pp. 6, 14, 22.

⁶ *Ibid.* p. 34.

How is it, I earnestly ask, that this marvellous document has attracted so little notice in England?

In the year 1807, Mr. Charles Butler, in speaking of the "great perplexity between allegiance to the Bourbons and duty to the Pope," experienced by the French on occasion of the ecclesiastical division of France by the Pope and Napoleon, made a most remarkable observation in a work which he published on the subject.

"Such was the extraordinary state of things, that nothing short of the DOMINIUM ALTUM, or the right of providing for extraordinary cases by extraordinary acts of authority, could be exerted with effect: *and that dominium altum, the venerable prelates cannot, consistently with their own principles, deny to the successor of St. Peter!*"⁷ This "*dominium altum*," thus necessarily inherent in the Pope, what earthly power can deal with? restrain? modify? or annul? It constitutes, in the estimation of Roman Catholics, a lofty, unimpeachable, unquestionable papal prerogative, to be exercised for the good of the Roman Catholic Church, in any way that the Pope and his advisers may deem advisable. One who knew the Roman Catholics well, a subtle and skilful Spanish ecclesiastic who had quitted them, proposes the following as a searching question to the Pope's supporters, as to the nature and extent of his power. "*Can the Pope, in virtue of what Roman Catholics believe his divine authority, command the assistance of the faithful, in checking the progress of heresy, by any means not likely to produce loss or danger to the Roman Catholic Church: and can that church acknowledge the validity of any engagement to disobey the Pope in such cases?*" "This," says the proposer of this formidable question, "is one of great practical importance, to all *sincere* Catholics in these kingdoms." I believe, and so do you, that many thousands of loyal and honorable Lay Catholics in these kingdoms consider that the Pope "HAS" no temporal power or jurisdiction, and "OUGHT NOT to have" any in these realms, "directly or indirectly;" but they do not, possibly, advert to the expansive and contractile nature of the Pope's authority—his "*dominium altum*"—his illimitable and uncontrollable discretion as the Vicar of Jesus Christ; they do not see the necessary tendency of some of their *own* leading doctrines! A startling evidence of this appears in the following conversation between a highly respect-

⁷ Butler's Works, vol. ii., p. 13.

able Lay Roman Catholic, and a distinguished Protestant clergyman, who stated the fact before a committee of the House of Commons. "I said to him, 'Suppose the Pope and council announced that the King of England was a person that should be deposed: would you feel, in conscience, bound, as a Roman Catholic, to obey?'—He answered, 'Certainly not, because it would be *contrary to scripture*.' I asked 'whether he, or his church was to judge of scripture?'—He replied, 'his church.' Then I asked, 'if the decree were so worded, that the Pope and council *affirmed it to be not contrary, but according to scripture, that an heretical monarch should be deposed*—how would you act?'—HE ADMITTED THAT HE SHOULD FEEL HIMSELF BOUND BY THE DECREE, BECAUSE IT WAS FOR THE POPE TO JUDGE OF SCRIPTURE⁸; AND THAT, AS A ROMAN CATHOLIC, HE SHOULD OBEY HIM!"

• If the above be a just deduction from the power assumed by the Pope of 'ruling' the universal church,—namely that such power is of a spiritual nature, but that such is pregnant with political power, which is not exercised, only when and because it cannot be safely or advantageously exercised; it surely becomes us in England to ascertain by the best possible evidence whether such are the pretensions of Pope Pius IX. That they are so, I have already proved by his own Encyclical Letter on becoming Pope: and I proceed to shew you, that in the Bull which is creating so much disgust and confusion in this country, he explicitly avows the same pretensions which he did in his Encyclical Letter,—and which, in its turn, is based upon the Florentine Canon of 1439! Thus commences the Bull of the 29th of September 1850:—

"The power of *ruling the Universal Church, committed by our Lord Jesus Christ to the Roman pontiff, in the person of St. Peter, prince of the apostles, hath preserved, through every age, in the apostolic see, that remarkable solicitude by which it consulteth for the advantage of the Catholic religion, in all parts of the world, and studiously provideth for its extension.* And this correspondeth with the design of its Divine Founder, who *when he ordained a head to the Church, looked forward, by his excelling wisdom, to the consummation of the world!*"⁹ Observe, and

⁸ Pope Pius IX., it has been seen, formally asserts this right in his Encyclical Letter.—Ante, p. 27.

⁹ Appendix, p. 97.

remember this solemn assertion, as it were by way of "*continual claim*,"¹ of this universal power, in the terms adopted by all former popes, in the most tyrannical exercise of temporal power. With such an assertion, as I shall presently show you, commenced the impudent Bull of Pope Pius V. affecting to excommunicate and depose Queen Elizabeth! Such is the identity of being, procedure and purpose of the papal power. Dr. Wiseman, in his ridiculous and inflated "Pastoral," ostentatiously adopts the false recital of the Pope, calling him "*the supreme RULER of the Church of Christ*;" while Mr. Bowyer, his "authoritative" apologist, states, in that "authoritative" apology, that "the doctrine on which the very existence of the Catholic Church most undeniably depends, is, that it is built on the rock of Peter, and bound to his successor, the supreme head and centre of unity on earth."²

Thus the very first paragraph in the Bull of Pope Pius IX. carefully links him in profanity, falsehood, and tyrannical pretensions to universal power, with all his predecessors; and all which holds true of them, as "consequences justly deducible" from the Florentine Canon, holds true of him, at all events, as to pretension and purpose. What "*RULING*" signifies and implies, and what "*THE UNIVERSAL CHURCH*" comprehends, is now sufficiently intelligible: and also the mode in which that "rule" is exercised; namely "*indirectly*" politically or temporally: there being no power on earth to "rule" the "ruler" of the "universal Church," to set bounds to his authority, or prescribe his mode of exercising it. Now Pius IX. expressly recites "the remarkable solicitude," with which "the power

¹ I beg to explain to any lay reader of this letter, that the allusion in the text is to an ancient but recently abolished proceeding in our law, by which the owner of land from time to time annually asserted and kept alive his *right* to it, *when he dared not enter to take possession*, for fear of danger to life or limb. See Blackstone's Commentaries, vol. ii. p. 316.

² The "Cardinal Archbishop of Westminster and the New Hierarchy," p. 20, (3d ed.) I have every wish to treat Mr. Bowyer (with whom I have not the honour of any acquaintance) with the courtesy due to a scholar, a gentleman, and a brother at the bar: but I cannot help pointing out, that though in his "Commentary on *Constitutional Law*," he inculcates an erroneous denial of the Queen's spiritual supremacy, there is not a word which ever led me to believe that he was a professed Roman Catholic: from which I infer, and with a sincere desire to disclaim any intention of doing it offensively, that he must have become such *since* he wrote that work. He will not now allow us to have "*a Church*:" it is only an "Establishment." *Vide* his pamphlet.

of ruling the universal church, studiously provides for its extension:" and no one can possibly deny that the head of the Roman Catholic Church considers it, and is bound to consider it, "a paramount inevitable duty, not only not to tolerate dissent, schism and heresy, but to destroy them. It is a necessity and condition of the existence of that Church; and hence it is that some of the greatest philosophical jurists, —the illustrious, liberal and enlightened Locke among the number,³—have questioned and sternly denied, the right of this Church " to be tolerated by the magistrate." The perilous solution of this problem in legislation, however, was undertaken by the British legislature, in the year 1829. After a struggle of intensity and duration almost unexampled in our political history, the gates of the constitution were thrown wide open, and the "emancipated" marched in, with profuse professions of gratitude and fidelity, and the most solemn disclaimers imaginable, of intentions to injure the Church of England, or recognise the civil or temporal jurisdiction of the Pope in England. These were incorporated into an oath, the terms of which were as comprehensive and explicit as could be devised. The essential items were, " I do not believe that the Pope of Rome hath, or ought to have, any temporal or civil jurisdiction, power, superiority or pre-eminence, directly OR INDIRECTLY within this realm: I disclaim, disavow, and solemnly abjure any intention to subvert the present *Church Establishment* as settled by law⁴ within this realm: and I solemnly swear that I never will exercise any privilege to which I am or may become entitled, to DISTURB or WEAKEN the PROTESTANT RELIGION or Protestant Government in the United Kingdom." With what feelings any one who has taken this oath can peruse and approve of the Bull of Pius IX., and the " Pastoral " of his pseudo " cardinal archbishop," and contemplate with satisfaction what has been recently done by this gentleman and others in professed conformity with that Bull, I am utterly at a loss to conceive. Were I one who had taken the oath, I should, when I came to reflect on the matter, be seized with a mortal shudder: and rejoice, as a Roman

³ Letters on Toleration, Letter I. See also Vattel, book i, cap. 12.

⁴ When the late Mr. Daniel O'Connell repeated these words, " as settled by law," at the table, in taking the oath, he did so with such a marked emphasis, as attracted the attention of the whole house.

Catholic, to follow in the steps of the Duke of Norfolk and Lord Beaumont.* Before I quit this part of the subject, I wish to draw your attention to two passages in the autobiography of the celebrated Bishop Watson, whose extreme liberality of political opinions is well known. In a letter to the Duke of Rutland, in 1784, he says: "I particularly agree with you, with relation to the Catholics. No man upon earth, I trust, can have more enlarged sentiments of toleration than I have; but the Church of Rome is a *persecuting*⁵ Church; and it is our interest and our duty, on every principle of religion and common sense, to guard ourselves against her machinations. There is far less danger to be apprehended by Protestants from the effects of popery in those countries where it is the established religion, *than in those where it is simply tolerated.*" In 1812, the bishop wrote a political letter to Sir John Cox Hippisley, a leading advocate of Catholic Emancipation; in which he says, "I am happy in seeing *my opinion confirmed* in a posthumous work of the Lord Chancellor Clarendon, entitled 'Religion and Policy': in which the noble author comes to this conclusion: 'It is the duty of Catholic subjects in a Protestant country, of priests as well as the laity, to abjure the Pope's supremacy, *ecclesiastical* as well as temporal.'⁶"

Thus, we find the great Lord Clarendon, and the eloquent and liberal Bishop Watson, directing their attention to the root of the difficulty which has twice shot up into such pernicious strength, and concurring in opinion as to the proper mode of dealing with it.

Let me also remind you, that our illustrious statesman, William Pitt, in the very last speech which he delivered in Parliament, expressed himself on the subject of Roman Catholic emancipation, in the following remarkable language: "I never thought that it would have been wise or prudent, to throw down rudely or abruptly the guards and fences of the constitution. But I did think, that, if the system I had alluded to had been adopted, *it ought to have been accompanied by those checks and guards, and with every regulation, which could have given respect and influence to the Established Church, to the*

* The italics are the bishop's.

⁶ Anecdotes in "The Life of Bishop Watson," vol. i. p. 215; vol. ii. 431 (2nd edit.).

support and protection of the Protestant interest, and to the encouragement of every measure which could tend to propagate and spread the example of the Protestant religion"!

His splendid pupil, Mr. Canning, the most ardent friend of Roman Catholic emancipation, also thus expressed himself: "Go as far as you can, *with safety to the Establishment*. Do not exact from them terms that are unnecessary; *but be rigorous in imposing such conditions as shall free you from all real, I had almost said, all imaginary danger*!"

What would William Pitt, what would George Canning say, were they still alive to read the Bull of Pius IX. and Dr. Wiseman's "Pastoral": and *what would they do*?

So much for THE POPE, his character, and pretensions. We must fix our eyes steadily on the power and authority which he claims, as on the mainspring of a prodigious mechanism, consummately adapted to subjugate the liberties of mankind; and let nothing divert our attention from it, or prevent our following out its working, calmly and carefully, to its legitimate practical consequences.

Let it be borne in mind, for instance, when we come to scan the Pope's bull, that it is an unquestionable doctrine of the Roman Catholic Church, that it never surrenders its asserted jurisdiction over any heretic who has once been baptised! that it insists on its right to the indefeasable allegiance of baptised infidels, heretics, apostates, and baptised schismatics, and to compel them to return to the Roman Catholic faith—of compelling them to obedience, and to fulfil the obligation, which by baptism they have contracted! The existence of this pretended right was deliberately asserted in the year 1842, by a Jesuit theological professor, in the college of Rome, in a letter addressed to the Dr. Newman, who recently apostatized from our church to that of Rome. Preposterous as this may appear to us in England, in the nineteenth century, it is of vital importance to bear it in mind, while forming a practical estimate of the nature and extent of the Pope's pretensions, as he has himself just asserted them in this country. It is the very point of the whole matter, as concerning ourselves, and all of us!

He, indeed, who has not a full and clear perception of the monstrous claim of the Popes to universal authority, and

cannot penetrate through its vari-coloured disguises, so as to detect its hideous reality, like the huge hidden coils of a serpent, beneath leaves and flowers; he, I say, who cannot do this, had better give himself no personal concern about the Pope's Bull, but act on the judgment of others, not so ignorant and incapable as himself. To him this fatal document (fatal in its purpose) will appear a mere dead letter, or an emanation of piety and peace—and so it was intended. May God open eyes so closed, nor suffer them to remain closed in judicial blindness!

II. Such is the true nature of the Pope's character and pretensions to power, under whatever name he may claim, and has claimed, to exercise, and has from time to time exercised, that power.

Let us turn, now, to a more inviting object of contemplation.

I proceed to explain, as perspicuously and accurately as I can, the political and ecclesiastical character and position of the QUEEN OF ENGLAND: and, as I shall endeavour to concentrate much into little space, I earnestly entreat attention to that little. Her Majesty's political and ecclesiastical character is defined by the positive law of the realm, as explicitly as it is in the power of language to define or designate anything. She is OUR SOVEREIGN LADY VICTORIA, BY THE GRACE OF GOD, OF GREAT BRITAIN AND IRELAND QUEEN, DEFENDER OF THE FAITH: and in that capacity is rightly described by one of our canons,⁸ as being "Supreme Governor in these her realms, and all others Her dominions, OVER ALL PERSONS, IN ALL CAUSES, AS WELL ECCLESIASTICAL AS TEMPORAL." Her Majesty's civil supremacy it is needless to explain; but her undoubted ecclesiastical supremacy has of late, even by most loyally disposed and very learned and excellent persons, been, as it appears to me, so grievously misunderstood, and by others suspiciously misrepresented, that I deem it necessary to demonstrate what appears to me its true character.

Mr. Bowyer, the apologist of Dr. Wiseman, in his "Commentaries on Constitutional Law,"⁹ (against which I think it right, as far as concerns this point, to put his readers on their guard), has given an erroneous view of the relations existing between the Queen and the Established Church of England.

⁸ 55th Canon.

⁹ Commentaries, etc. pp. 179, et seq. (Ed. 1846).

Mr. Anstey, however, in a tract which he has just published, on the subject of the Roman Catholic Hierarchy, states, "that notwithstanding the endeavours of some recent writers [the Rev. W. Palmer and Mr. Bowyer,] to disprove the Queen's spiritual supremacy over the established church of this country, *undoubtedly the law ascribes it to her Majesty.*"¹ The unequivocal statute law of the realm is, that "the Queen's Majesty justly and rightfully is, and ought to be, **THE SUPREME HEAD OF THE CHURCH OF ENGLAND.**"

The enacting words of the statute containing this recital, are: "that the king our sovereign lord, his heirs and successors, kings of the realm, shall be taken, accepted, and reputed, *the only supreme head in earth of the Church of England:*" and by statute 1 Elizabeth, chap. i, the supremacy of the Queen, as the Supreme Governor of the Church, was definitively established, and the subject bound to its recognition by an oath: this latter act effecting a complete emancipation from the Roman yoke, and being justly considered as having laid the foundation of spiritual freedom.² The Queen is thus immoveably fixed in her position as the only Supreme Head, or Governor, in earth, of the Church of England; in the estimation, at least, of those who deem obedience to the law of the land a legal, a moral, a religious duty. I deem this a matter of plain imperative duty, because the law of the land is the law of the land: God, in his providence, having permitted and ordained it to become such. Disobedience, therefore, to a well-understood law of the land, I hold to be irreligious; and in this instance, moreover, I believe the law of the land to be in strict accordance with the law of God. But what is meant by "the Supreme 'Head,' in earth, of the Church of England"? That which seems to me perfectly intelligible, and reconcileable with the pure faith of the Gospel. What I understand by the Queen's being the Supreme Head of the Church is, that she

¹ The Queen's Supremacy, p. 2.

² See 3rd Steph. Comment, on the Laws of England. By two Sections (the 16th and 17th) it is enacted by the above Act; first, that "no foreign prince or potentate, spiritual or temporal, shall exercise any manner of jurisdiction or privilege spiritual or ecclesiastical, within this realm or the dominions thereof; and next, that such jurisdictions and privileges as had before been exercised by any spiritual or ecclesiastical power, for visitation and correction of the church, shall for ever, by authority of the present parliament, be united and annexed to the imperial crown of this realm."

is, under God, the supreme visible Governor of the whole realm, of which that Church is a part—deriving her right directly from Christ. HE, WHO IS HEAD OVER ALL THINGS TO HIS CHURCH,³ exercises over it a two-fold government. The one is *interior, and purely spiritual*, administered by His own Spirit, through the agency of His appointed ministers; the other, *exterior*, administered in the course of that Providence, which has been placed under His control for this especial purpose, through the hands of the temporal sovereigns of each country in which that Church is established. The Bishop of Rome has impiously dared to unite *both* these governments in his own person; and has become thereby, in each country, a rebel against the sovereign, and a blasphemer against Christ. But our gracious and pious Queen is as surely *not* guilty of this blasphemy, as the Pope is guilty of it. To sum up this matter, I hold with an eminent living divine, as follows: “Christ is the *one* invisible source of *inward* life, to His Body, the Church; kings exercise an *external* rule over those visible members of it, who live in their times and countries. The ecclesiastical headship of kings, therefore, is so far from being inconsistent with that of Christ, that it is subordinate and ministerial to it.”⁴ This ecclesiastical authority of kings, rests not on the vain, arbitrary enactments of mere positive human law, but on the solid foundations of reason, scripture and authority. “Kings serve God,” says St. Augustine, “when they order what is good and prohibit what is bad, not only in secular matter, BUT IN SPIRITUAL: and unless they do so, how shall they be able to render an account hereafter to Almighty God? This, then, is their duty; to maintain the peace of the Church, whose spiritual children they are.”⁵ These were the sentiments not of this great and venerable Father alone, but universally entertained by Christians, after the Empire became Christian. He who would raise objections to the supreme power, both of right and duty, exercised in the sense of St. Augustine, as above explained, in spiritual matters, by the sovereigns of England, would find himself opposing the principles of reason on which all Christian monarchy rests; he would be contravening the examples

³ Eph. i. 22.

⁴ Theophilus Anglicanus, by Dr. Wordsworth, p. 228.

⁵ St. August. Tractat. in Joann. 11.

of the Old Testament, and the precepts of the New; and he would be condemning, not only the practice of Constantine, Theodosius, and Justinian, and all the great Christian emperors and kings, especially those of England; but impugning the judgment of St. Chrysostom, St. Basil, St. Augustine, and St. Jerome, and all the wisest and most pious fathers of the Church.⁶ It appears to me that there is no force whatever in the objection to the expression, "*Head of the Church*": by which, says our incomparable Hooker,⁷ "we do but testify that we acknowledge kings to have SUPREME GOVERNMENT, even over all, both persons and causes. If the *having* of supreme power be allowed, why is the expressing thereof by the title of 'HEAD' condemned?"⁸ If I am wrong in entertaining these views, I crave to be set right by my spiritual teachers: till then, not frightened by a phrase, I shall hold fast by this doctrine as sound Christian truth, and constitutional law; and will uphold the Queen's ecclesiastical, as firmly as her civil supremacy. I regard it, indeed, as the very key-stone of the arch of our political fabric: it is incorporated into, and identified with

⁶ See Dr. Wordsworth's *Theophilus Auglic.*

⁷ *Ecclesiast. Pol.* book viii. c. 4. The whole of this masterly chapter, "Of the title of Headship," is worthy of careful study. It appears to me conclusive.

⁸ I beg to call special attention to a MS. note of Hooker's, recently printed from the Dublin MS. in Mr. Keble's edition (Oxford, 1845, vol. iii. p. 368 note 68). It will bear profitable meditation, even in high quarters. "The name of 'Head of the Church of England' to give to the prince, they count it injurious unto Christ. The *cause* of this doubt, is a conceit that the church and commonweale in respect of regiment, must needs be always two distinct bodies; so that the head of the one cannot be the head of the other also. Their *reason* frivolous, that because Christ is properly termed the *Head of the church*, therefore the prince may not be called the *Head of this church under Christ*. What the name of Headship doth import, being attributed unto Christ; that His headship over all churches, doth not exclude the authority of governors placed as heads over each particular church, for the visible regiment thereof. That a Christian prince within his dominions hath supreme power, authority, and *headship* over all governors, and that, in causes of whatsoever kind, no less if they belong to the Church of Christ than if they merely concern the temporal and civil state.

"Their minds, I doubt not, are far from *treason*. Howbeit in the days of Henry VIII. to have held that which now is maintained concerning the prince's, power, had then been adjudged a capital offence.

"Out of the *principles* which the learned sort of them deliver, the *simpler* may draw as some have done, that [which] by just execution of law, hath cost them their lives. A hard case, and to them small comfort, which have taught these silly persons such doctrine as, being unsaid, they have notwithstanding suffered death."

our system. Our malignant enemy at Rome is anxiously watching the progress of those dangerous notions, which some in this country profess to entertain, concerning the relations of Our Queen to our Church; and which tend, so to speak, to decapitate that Church, by depriving it of that Head which God has given it: and the Pope will know how to deal with the bleeding trunk. Every atom of allegiance withdrawn from our Queen, is transferred, whether consciously or unconsciously, to the wily Pope—the common enemy to the Queen and the realm: and, constrained by the solemn obligation imposed upon me by the Oath of Allegiance, and by the Oath of Supremacy, which you and I took on becoming members of the bar of England—I say that I will not yield one hair's breadth in this matter of the Queen's ecclesiastical authority, to either the Pope, or any of his open or disguised friends, here or elsewhere.

But I have yet a great deal further to go. The Queen is not only the Head, in earth, of the Church in England; but that church, it is our pride and glory to say it, is PROTESTANT; and I believe that no one breathes in the Queen's dominions more profoundly conscious of this—this glorious truth and fact, than Queen Victoria. Passing down the stream of time, from ELIZABETH to VICTORIA, let us imagine ourselves present at the august ceremonial of Her Majesty's coronation listening to the oath which she swore to reign as a Protestant Sovereign: thereby, however, becoming, in the eyes of the Pope a degraded being, a sworn *heretic* and *schismatic*! a stray wayward lamb from his fold,—the good shepherd! That oath has, I doubt not, penetrated Her very soul from childhood, and become incorporated with Her whole moral being; identified, in Her estimation, with every conceivable idea of dread responsibility, that can be contracted by an earthly sovereign, to the Almighty Maker and Ruler of heaven and earth!

I shall choose to imagine, that on the day of the Queen's coronation,—on Wednesday, the 28th June 1837—the Pope of that day, Gregory XVI., and his Cardinals, had contrived to gain admittance, as spectators, into Westminster Abbey, where Her Majesty swore that oath, as there also will her successors (God long preserve her Majesty!) in all time to come; so long as Englishmen are Englishmen and Protestants. How would the pious ears of “his holiness,” and “their eminences,” have

tingled, and their teeth chattered, when they heard these few solemn words uttered by the Archbishop of Canterbury and the Queen of England?

“ARCHBISHOP.—Will you, to the utmost of your power, maintain the laws of God, the TRUE profession OF THE GOSPEL, AND THE PROTESTANT REFORMED RELIGION ESTABLISHED BY LAW: and will you maintain and preserve, inviolably, the settlement of the United Church of England and Ireland; and WILL YOU PRESERVE UNTO THE BISHOPS AND CLERGY, AND TO THE CHURCHES THERE COMMITTED TO THEIR CHARGE, ALL SUCH RIGHTS AND PRIVILEGES AS BY LAW APPERTAIN UNTO THEM?

“QUEEN.—All this I promise to do.” And right royally and faithfully has she done it, as became a vigilant and uncompromising DEFENDER OF THE FAITH; but in so doing she has, in the wise and charitable Pope’s opinion, necessarily exposed herself to perdition for upholding damnable error; that is, the subversion of the imaginary chair of St. Peter! How he must have been choked by suppressing a surgent anathema, as he listened to the silvery voice of the Fair and Royal Heretic and Schismatic! Had her eye lit upon the scowling countenance of Pope Gregory XVI., and had she known who and what manner of person he was, probably a memorable passage of our annals would have flashed across her memory. She would have bethought herself, with lofty scorn and indignation, of what that Pope’s predecessor, Pius V., had impiously and insolently dared to do to her immortal predecessor, Queen Elizabeth! The royal eye would have glanced at the following words written by that Pope, in burning letters of insolence and impiety, still disfiguring, and as it were scorching the page of history!

“This woman, MONSTROUSLY USURPING THE PLACE OF SUPREME HEAD OF THE CHURCH IN ALL ENGLAND, and the chief authority and jurisdiction thereof, hath again brought back the said kingdom into miserable destruction, which was then nearly reduced [under Queen Mary!] to the most Catholic faith and good fruits:

“We are constrained, of necessity, to betake ourselves to the weapons of justice against her, not being able to mitigate our sorrow that we are drawn to take punishment upon one to whose ancestors the whole state of Christendom hath been

so much bounden. *Being, therefore, supported by His authority, whose pleasure it was to place us in this supreme throne of justice, we do, out of the fulness of our apostolic power* [the very words of Pius IX. in his late Bull], declare the aforesaid Elizabeth, being **AN HERETIC** and a **FAVOURER OF HERETICS**, to have incurred the sentence of anathema, and to be **CUT OFF FROM THE UNITY OF THE BODY OF CHRIST!**

“And moreover we do declare her to be deprived of her **PRETENDED TITLE** to the kingdom aforesaid, and of all dominion, dignity, and privilege whatsoever.

“And also the nobility, subjects, and people of the said kingdom, and all others which have in any sort sworn unto her, to be for ever absolved from any such oath, and all manner of duty of dominion, allegiance, and obedience: as we also do, by authority of these presents, absolve them, and do deprive the same Elizabeth of **HER PRETENDED TITLE** to the kingdom: and we command and interdict all and every the noblemen, subjects, people, and others aforesaid, that **THEY PRESUME NOT TO OBEY HER**, or her monitions, mandates, and laws: and those which shall do the contrary, we do excommunicate with the like sentence of anathema.”

Observe now the blasphemous assertion of right and title with which this atrocious document opened.

“Pius, Bishop, Servant to God’s Servants, for a perpetual memorial of the matter!

“He that reigneth on high, to whom is given all power in heaven and in earth, committed one Holy Catholic and Apostolic Church, **OUT OF WHICH THERE IS NO SALVATION** [so declares Pius IX.], to one alone upon earth, namely, to Peter, the Prince of the Apostles, and to Peter’s successors, the Bishops of Rome, to be governed in fulness of power. Him alone he made prince over all people, and all kingdoms, to pluck up, destroy, scatter, consume, plant, and build, that he may contain the faithful that are knit together with the band of charity, in the unity of the Spirit, and present them spotless and unblameable to their Saviour. In discharging of which function, we who are by God’s goodness called to the government of the aforesaid church, do spare no pains, labouring with all earnestness, that unity and the Catholic religion may be preserved uncorrupt!”

Mark the powers here exercised in exact accordance with the

Florentine Canon, then of 131 years' standing! In what respect does this assertion of title, made on the 5th of May, 1570, "in the fifth year of our Pontificate," differ from that of Pius IX., made the 29th of September, 1850, "in the *fifth* year of *his* Pontificate"?¹

The Queen of England having thus solemnly sworn to be, and to govern us as, a Protestant sovereign, let us see what we, her subjects, in our turn, as solemnly swear that we believe, and will do. Here is the oath of ALLEGIANCE, taken alike by Protestant and Roman Catholic, and which is "but an outward declaration," happily, observes Lord Coke,² "of what stands already written by the finger of the law in our hearts": "I do sincerely promise and swear, that I will be faithful, and bear true allegiance, to her Majesty Queen Victoria."

The following is the oath of SUPREMACY taken by her Majesty's Protestant subjects:³ "I do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the see of

¹ The issuing of this Bull was one of the "high virtues" which led to the canonization of Pius V. A similar glory is doubtlessly contemplated by Pius IX!—The Bull of canonization expressly recited "his unhesitating zeal in striking with his dread anathema the impious heretic Elizabeth, the pretended Queen of England, as a heretic, and the favourer of heretics, absolving their subjects from their allegiance, and depriving herself, by pontifical authority, of her pretended right to the throne of England!"

Dr. Lingard, in his History of England (vol. vi. p. 224, last edit.), informs us, that "Elizabeth complained of the Bull as an insult to the majesty of sovereigns, and requested the Emperor Maximilian to procure its revocation." Mark the subtle and insulting answer of the Pope! one such as his present successor might possibly address to Queen Victoria were she similarly to condescend, "To his solicitations, Pius answered, by asking, '*Whether Elizabeth deemed the sentence valid or invalid? If valid, why did she not seek a reconciliation with the Holy See? If invalid, why did she wish it to be revoked?*'" With this atrocious instance, and a long catalogue of others, standing on record on the pages of history, a Roman Catholic prelate, Dr. Doyle, positively made before the House of Lords, UPON OATH, the following "portentous asseveration," as it was justly characterised at the time. "The Church has *uniformly for nine centuries*, by her *Popes themselves*, by her PRACTICE, and by her doctrines, and by her academics, *maintained that the Popes have no right whatever to interfere with the temporal sovereignties or rights of Kings and Princes!*"

² 2nd Institute 121. The oaths of allegiance and supremacy are those settled by the legislature in the year 1714, on the accession of Geo. I., by Stat. 1 Geo. I., Stat. 2. c.13; § 1.

³ The oath administered to Roman Catholics is that which has been already partially cited. Ante, p. 31.

Rome, may be deposed or murdered by their subjects, or any other whatsoever? And I do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, ANY jurisdiction, power, superiority, pre-eminence, or authority, ECCLESIASTICAL OR SPIRITUAL, WITHIN THIS REALM."

For a reason which will presently appear, I call attention to the fact, that this oath is taken by clergymen of the established Church of England on entering into it, and at every stage of their gradation in it—on becoming deacons, priests, bishops, and archbishops; and that, in addition to this, on entering into holy orders, they must subscribe the Thirty-nine Articles "in the plain and full meaning thereof, and shall take it in the literal and grammatical sense." In the thirty-seventh of these Articles is the following stringent and absolute assertion. "The Bishop of Rome hath NO *jurisdiction* in this realm of England."

The sense in which you and I, and all honest men, take the oath of supremacy, is that which is in terms *expressed* in the oath of abjuration: "All these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever"⁴. In this spirit, I say, we, Protestant Englishmen, take this all-important oath, not without having well weighed the terms of it, which recent events, however, have suddenly invested with infinitely greater potency and significance, both exclusively and conclusively than ever. Thus *we* take oaths: but imagine my horror on finding Dr. Wiseman assisting in the recent canonization in this country of one Alphonso Liguori, with whose memoirs also he has recently (1846) favoured the British public, as that of a "theological writer of heroic virtues," applauding the wisdom of his understanding and the purity of his heart, and inculcating the study of his writings, in which *I have myself read*⁵ passages

⁴ Statute 6 Geo. III. c. 54.

⁵ In the "*Moral Theology*" lately published in nine volumes, in London, in the Latin language. "His positis, certum est, et commune apud omnes, quod ex justâ causâ licitum sit UTI ÆQUIVOCATIONE, modis expositis, et cum JURAMENTO FIRMARE." Vol. II., Book iv., tr. 2, p. 316. Surely, Dr. Wiseman is bound for the safety of the country, to come forward with a public and distinct disavowal of such dreadful doctrines. I hereby, as an indignant Englishman, publicly challenge him to do so, or to stand the consequences.

appearing to dissolve all sense of the obligation of truth; inculcating equivocation, mental reservation, evasions, subterfuges of all sorts: nay, that "for a just cause" it IS LAWFUL TO CONFIRM EQUIVOCATION WITH AN OATH! God forbid, however, that Englishmen should ever fail to act upon the sublime, simple, and comprehensive precept of our Saviour, "*Let your communication be Yea, yea, Nay, nay*⁶," and recoil from the horrible attempt to convert Yea into Nay, and Nay into Yea!

Such being the solemnly-sanctioned reciprocal and correlative rights, obligations, and duties of Her Majesty and her subjects, their absolute identity of character and interest becomes apparent. The Queen, the Church, the State are so united, as to form *one symmetrical body-politic*. "No man on earth," says Edmund Burke, "is more willing than I am to lay it down as a fundamental law of the constitution, that the Church of England should be united, and even identified with it"⁷. It is so, indeed, and to all intents and purposes. Whence it follows that an insult, an injury to, an encroaching on any one of these, is an insult, an injury, and encroachment as to the whole, whether the blow be aimed at the head, or the members. And it has been recently observed with legal and logical propriety, that⁸ any attempt to invade the spiritual jurisdiction of the established church, under a claim, not merely of co-ordinate, but paramount spiritual authority derived from a foreign prince, is an aggression and encroachment on the crown and constitution of these realms: because of that Church the Crown is the head—of that Constitution the Church is a part.

The act of aggression or encroachment is equally *real*, whether it be direct, or *indirect*; and, however consonant it may be to the genius of Jesuitism, to seek to effect that indirectly which dare not be done, or attempted, directly, it is repugnant to the English character, and to the genius and spirit of our laws, in regulating both public and private transactions. In the language of a late important judgment of our highest court of judicature (the House of Lords) "whatever is prohibited by law to be done directly, cannot legally be

⁶ "*For whatsoever is more than this cometh of evil*" (Matt. v. 37) "*Let your yea be yea, and your nay, nay: lest ye fall into condemnation*" (James v. 12).

⁷ Letter to Sir Hercules Langrishe, in 1792.

⁸ The Times, Nov. 1850.

effected by an indirect and circuitous contrivance.”¹ “Every oppression against law, by colour of any usurped authority,” says Lord Coke, in commenting on a capital article of Magna Charta, “is a kind of *destruction*; for *quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud*: and it is the worst oppression that is done by colour of justice.”² And I will add, what can be more shameful and detestable, in every point of view, whether of law, morality, or religion, than colourable compliance with the letter of a law, in order to violate its spirit? Yet shall it be proved that this is the main and infamous plea on which the Pope and his English supporters rely!

III. Such, then, is the QUEEN, such the POPE: the genius of Protestantism confronting, in mortal antagonism, the genius of Popery.

“YOU SHALL NOT!” firmly says the Queen of England.

“I WILL,—AND I HAVE!” insolently replies the Pope of Rome.

In delineating the respective characters and pretensions of these great contending sovereignties—of these visibly embodied principles—I have necessarily also indicated, to a great extent, their relative positions, and shewn them to be anomalous, critical, and delicate: as cannot, indeed, but be expected, with such an attempted co-existence of incompatibilities,—a Protestant sovereign, with one-third of her subjects Roman Catholics, whose souls are devoted in blind bondage and spiritual allegiance to a foreign, spiritual and temporal prelate and potentate; he and they avowing for their object the subversion of the Protestantism which tolerates them, and the restoration, if tolerated, of Roman Catholicism to its former ascendancy in these realms. It is under these circumstances, that we are imperatively called upon to consider what is TOLERATION, and under what conditions it is to exist. We *tolerate* to the uttermost every imaginable form of religious dissent; it being an article of our faith, one of the choicest flowers of our

¹ Booth v. Bank of England, 7 Clark and Finnelly, 541. See also a late judgment of the Court of Exchequer. “We will not use a power which we have, for the purposes of indirectly exercising a power which we have not.” Attorney-General v. Bovett; 15 Meeson and Welsby, 71.

² 2nd Institute 48. Nemo destruat, etc.

Reformation, but which the present Pope has avowed his desire to pluck up and destroy⁴; to recognise and assert the right of conscience, and of private judgment in matters relating to each man's condition hereafter. Among those who dissent from us, are the Roman Catholics—those who feel it their duty to retain the corruptions which we have discarded. Let them do so, to any extent they may deem safe, so long as they do not disturb their political relations towards us, by abusing the toleration which we have accorded; but how is it if they adopt a line of conduct deemed by us offensive, injurious, dangerous to the state—avowedly aimed at the extinction of our national faith, and as surely destructive of its civil and religious liberties? These are questions which, with those cognate and subordinate, are fit to be considered anxiously by the statesman, the lawyer, and the divine. Let us then proceed to inquire, what it is that has rendered such discussion and inquiry unavoidable. It is, in a word, the introduction into England, without, and indeed in defiance of, the national authority or consent, of the Bull, writing, or instrument, let it be called by which of these names it may, of Pope Pius IX, dated the 29th of September, 1850.

Fully to appreciate the nature of this transaction, it is necessary to fix attention on one or two preliminary considerations.

First. The Pope has presumed to send, and Dr. Wiseman to bring, into this country the Bull or writing in question, in the face of a public distinct declaration by Lord John Russell, the Queen's Prime Minister, in his place in Parliament, that he would not give his consent to that being done, which this Bull professed to do. Lord John Russell used these words in the House of Commons on the 17th August, 1848. "I do not know that the Pope has authorised in any way, by any authority he may have, the creation of archbishoprics and bishoprics with dioceses in England. NOR SHOULD I GIVE MY CONSENT, IF I WERE ASKED TO DO SO, TO ANY SUCH FORMATION OF DIOCESES." That this declaration was known to the Pope and those who counselled him, must be presumed, and will not, I should think, be questioned.

⁴ *Encyclical Letter*, page 17. I allude to the execrable passage in which Pius IX. "eagerly" joins in his predecessor's insanely-impotent anathemas against our Bible societies. Vide post, p. 91.

Secondly. This "Bull, instrument, or writing," was sent and brought into England in deliberate defiance of an unequivocal prohibition by the statute law of this realm, which only three years before had been vainly sought to be repealed, on the express ground, that a breach of such prohibition was a misdemeanour punishable by fine and imprisonment. This admission I will prove to have been made by Mr. Anstey in the House of Commons, in moving for leave to repeal the statute in question. Thus, both the legislative and the executive powers of the state have been deliberately set at defiance by a foreign potentate, in the exercise of a direct act of sovereignty over this realm; and there are among us some who avow having abetted that act, and are carrying it into execution!

Thirdly. The Pope and his abettors are cognisant of the stringent obligations contracted by the Queen in her coronation oath, and the oath of supremacy taken by her subjects.

Fourthly. The Pope has thus sent this Bull into the kingdom of a Protestant sovereign, whom he knows to have millions of subjects bound in devoted spiritual allegiance to himself, a foreign sovereign, who can define his "spiritual" authority so as to include the exercise of temporal power, whenever he may again deem it advantageous for the Roman Catholic religion to do so.

Fifthly. No one can appreciate the latent comprehensive capabilities of this act, declared to be of irrevocable and indefeasible authority, who has not deeply reflected on the true nature and extent of the Pope's so called "spiritual power", and the foundations on which he alleges it to rest.

Lastly. Nor can any one form an idea of the true character and incidents of this act of the Pope without knowing the fundamental rule, anciently and universally observed in the Christian Church, and uniformly and inflexibly acted upon by the Roman Catholic Church — *that "there can be but one bishop of the same diocese, at the same time : one God, one Christ, one Bishop."*⁶

⁶ See Bingham's Antiquities of the Christian Church, b. ii. c. 13. § 1, where this rule is fully stated and historically illustrated. When Novatus got himself ordained Bishop of Rome, in opposition to Cornelius, he was generally considered, over all the world, as transgressing the rule of the Catholic church. Cyprian delivers it as a maxim on this occasion, "that there ought to be but one bishop in a church at a time, and one judge as the vicegerent of Christ;" and also said "there cannot be a second bishop after a first; but he was an adulterer

Bearing in mind these preliminary considerations, it will be found impossible to characterise the Bull before us with greater precision and force, than in the following terse and carefully selected expressions of the first Lord of the Treasury in his memorable Letter to the Bishop of Durham.

“There is an assumption of power, a pretension to supremacy over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen’s supremacy, with the rights of our Bishops and Clergy, and with the spiritual independence of the nation, as asserted in even Roman Catholic times.”

It will be found that this Bull is an act not only of gross insult, and daring aggression, but of enormous encroachment on the national sovereignty.

Before considering what this instrument does contain, let us — consider what it does *not*.

(1). *It makes no mention of the Queen*; not the faintest allusion to her existence: for all that here appears, we might have, in fact, no Queen at all! Here, then, is one temporal sovereign ignoring the existence of another, in whose dominions he is assuming to exercise, of his own pure will and motion, a vast spiritual authority over millions of that sister-sovereign’s subjects, whose political and religious relations he knows to be so highly critical, and which he might be so seriously disturbing. The insufferable reason of this silence is plain: our Queen is, in his eyes, a heretic, and a usurper of unlawful authority. Had the Pope not designed insult, he would, with becoming dignity, have inculcated on his spiritual subjects the duty of loyalty to their temporal sovereign, reminding them that the powers that be are ordained of God; and exhorting them “to be subject to principalities and powers, to obey magistrates” in all things, not affecting religious rights and duties. This significant silence of Pius IX. is dictated by the same spirit which actuated Pius V. in attempting to excommunicate and depose Queen Elizabeth; and, while preserving that silence, he knew himself to be doing an act in defiance of our laws, and the expressed will of the Queen, through her Prime Minister.

and a foreigner; an ambitious usurper of another man’s church, who had been regularly ordained before him; an alien, who had attempted to erect a profane altar, and set up an adulterous chair, and offer sacrilegious sacrifice against the true bishop.” *Id. ib.*

(2). Nor does the Pope mention the Established Church, which he knew that our Queen had sworn to maintain to the utmost of her power; and to preserve to its Bishops, Clergy, and Churches, all the rights and privileges appertaining unto them by law. Consistently with this Bull, there might be no form, or profession, of religious faith whatever in the land, except that of the Roman Catholic Church, which it is the declared object of the Bull, and of the Pope, to strengthen and propagate! He knows, in fact, that we *have* an ecclesiastical establishment—archbishops, bishops, and clergy, provinces and dioceses; but he passes them over as utter non-entities, and his organs in this country already openly speak of them as “*the ghosts of realities gone by*”!

Having seen what he does *not* say, let us now see what he *does* say, and *how* he says it.

I. That REFORMATION of religion, which is our chiefest natural glory,—by virtue of whose sanctions the Pope knows our Queen sits upon her throne,—that she has sworn to “maintain to the utmost the Protestant *reformed* religion—the Pope bitterly designates “the Anglican SCHISM of the sixteenth age” a “*great calamity*,” from which it had been the studious endeavour and labour of his predecessors⁷ to “re-edify and recover the Church in England”!

II. Let me now transcribe for you, my pen quivering the while with indignation and disgust, the language in which this foreign sovereign affects to exercise a potent act of sovereignty over the “famous realm of England.”

“OF OUR OWN MOTION, on certain knowledge, and of THE PLENITUDE OF OUR APOSTOLICAL POWER, WE CONSTITUTE AND DECREE, that in the kingdom of England, according to the common rules of the church, there be restored the hierarchy of ordinary bishops: who shall be named from SEES, WHICH WE CONSTITUTE IN THESE OUR LETTERS, in the several districts of the apostolic vicariates!—WE RESERVE TO OURSELVES and our successors, the Pontiffs of

⁷ Among these predecessors—the blessed benefactors of our unconscious selves—he specifies the notorious Urban VIII, who denounced the oath of allegiance prescribed by stat. 3 James I. c. 4. § 15, in consequence of the gunpowder plot, as “that noxious and unlawful oath of allegiance, the object of which is not only to secure fidelity to the king, but to *wrest the sceptre of the universal church from the vicar of Almighty God*.” This oath was formally condemned on this ground, by four popes, besides nuncios and universities!

Rome, the power of *again dividing the said Province into others, and of increasing the number of dioceses*, as occasion shall require, and in general, that, as it shall seem fitting in the Lord, we may freely decree new limits to them!—AND WE DECREE that these our letters apostolical, shall never, at any time, be objected against or impugned, on pretence either of omission, or of addition, or defect, either of our intention, or any other whatsoever; but shall always be valid and in force, AND SHALL TAKE EFFECT IN ALL PARTICULARS, AND BE INVIOLABLY OBSERVED.—Moreover WE DECREE, that if in any other manner, any other attempt shall be made BY ANY PERSON, OR BY ANY AUTHORITY, knowingly or ignorantly, to set aside these enactments, SUCH ATTEMPT SHALL BE NULL AND VOID. *And it is our will and pleasure* that copies of these our Letters, being printed and subscribed by the hand of a notary public, and sealed with the seal of a person high in ecclesiastical dignity, shall have the same authority as would belong to the expression of our will by the production of this original copy. Given at Rome, at Saint Peter's, under the Seal of the Fisherman."

Is all this the language of a palsied Potentate; unconscious of his ignominious imbecility,—of exhibiting a ludicrous, burlesque of temporal sovereignty—or the dictate of an awakening sense of power, and perception of opportunity for asserting it? Could loftier language have been used when the papacy was blazing in the zenith of its power? Had the Pope been King of England, could he have said or done more? Nay, had our own Queen been an absolute monarch, could she have done more? or expressed himself in terms more despotic? It is language *studiously indicative* of supreme authority, and advisedly adopted. Consider the import of the words—"and of the plenitude of our apostolical power," when used by the professed Vicar of Christ!

The Pope proceeds to "*establish and constitute episcopal sees*"—to "*elevate one of them, Westminster, to the degree of Metropolitan, or Archiepiscopal dignity*"!—to declare "*from what sees the bishops shall take their titles*"!—what "*COUNTIES shall be ASSIGNED to particular districts*"! and from what "*Cities the sees shall take their names*"! And having thus divided out the entire territory of England and Wales, the Holy Father, with majestic complacency, adds—"Thus, then,

in the most flourishing kingdom of England *there will be established* one Ecclesiastical Province, consisting of one Archbishop, or Metropolitan Head, and twelve Bishops, his suffragans: by whose exertions and pastoral care, we trust God will grant to *Catholicity in that country* a fruitful and daily increasing extension!"

And while all these pretty arrangements are being planned and effectuated, Queen Victoria is supposed sitting on her throne, looking on impotently and in silence, her people sharing her torpor; she and they alike forgetful of their oaths—of their sovereignty—and of God who conferred it!

* If this be not insult, aggression, encroachment—on the Queen's prerogative, on the national rights—what can be conceived such?

Suppose Her Majesty had acted similarly in France, in Italy, in Russia, Austria, Germany?—and had persevered, with dogged insolence, in defiance of such national manifestations as that which has been called forth in this country?

The Pope has taken as complete *ecclesiastical* possession of "this famous realm of England," as ever it could have been made the subject of *military* occupation by a foreign victor!

If a foreign potentate may thus deal with the ecclesiastical department of the state, why not with the civil? And taking a hint from the late loyal Daniel O'Connell, erect, throughout the entire length and breadth of the land, rival *judicial* institutions: have three superior arbitration courts at Westminster, ambulatory arbitration courts in spring and summer, and local arbitration courts in every county?—have a Lord High Arbitrator, Vice-Arbitrator, and Lords Chief Arbitrators, and Honourable Arbitrators, as set-offs against a Lord High Chancellor, Lords Chief Justices, and Honourable Justices and Barons? This foreign potentate could probably get some Dr. Wiseman to say to us—"Why all this hubbub?—What have you to fear from *our* humble courts? They are voluntary—our judges do not assume your titles, nor intrude into your courts! We are supported by the voluntary contributions of those who prefer our mild administration of justice, conveyed in pure streams through the CANON law! What has your *common* law to complain of? All may go into your courts who choose. But if, in spite of all *your* present advantage, our poor courts *do* advance—do win over to them suitors

among the litigious of every degree—do spread themselves widely among the people—then you will not check their progress by forbidding an Arbitration Judge, appointed by our archbishop and bishops, to assume the title of ‘ Lord High Arbitrator,’ or ‘ Vice-Arbitrator.’¹ Your Lord High Chancellor may still wear his golden robes, and have the mace lie before him: your Chief Justices and Chief Barons may sit in scarlet and ermine, with their golden chains: your Justices of Assize may have their grand processions of trumpeters and javelin men as before, to give that dignity to the administration of the law, which years have worn away.² *We* claim no legal provision from the state! Whatever satisfaction it has been to you to see your judges so elevated above their arbitration rivals, and to have their wants so liberally provided for, you will still enjoy as much as hitherto! Not a mastership, a marshalship, or ushership will be taken from him, or claimed by the Arbitration Judges! The outward aspect of the two establishments will remain the same: we shall continue, no doubt, poor, unnoticed by the great and by the powerful, without social rank or pre-eminence! If there be no security for your Courts of Justice, in this overwhelming balance in their favour of social advantages, surely the exclusion of arbitrators from the possession of judicial localities will not save them!³ You say your system is better than ours: then *act* on this conviction! Shew that you believe it! Give us the little odds of a title which bestows no power, rank, wealth, or influence on him that bears it, and let the issue be tried on these terms, so much in your favour. Let it be a fair contention between us, with legal and judicial weapons, and fair arguments! If you prevail, and our system is extinguished in the island, it will be a victory without remorse!⁴ Thus saith Dr. Wiseman about “ the Catholic Hierarchy;” and, doubtless, took the hint from his late loyal friend and exemplar, Daniel O’Connell; who thus sought to enter into deadly rivalry with her Majesty, in erecting his mimic courts of justice in Ireland, in

¹ “ But if, in spite of all your present advantage, our religion *does* advance, does win over to it the learned, the devout, and the charitable,—does spread itself widely among the pure and simple,—*then* you will not check its progress by forbidding a Catholic Bishop to take the title of Hexham or of Clifton.” Dr. Wiseman’s “ Appeal to the Reason of the English People,” p. 18.

² Dr. Wiseman’s Appeal, p. 13.

³ Dr. Wiseman’s Appeal, p. 17.

⁴ Dr. Wiseman’s Appeal, p. 18.

order to procure *real* "Justice for Ireland"; and it was thought, at the time, to savour somewhat of infringing the royal prerogative; of "bringing into hatred and disrepute the courts of law established for the administration of justice; designed to diminish the confidence of her Majesty's liege subjects in the administration of the law, with intent to induce them to withdraw the adjudication of their differences with, and claims on, each other, from the cognizance of the said courts by law established, and to submit the same to the judgment and determination of other tribunals to be constituted and contrived for that purpose!"⁵

No—we will shew the Pope that this will not do: we will not have him thus impudently subvert our institutions, civil or ecclesiastical, before our very eyes, and in spite of ourselves. As the Queen or the legislature can alone erect courts of justice, through which it may flow from the royal fountain to her subjects, so she and the legislature alone can make ecclesiastical divisions of our territory: provinces, dioceses, archbishops, and bishops—she alone can appoint to them, in this "famous realm of England."

What is the exact nature of the act of sovereignty, and, therefore, of encroachment on the integrity of our sovereignty, recently perpetrated by the Pope? This:—Whereas our territory is our own, and its inhabitants are subject to our own laws only, made by ourselves, and no foreign prince, person, prelate, state, or potentate, has, or ought to have, any power or jurisdiction, ecclesiastical or civil, within this realm; the Pope, a foreign prelate, prince, person, state and potentate (such as he is, under favour of the French), has divided our territory into sections, and made all the inhabitants of all our counties, subject to foreign ecclesiastics appointed irrevocably, except by himself, to exercise ecclesiastical jurisdiction *in those counties, over those persons*. Now, it is essential to remember that the Pope assumes, as has already been explained, spiritual jurisdiction over every baptized person, whether heretics, schismatics, and apostates;⁶ and thus is explained the reason on which the Pope proceeded, and the object which he had in view, in thus parcelling out all England and Wales into territorial ecclesiastical districts, *without any personal limitation*. Every one of us, man, woman, and child, has thus, *nolens volens*,

⁵ O'Connell v. the Queen, 11 Clark and Fin. 159.

⁶ Ante, p.33.

come under the ecclesiastical jurisdiction of a foreign prince, which he will assume, as he declares it his duty to do, as soon as ever he has the opportunity! Is this, or is it not, in Lord John Russell's language, "an assumption of power—a pretension to supremacy over the realm of England,—a claim to sole and undivided sway—inconsistent with the Queen's supremacy, the rights of our bishops and clergy, and the spiritual independence of the nation?" *If it be not, what can be?* And what says Dr. Wiseman, as soon as this crafty, wicked, and insolent manœuvre was detected? "No one doubts," says he,⁷ "that the bishops appointed by the Pope are Roman Catholic bishops, to rule over Roman Catholic flocks. It will be said," he adds apprehensively, "that no limitation of jurisdiction is made in the papal document, no restriction of its exercise." Yes; that is what we say. Hear the *answer*, which is simply and absolutely a confession of the fact! "Every official document has its proper form, and there is nothing new, or unusual, in *this* papal document. Whether the Pope appoints a person Vicar Apostolic, or Bishop in ordinary, in either case he assigns him a territorial ecclesiastical jurisdiction, *and gives him no personal limitation*. This is the practice of every church *which believes in its own truth, and the duty of conversion*." Here is palpably confessed, or inevitably implied, the doctrine above mentioned, of the asserted rights of the Romish Church over every one who has been baptised, and has become thereby subject to the Vicar of Christ. Personal limitations are, therefore, *of course*, always have been, and always must be, necessarily avoided! And so stands the matter, and must stand! for the Pope has expressly declared, that "any attempt, *by any authority*," to set aside the enactment, "shall be null and void." And yet there has been no interference with the Queen's supremacy, or "the spiritual independence of the nation"!

• There is, however, another demonstration, transcendent in its simplicity and cogency, of the truth of the accusation now made against the Pope, of aggression, encroachment, and usurpation upon the sovereignty of England. I will prove that he is either suddenly false to a fundamental and essential article of the church, ever hitherto recognised by it; or has carried it out, and is carrying it out, with intended annihilating effect upon our ecclesiastical constitution.⁷ It is enough

⁷ Dr. Wiseman's Appeal, p. 22.

for me to prove that he has done the act, and with the knowledge and intention necessary to constitute that act an offence and crime against the law of nations. *Actus non facit reum, nisi mens sit rea*; and that *mens rea* the Pope and those who obey him, are, as we lawyers have it, estopped from denying.

If the Pope knows that there can be, according to the law of the church, BUT ONE BISHOP IN ONE DIOCESE AT THE SAME TIME; by appointing bishops to sees comprising the whole territory of England and Wales, he has avowedly annihilated the ecclesiastical existence of all the bishoprics pre-existing there for centuries—nullifying the present and all previous episcopal appointments made under the authority of the Sovereign of these realms! Mark the inevitable consequences: we have had no bishops who could ordain; no clergy who could baptize, or marry; and we are and have been all unbaptised, unmarried, illegitimate! What the Pope, in his merciful consideration, and supreme power, may do for a wretched people under such circumstances, one cannot tell. I suppose we must become submissive penitents, and reconciled to Rome, before he will tell us!

Suppose, on the death of the present bishop of London, his diocese should be divided by the legislature into two,—London and Westminster; the latter would be only a restoration of one which had been founded by Henry VIII. But the Pope has forestalled the legislature and the Queen: he has already, “of his own motion, of the plenitude of his apostolical power,” CONSTITUTED “WESTMINSTER A SEE,” and moreover, “elevated it to the degree of the Metropolitan or Archbishopal dignity;” and appointed a bishop and archbishop of Westminster!—Can there be two bishops in the same place? The Christian Church says, No; but so also say Queen Victoria and the Pope; the Pope has been first in the field; and the Queen’s bishop of Westminster is “an adulterer, a foreigner, an ambitious usurper of another man’s church, who had been regularly ordained before him; an alien who had attempted to erect a profane altar, set up an adulterous chair, and offer sacrilegious sacrifice against the true bishop!”⁸ Mr. Anstey has been acute enough to foresee this possibility of conflict,⁹ and acknowledges, that “should Parliament hereafter create a new see of the Established Church, and give it one of their

⁸ Ante, p. 46, n.

⁹ The Queen’s Supremacy Considered, p. 30.

papal titles, there is reason to believe that the 24th section of the 10 Geo. IV. c. 7. (the "Emancipation Act") would at once attach to the continued assumption of the title by the Roman Catholic prelate. Undoubtedly it would.¹ But what would become of Dr. Wiseman, thus shorn of his title of Westminster? Would he, as one of the Pope's "sheep," have to run bleating piteously "into Finsbury or Islington, whereby would," he says, "be cast ridicule, and a door be opened for jeers?"² Whom will he, in such case, obey? The Queen or the Pope? who has declared in his Bull, that "every attempt, by any person, or by any authority, knowingly or ignorantly, to set aside his enactments, shall be null and void!" Which authority will Dr. Wiseman recognise? The Queen's or the Pope's? Will he meekly sink into the now despised "ARCHBISHOP OF FINSBURY," or "ARCHBISHOP OF ISLINGTON?"

Dr. Wiseman tells us magnificently, in his "Pastoral," that he has clothed himself with the full authority graciously conferred by his infallible and supreme master, who declares that he and his fellows "possess the title and right of Bishop in Ordinary." "We govern, and shall continue to govern, THE COUNTIES of Middlesex, Hertford, and Essex, AS ORDINARY thereof; and those of Surrey, Sussex, Kent, Berkshire and Hampshire, with the islands annexed, as *administrator*, WITH ORDINARY JURISDICTION."

Is not this the exact language of a legitimate Ordinary of the Established Church? Assuredly. What is the meaning of an "Ordinary"?—It is thus explained by Lord Coke, in his "First Institute."³ "*Ordinarius* is he that hath ordinary jurisdiction in causes Ecclesiastical, immediate to the king and his courts of common-law, for the better prosecution of justice; as, the bishop, or any other that hath exempt and immediate jurisdiction in causes Ecclesiastical." Such is an "Ordinary." In what sense does Dr. Wiseman pretend to be one—and what is the "ordinary jurisdiction" of which he is "administrator"?

Already, however, in a kind of sudden collapse, this mock grandiloquent, "governor, ordinary, and administrator" of

¹ The Law of Præmunire, 12 Coke's Reports 37, cited by Mr. Anstey.

² Dr. Wiseman's Appeal, p. 29.

³ Co. Litt. 344 a. I quote from the edition of the late Mr. Charles Butler. See also Co. Litt. 96 a.

EIGHT ENGLISH COUNTIES, has tremulously whispered,⁴ with a sort of disingenuous deprecation: "No one doubts that the Bishops appointed by the Pope are Roman Catholic Bishops, TO RULE OVER"—what? English counties? No, but "ROMAN CATHOLIC FLOCKS." Then why tell us in his "Pastoral" that he "governed THE COUNTIES" in which these Roman Catholics were such a minority of the inhabitants; and every one of which counties was already under Protestant episcopal jurisdiction?⁵ Is this, or is it not, insult, usurpation, encroachment, "upon the Queen's ecclesiastical jurisdiction within this realm?"⁶ It is true, it is, as our law says,⁷ "but mere usurpation, for the king cannot be put out of the possession of anything which belongs to his crown; and for this reason all the kings of this realm *totis viribus providere* for the establishment of their temporal law, by which they inherit the crown, and by which they govern their subjects in peace, and punish those who are rebellious, or who commit great offences against them and their crown; and they were always jealous lest any part or point of their temporal law should be encroached upon: and for this, if the ecclesiastical law usurp anything upon the temporal law, this was severely punished, and the offender esteemed and adjudged an enemy to the king, by the ancient statutes."⁸

And shall Dr. Wiseman be tolerated in thus discarding the Queen's authority, and intruding into offices which she alone can create? It is idle for him to crouch under the quibble which has occurred to him in his extremity, that "the Pope's ecclesiastical acts," according to us, "*are mere nullities.*"⁹ TO HIM they are REALITIES, vital, potent

⁴ Dr. Wiseman's Appeal, p. 22.

⁵ Dr. Wiseman (Appeal, p. 29, note) anxiously tries to explain away his use of the word "GOVERN," in his "Pastoral;" but how? simply by asserting the fact, that such is "*the usual and almost only word applied amongst Roman Catholics to Episcopal rule!*"—which is exactly what we complain of, and protest against; and it is, moreover, in strict and necessary conformity with essential Roman Catholic pretensions and doctrine, recognising only *territorial* ecclesiastical jurisdiction! It is worthy of notice, also, that in order to aid his "explanation," he calls attention to the address of his "Pastoral," i. e. as he says, "to the clergy secular and regular, and to the faithful;" conveniently dropping the remaining words of the address—i. e. "*of the said Archdiocese and Diocese!*"

⁶ Præmunire, xii. Coke, p. 38.

⁷ Id. ib.

⁸ Appeal, p. 21.

⁹ Appeal, p. 29, note.

realities, annihilating the rival realities called into existence by the laws and by the Queen of these realms! There is no sort or degree of treason which might not thus be explained away by its guilty perpetrator. I ask again, then, has, or has not, the Pope, aided and abetted by Dr. Wiseman, committed an act of usurpation and encroachment on the Queen's authority, and insulted and violated the sovereignty of our state? As a test of this, let me ask, are allegiance, obedience, and subordination to the Queen of England, compatible with those which the Pope professes to demand from his spiritual subjects here, and they to yield? Dr. Wiseman cannot and dare not answer; but a high-minded and loyal English Roman Catholic nobleman *has* answered the question in terms which must have shot dismay through Dr. Wiseman. Thus spoke out Lord Beaumont, a peer of the realm, a member, and a distinguished and eloquent one, of the highest branch of the legislature, and has been since sternly seconded by the Duke of Norfolk.

“The Pope, by his ill-advised measures, has placed the Roman Catholics in this country in a position where they must either break with Rome, or violate their allegiance to the constitution of these realms: they must either consider the Papal Bull as null and void, or assert the right of a foreign prince to create, by his sovereign authority, English titles, and to erect English bishoprics. To send a Bishop to Beverley for the spiritual direction of the Roman Catholic clergy in Yorkshire, and to *create a See of Beverley*, are two very different things—the one is allowed by the tolerant laws of the country; *the other requires territorial dominion and sovereign power within the country.* If you deny that this country is a fief of Rome, and that the Pontiff has any dominion over it, *you deny his power to create a territorial see*, and you condemn the late Bull as ‘sound and fury, signifying nothing.’ If, on the contrary, you admit his power to raise Westminster into an archbishopric, and Beverley into a bishopric, *you make over to the Pope a power, which, according to the constitution, rests solely with the Queen and her Parliament, and thereby infringe the prerogative of the one, and interfere with the authority of the other.* It is impossible to act up to the spirit of the British constitution, and at the same time to acknowledge the jurisdiction of the Pope in local matters. Such is the dilemma in which the lately published Bull places the English Roman Catholics . . .

Believing, therefore, that the late bold and clearly expressed edict of the Court of Rome cannot be received or accepted by English Roman Catholics, *without a violation of their duties as citizens*, I need not add, that I consider the line of conduct now adopted by Lord John Russell, as that of a true friend to the British constitution.”¹

And let it be remembered, that all this has been done by the Pope, and his disloyal advisers, with their eyes wide open: cunningly, deliberately, advisedly, in defiance of the executive and legislative authority of this country! of the Prime Minister’s declaration! of our common and statute law’s prohibition! and of our Parliament’s refusal to relax the law! I therefore denounce this act of the Pope as an audacious insult to the Queen’s Majesty (and through Her, to us Her loving subjects), a gross deliberate violation, usurpation, aggression, and encroachment upon Her—upon our authority—upon the sovereignty of the nation: and how those who obey such an act, and declare that they will continue to do so, can be loyal subjects, or otherwise than guilty of high crimes and misdemeanours, I know not.

III. The Pope declares his thankfulness, that “by God’s goodness it has been granted to him to complete the great work, of the ultimate RESTORATION of the ordinary hierarchy here, of which the English Catholics had been deprived by the cruel storms of persecution, to re-edify and recover the Church in England from the great calamity that had befallen her, by the Anglican schism of the sixteenth age: having purposed, in emulation of his predecessors, from the very first commencement of his Pontificate, to prosecute a work so well commenced.” It is thus, I repeat, that the Pope, in the year 1850, ventures to speak in his Bull, of the Reformation, and its immense permanent results in this country! Such are the sentiments of Dr. Wiseman, in devout accordance with his benignant and infallible Master! But what is the immediate moving cause assigned by that Master, for sending this Bull among us, to organise here a complete Roman Catholic hierarchy? I trust in God, and believe, that the Pope will prove to have acted on frightfully false information as to the state of religious matters in this country. Alas! where are

¹ Letter of Lord Beaumont to Lord Zetland, Nov. 20, 1850. Times, Nov. 26, 1850.

we—what blight has fallen on “the famous realm of England,” if it be true, as the Pope asserts, that there is in it “a very large, and everywhere increasing number of [Roman] Catholics here”—that “the impediments which principally stood in the way of the spread of Catholicity here are being daily removed;” and that “SUCH A REVOLUTION has taken place in things here, as to demand the form of ordinary Episcopal government here!” In dire accordance with these statements is one of Dr. Wiseman’s.² “The Catholic Church in England has so much expanded and consolidated itself since the Emancipation Act, and its parts had so matured their mutual relations, that it could not be carried on without a full and explicit code.” Is all this, can all this be true? Is this, then, really our rotten condition? God help us if it be! But it is not—it is awfully untrue: or this Protestant body politic is smitten with an universal leprosy, and feels it not—has the plague-spot on it, and sees it not! Satan has deceived either us, or the Pope: if I may adopt the fearful language of the Apostle, *God has sent us, or him, a strong delusion, that we, or he, should believe a lie!* But however this may be, it affects not the political aspect of the case. Its true bearing is, to render the act of the Pope, only politically considered, infinitely more malignant in character and purpose, as against the sovereignty of the nation, against our Protestant Church, and our Protestant Queen.

I have now done with the Pope’s Bull, which appears to me an outrageous insult to the common sense and spirit of the country, and, especially (when coupled with the doings, the declaration, and the boasts of those who have brought it hither, and are calmly carrying it into execution) *designed* to affront our Protestant nationality. Those who have done so, may speedily find that they have been reckoning altogether without their host. In the meanwhile, I would, with sincere respect and good feeling, entreat our loyal Lay Roman Catholic brethren (all whom I know, are men of high honour and integrity), to ponder the question, how what has been done by the Pope, and is being now carried out here by his clergy, can be supported and approved of, in their consciences, by those who have sworn, that “they do not believe that any foreign prince or prelate has, OR OUGHT to have, directly OR

² Appeal, Introd. p. 4.

INDIRECTLY, ANY temporal or civil jurisdiction, power, superiority, or pre-eminence within this realm: and that they solemnly swear that they will not exercise any privilege to which they are, or may become entitled, to DISTURB OR WEAKEN THE PROTESTANT RELIGION, OR GOVERNMENT?" Is it the object of this Bull, to STRENGTHEN, or weaken, the Protestant Religion, or Government?

I come now to one whose own imaginary advancement and aggrandisement have been, doubtless, the objects of affectionate solicitude to himself, in bringing about the present unhappy state of confusion in the country—Dr. Wiseman. I beg leave to say, at the outset, that I regard him as disentitled to gentle or ceremonious handling; for his manifesto, as it has been called and was intended to be, is in every respect one of the most offensive documents ever laid before a British public: calculated to irritate and inflame, instead of soothe and propitiate, a country deeming, and loudly declaring itself, insulted, its confidence and liberality treacherously abused, and its national religion menaced and endangered. Heaven forbid that the great body of our Lay Roman Catholic fellow-countrymen should be animated by the unchristian bitterness of spirit, which pervades this miscalled "Appeal to the Reason [!] and Good Feeling [!] of the English People!" I do not, I cannot, I will not, believe it. This document, issued in an unguarded hour, will remain on record a practical argument against Toleration; triumphant in the hands of its enemies, and embarrassing to its friends. It is on every account an opportune and admonitory interpretation of the monstrous missive which it so precipitately followed; perhaps unconsciously to its 'responsible' writer, a faithful exponent of the policy, the views, and the feelings which brought that missive into existence. I sat down to read it in as temperate and candid a spirit, with as genuine an English love of fair-play, as ever animated any of my fellow-countrymen;³ but rose indignant and disgusted. What, for instance,

³ After making what I am persuaded is a totally false accusation against the public press, viz. "The press has condemned and raised our death-whoop, in spite of proffered explanation, deaf to every call for a fair-hearing" (*Appeal*, p. 9.)—and for which Dr. Wiseman owes an apology which, it is to be feared, may be expected in vain—he thus proceeds: "There still remain the manly sense and honest heart of a generous people; that love of honourable dealing and fair play which, in joke or in earnest, is equally the instinct of an Englishman: that hatred of all mean advantage taken [never spoke Dr. Wise-

shall be said of his slanderous imputations upon our clergy? I shall presently challenge him to establish the facts on which he professes to have proceeded; and if he fail, the alternative will be equally inevitable and ignominious. It is not, however, on the clergy alone that his virus is expended; but on everything, and every person, Protestant. His 'Appeal' discloses swelling ambition and intense malignity, painfully compressed and tortured into a semblance of disarming meekness and resignation; yet so unsuccessfully, as to exhibit an image of Satan *in the act* of transforming himself into an angel of light!

Let me pause, however, for a while, to gaze with amazed awe at an instrument which emanated from Dr. Wiseman, in the first throbbing ecstasies of his gratified ambition. I allude to his "Pastoral," in which he vouchsafes to inform mankind, that on the same day on which was dated the Bull, which prostrated *us*, he was exalted; for that the Pope was pleased to appoint him to the archiepiscopal see of Westminster; and that—O blessed condescension towards this favoured isle!—"as if still further to add solemnity and honour before the Church, to that noble act of apostolic authority, and to give an additional mark of paternal benevolence towards the Catholics of England," the Pope "was pleased to raise *us*! [i. e. *me*, Dr. Wiseman] on the ensuing day, to the rank of Cardinal!" In the "Pastoral," "given out of the Flaminian Gate of Rome" a week afterwards, commemorative of these events of thrilling interest, Dr. Wiseman speaks of the Pope's Bull as "conceived in terms of great weight and dignity." Will Dr. Wiseman venture to deny that he prepared that weighty and dignified document himself, or was concerned in preparing or revising it?

By and by, the astronomic and seraphic Doctor mounts into the heavens. "Catholic England," we are authoritatively assured, "has been restored to its orbit in the ecclesiastical

man more truly!] of all base tricks and paltry clap-traps, and puffy cries, employed to hunt down even a rival or a foe. To this open-fronted and warm-hearted tribunal, I make my appeal, and claim, on behalf of myself and my fellow-subjects, a fair, free, and impartial hearing. Fellow-subjects, Englishmen, be you, at least, just and equitable!"—Having thus accredited his tribunal, I now ask Dr. Wiseman whether he appreciates and understands its verdict, pronounced after a month's deliberation upon *his own voluntary statement*?

firmament, from which its light had long vanished [unhappy Protestant realm of England!], and begins, now, anew its course of regularly adjusted action round the centre of unity—the source of jurisdiction, of light, and of vigour"! The thing was done! Rome had spoken! so there was no help for it; and away we went, benighted planet with its unconscious inhabitants, and, it seems, have ever since gone, and are now going, and are doomed to go, *in sæcula sæculorum*, whirling round this queer "centre," and imbibing "light and vigour" from this brilliant "source" of putrescent vitality. But this is not half the transcendent disclosures of the "Pastoral." In mysterious accordance, doubtless, with the novel system of astronomy attributed to his blessed brother archbishop in Ireland, as carefully adapted to the meridian of Hibernian Roman Catholic intellect and knowledge, it would seem that quite a new mode of centripetal action has been devised, on the occasion of this very special ecclesiastico-planetary arrangement; for "we may behold the silver *links of that chain* [!] *which has connected* our country with the see of Peter, changed into burnished gold"! It required the stolid intrepidity of a Roman Cardinal, to venture upon addressing this drivel to England, in the meridian sunlight of the nineteenth century. Mark, however, as more to our present point, the following significant, though puerile, bombast:—"Whatever our [!] sincere attachment and unflinching devotion to the Holy See till now, there is a new ingredient cast into these feelings—a *warmer ingredient, a tenderer affection, a profounder admiration, a boundless and endless sense of obligation, for so new, so great, so sublime a gift, will be added to past sentiments of LOYALTY and FIDELITY to the SUPREME SEE of Peter!*" This rhapsody, had it emanated from a layman, one should conclude to have been the immediate result of His Holiness' hospitalities; but it is by no means without significance, to us.

Let me now, however, return to Dr. Wiseman's next appearance in print. Seldom has there appeared in this country a critical public document, looked for, when announced, with no little interest and expectation, so disappointing to those who anticipated the display of prudence and ability. Possibly its excited and reverend writer would *now* wish to modify and suppress certain portions; for, as they stand, they form a curious compound of cunning and indiscretion. If some parts had been

omitted, and the remainder greatly altered, how good it *might* have been! Envy, hatred, malice, and uncharitableness ought to have been kept in the back-ground, in order that the unsophisticated and unsuspecting reader might have been lured on into sympathy and acquiescence. As it is, he walks along with a cold shudder, as in the presence, or neighbourhood, of a snake.

So far from satisfying me, as one of the "English people," that our "reason" has gone astray, and our "good feeling" been perverted—and how absurdly groundless was the outcry which this "Appeal" sought so vainly to silence, it is conclusive to establish the reality of that insult and danger, which have, as Dr. Wiseman owns, suddenly called forth "an agitation, perhaps unparalleled in our times." How were a fearless and free Protestant people expected to act? Had we, on perceiving what has been done by the common enemy to the Queen and the realm, held our peace, *the stones would immediately have cried out.*

Nor are we ourselves, the people of 1850, alone concerned. The blow was aimed at our posterity, through us. But we knew that we were trustees of those civil and religious liberties, so dearly bought by the blood of our ancestors, and for which we will as freely shed our own blood, before we will permit them to be endangered or destroyed. We asked ourselves, what would those who are to come after us say, if history told them that we had submitted to this insulting aggression with ignominious pusillanimity? They would have despised us, who had been dull enough not to see, or cowardly enough not to resent and resist, an indignity and an outrage deliberately offered us before the whole world. So we have said it shall not be; we have not borne it, and we will not. Both Queen and people are on the alert, and it will be strange if we cannot defend ourselves.

A bitter and loathsome draught to swallow, must be Dr. Wiseman's "Appeal," to all who risked and sacrificed so much on behalf of the Roman Catholics; and he forces down that draught as though he heartily wished it were poison. Does he suppose, however, that such a series of venomous taunts, and little, little quibblings as his, are weapons fit to fight with the people of England, and in their present sternly indignant temper? Those taunts and quibbles have been blown away long ago, like straws.

The first reflection occurring to me, on laying down Dr. Wiseman's "Appeal," was—What, if he had advised the Pope to take this step immediately before, or immediately after, the passing of the Roman Catholic Emancipation Act? In the former case would the Act have passed? In the latter, how long would have elapsed before Parliament was called together to repeal it? And does *time* affect principle, honour, or propriety? Does not almost every sentence in this "Appeal," serve to falsify the predictions of the friends, and verify those of the enemies, of Roman Catholic Emancipation?

The next thought was—With what a treacherous vigilance advantage has been taken, from time to time, of every concession of a somnolent legislature, or slip of a too acquiescent and confiding government!

The next was—How severely pressed was Dr. Wiseman to justify by *prudently assignable* reasons of even decent plausibility, the application to the Pope of himself and brother vicars apostolic, to be converted into archbishops and bishops! What reasons have been acted upon by the Pope which are not, and will not be, avowed? What extensive political reasons may have been anxiously taken into consideration and weighed—our domestic position, our foreign relations—at Rome, before this bold irrevocable move was determined upon! What were the *data* supplied to the Pope and Cardinals, by their English suppliants and advisers? How frequently, carefully, and astutely, were scanned the provisions of our statute and common law, in order to keep within their letter—to be "*strictly within the law*,"⁴ while evading and violating their spirit? Again: Are the Pope and his advisers relying on the success of corrupting agencies within our church, of which we know little or nothing, as to direction, or extent? Again: How is to be characterised the cold air of defiance with which the Established Church of England is throughout treated as a worsted "*rival existence*"—"unfairly influencing many minds, by the *apparent advantage* [!] of ecclesiastical position"! The callous, gratuitous insolence with which this foreign priest of a tolerated church, sneers at our bishops coming to a confirmation, as "being taken no more notice of by a Catholic, than the parish beadle's notices, among which it is fastened on the church door"; and a "triennial visitation!"⁵ Again: Dr. Wiseman appears at one time inclined to defy, and at another to forget

⁴ Appeal, etc. Introd. p. 6.

⁵ Appeal, etc. p. 11.

the existence of the *legislature*. Yet again: Was the commotion excited by these proceedings foreseen, and calculated upon; or has it really taken their authors by surprise? And in that case, what measure must they have taken of the temper and inclination of the Queen of England and her people? But, indeed, how vain the attempt to track the tortuosities of papal intrigue; and how revolting when that intrigue is darkened by English perfidy and disloyalty!

The "Appeal" of Dr. Wiseman is a flimsy tissue of sophistries, which in a moment was torn to pieces by the contemptuous logic of the country; and of misrepresentations, as quickly detected and exposed. There are only three topics on which I shall offer any observations.

First. How ludicrous and abortive Dr. Wiseman's attempt to identify his cause with that of the true-hearted loyal Protestant dissenters! He, who, in his "Pastoral" 'governed' as "Ordinary" eight of the counties of England, is content in his "Appeal," to wriggle if he can through a crevice into the dissenting fold, and meekly ask to share the "toleration" which he says is accorded to *them*!—to those who have, as sternly as the members of the Established Church, for ever repudiated Roman heresies and impurities, and owe no sort of allegiance to any foreign potentate, temporal or spiritual, to conflict with that, which they affectionately acknowledge to Queen Victoria! Never was there an "Appeal" so hopeless of effect! Never so ignorant and short-sighted a calculation of probabilities. The Pope has unconsciously fused the entire Protestantism of the country, into one glowing mass of defiant resistance to popery! As I think it desirable to prevent any misunderstanding between two parties, one of whom would desire to be *for the nonce*, friends with the other, to aid in dispelling it, I will give our dissenting brethren a rather flattering portraiture of themselves, by this anxious candidate for their religious co-operation. Thus speaks the authoritative highly-lauded enthusiastic Roman Catholic, Count Le Maistre, in his recently translated and published Treatise entitled "The Pope."

"As the putrefaction of large organised bodies produces innumerable *sects of miry reptiles*, national religions, *when putrefied*, produce, in like manner, a *multitude of religious insects*, which drag out, on the same soil, the remains of a divided, imperfect, and disgusting existence! This may be

observed on all sides : and by this may ENGLAND and Russia particularly account for the number and inexhaustible fecundity of the SECTS which pullulate within their immense territories. *These sects are born of the putrefaction of a great body.* Such is the order of Nature !”⁶ If this be true, in Dr. Wiseman’s opinion, he must think, with a sigh, of the old saw, that misery makes strange bed-fellows ! No, priest, it will not do. The churchman and dissenter fight side by side against you, foot to foot, one glorious banner streaming above them ; all armed, as against you, alike ; *their loins girt about with truth ; and having on the breastplate of righteousness : their feet shod with the preparation of the gospel of peace : having taken the shield of faith, wherewith we shall be able to quench all the fiery darts of the wicked : and the helmet of salvation : and the sword of the spirit, which is, THE WORD OF GOD !* How shall you make head against a host such as this, or sow dissension in their ranks ?

Secondly. Dr. Wiseman’s treatment of the clergy of the Established Church should never be forgotten, as a deeply instructive exhibition of rancorous rivalry and hatred, on the part of himself, so far as he may represent the state of the Roman Catholic priesthood, towards the clergy of the Established Church of England. This Romish ecclesiastic’s head and heart are so exclusively and intensely foreign and Romish, that he knows not, or cannot appreciate the attachment which the laity of this country feel towards their religious teachers, whether clerical or dissenting. Had it been otherwise, I think he would have deemed it expedient, at least, to suppress the animosity swelling within him towards the clergy of the Established Church. He wrote early in the agitation, which has since become so tremendous and universal ; and seems to have had no occasion then, or not to have thought it prudent, to fall foul of the dissenting ministers : his eyes were fixed with unwavering intensity on the Established Church — a structure which he considered tottering with its own rottenness, and “ requiring fresh penal legislation for the purpose of propping her up !”⁷ As his eyes gloated upon the doomed “ Institution,” his tongue doubtless quivered with the words — *Delenda est Carthago !*

I cannot think that the Roman Catholic laity will sanction the

⁶ The Pope, by Le Maistre, p. 308.

⁷ Appeal, p. 16.

unwarrantable, uncharitable, unchristian conduct of Dr. Wiseman; and am surprised that his own sense of worldly wisdom did not suggest the propriety of at least attempting to exhibit, however arduous the effort, a little of that meek forbearance to which he makes such ostentatious pretensions. But it is thus that he presumes to stigmatise our clergy, as actuated by only the vilest selfishness and hypocrisy, in becoming "clerical agitators"¹ on the present memorable occasion of aggression and insult, and not, be it observed, *by* them, but *against* them, by Dr. Wiseman, and the Bull by which he assumes to have acquired such rights at their expense. "There soon sprung up," says he, "from amidst the first confusion, a clearer and more natural agent, *interested* in promoting it. . . . It is but natural that the clergy of the United Church should exert themselves to the utmost to keep up an excitement which bears an appearance of attachment to themselves! And hence, by degrees, the agitation has lately [21st November, 1850] been subsiding into a mere clerical and parochial movement [!]² . . . The bishops and clergy are of course turning the crisis to their own best advantage [!] and associating their pretensions with the rights of the sovereign [!] They are endeavouring, and will endeavour to regain that influence which they have lost [!] over the hearts of the people, and think to replace, by one burst of fanaticism, the religious ascendancy which years have worn away [!] But this will not be permitted them by a people too much enlightened by a religious toleration, as enjoyed in England, to be easily fooled out of the privileges which it possesses.³ It really appears to be a wish on the part of the clerical agitators, to make people believe, that some tangible possession of something solid in their respective sees, has been bestowed upon the new bishops. Time will *unmask the deceit*"!⁴ He proceeds, in a passage intercalated, in revolting contrast, between professions of saintly humility, devotion, and charity, to slander the clergy of all orders, as seeking every opportunity to rouse the frantic bad passions of the people: as utterers "from pulpit to platform," of "untruths," "calumnies"—"every unpriestly, and unchristian, and unholy sentiment that could be spoken," and flashing words of "disdain, and anger, and hate, and contempt:"—who would have

¹ Appeal, p. 17.² Appeal, pp. 7, 8.

"cared" nothing if they had "let fall the spark on the inflammable materials of a gunpowder-treason mob!" "If blood had been inflamed, and arms uplifted, and the torch in their grasp, and flames had been enkindled, *what heeded they?*" "If the persons of their opponents, made holy by consecration, had been seized like the Austrian general's, and ill-treated, and perhaps maimed, or worse, *what recked they?*" These very things were one and all pointed at as glorious signs, should they take place [!] of high and noble Protestant feeling in the land [!] as proofs of the prevalence of an unpersecuting, a free-inquiring, a tolerant gospel creed." [!] "Thanks to you," concludes this meek and truthful minister of his meek and lowly Master, "brave and generous and noble-hearted people of England! who would not be stirred up by those whose duty it is to teach you gentleness, meekness, and forbearance, to support what they call a religious cause, by irreligious means—and would not hunt down, when bidden, your unoffending fellow-citizens to the hollow cry of 'No Popery!' and on the pretence of a fabled aggression. [!] The storm is fast passing away, and an honest and upright people will soon see through the arts that have been employed to deceive it!"

All this Dr. Wiseman, a foreign ecclesiastic resident in tolerant England, permitted himself to set down deliberately on record against the English nation, with the Queen at its head—before the whole world! Denouncing our clergy as a body of mere selfish hypocritical agitators; and so carried away by their vile impulses, on seeing their mere worldly interests endangered, as to have become "unpriestly," "unchristian," "unholy," utterers of "untruths," and "calumnies," and, consequently, liars and calumniators; and suggesters, before inflamed mobs, of murderous outrage upon their Roman Catholic brethren! On what a body of distinct and irresistible evidence ought these dreadful accusations to have been founded! All this was written and published by Dr. Wiseman previously to the 20th November last, and, consequently concerning *then existing* facts. Where are they? And what has happened since? Has the assertion of Dr. Wiseman that, "the agitation was" *then* "subsiding into a mere clerical and parochial movement," been verified, or falsified, and that prodigiously, by what has since taken place? Will Dr. Wiseman admit, now, that he was mistaken in his

calculations? Does he now believe that the magnificent and solemn national movement, which has since forced itself on the notice of all mankind, is a mere "parochial" one, got up by "clerical agitators"; and as such presented itself before Her Majesty at Windsor, on Tuesday the 10th of the present December? Does he still dream that all the highly educated intellect, all the religious and moral feeling of the British nation, has fallen prostrate before such paltry agencies, as he thinks he has conjured into existence,—and become tools in their hands?

Shall one condescend to vindicate the British clergy against such an assailant as this? We, the laity, who know them, thoroughly appreciate them, and, consequently, love and venerate them; as a body of men who, in intellect, in learning, in piety, in zeal, in charity, in self-denial, in usefulness, and in purity of character, have not their superiors, and, perhaps, not their equals upon the earth! But for the moderation and forbearance inculcated on the people of this country, alike by the teaching and example of this foully-slandered body, and nobly seconded by their dissenting brethren, England would by this time have been in a blaze, not easily extinguished. And in these sentiments, I believe in my soul, that tens of thousands of our lay Roman Catholic brethren, in their hearts concur, and have sufficient sternness, uprightness, and strength of character and determination, if need be, to say so; and that they would say to us, their Protestant brethren, linked in loyalty together towards the Queen, and the King of kings, in whom kings reign, and princes decree justice, *Let brotherly love continue!* Yes; in spite of Dr. Wiseman, or of any other fire-brand from Rome.

Lastly. Dr. Wiseman's observations concerning Westminster, its abbey and precincts, I approach with unspeakable repugnance. They are elaborately expressive of a state of feeling in the writer, which good men, of any community, must deplore; and others despise, or resent, according to their estimate of the position and pretensions of the writer. For my part, I rejoice that Dr. Wiseman has so artlessly opened to our eyes *a cage of unclean birds*, in describing the thoughts and feelings which the sight of that venerable edifice, and the recollections connected with its history, have called up within him. At present it seems to be certainly ours; but by virtue of a transfer

which excites only abhorrence in the mind of the newly-fledged "Cardinal Archbishop." If he complain of an expression in Lord John Russell's Letter, what are we not justified in saying of his own malignant insinuations and inuendoes? Of his stigmatising our national monuments as "*detestable*?" Why detestable? It may be in respect of our native sculptors, and the subjects which they have selected! Who have peopled the "stately abbey" with memorials of British genius, valour, piety, and virtue; a series of blighting eye-sores, indeed, to one treading, as Dr. Wiseman trod, the "Catholic pavement," only soured by inhalations of its "air of ancient consecration!" How must this holy man have recoiled from so many evidences of the surpassing favours which Providence has vouchsafed to heretical England! The prelates who have preached an uncorrupt and untainted Gospel creed; the monarchs who have shielded it from papal domination; the statesmen who have engrafted on it the hallowed principles of liberty and toleration; the bards who have hymned the purity of its precepts; the historians who have recorded the blessings of its sway; the heroes who have shed their blood in its defence: all these, ranged along the aisle in goodly procession by a nation's gratitude, might well fail of finding favour in the eyes of the Romish ecclesiastic, ambitiously concocting plans for cleansing the "stately abbey" from its impurities, and restoring it to its former virtues!

* But let me tell him, and recall his wandering thoughts during his "prayers by the shrine of good St. Edward,"⁵ in doing so, that it is otherwise here in Protestant England; where these glorious monuments will be held in fonder veneration than the shrine even of that same "good St. Edward," or of any other fellow-worm, which Roman blasphemy has ever dared to canonize. We will kneel, indeed, before these noble portraitures—not in impious adoration of the "graven images" but in gratitude to that All-Gracious Being who gave to us, and to our children, the great examples they were intended to commemorate!

Dr. Wiseman piteously sighs after "the olden times when the church filled without a coronation, and multitudes hourly worshipped without a service." The impertinent insinuation is obvious, and required nothing but truth to make it effective.

⁵ Appeal, p. 30.

Intended to be offensive, it is merely false. Doubtless the sacred edifice is no longer the scene of pompous processions and gaudy ceremonials,—the senses are no longer soothed and bewildered by contrivances to delude, to ensnare, to corrupt; but the worship of a purified faith, the prayer to one All-sufficient and only Mediator, the simple homage of a reformed Church, and the pure though undecorated ritual and ministry of its servants, is there instead: and with these Protestant England is content.

After “paying,” and not “rebuking” the beadle, and “saying his prayers by the shrine of good St. Edward,” the “cardinal,” fallen into good humour, condescendingly relieves the minds of the Dean and Chapter, by pointing out the part of Westminster “which alone *he* covets, and will be glad to claim and visit.” O the realm he is contented here to “govern”! It consists, he tells us, of “labyrinths of lanes, and courts, and alleys, and SLUMS,⁶ nests of ignorance, vice, depravity, and crime; as well as of squalor, wretchedness, and disease—where swarms a huge and almost countless population, in great measure, *nominally at least, Catholic*,—in a city whereof the name indeed is glorious, but the purlieus infamous.” On the face of this description it appears but too probable, that this unhappy population is “Catholic”: but what has the “Abbot of Westminster”—mysterious but unobtrusive “titular”!—been about, all this while? And why has no one ever met with him in his pious peregrinations? How came he to let these nests of “Catholic” vermin—if Dr. Wiseman will use such imagery—thus to swarm in his abbacy for successive generations? Blessed being! He has been wholly absorbed, it would seem, in devout schemes of ecclesiastical circumvention; and, “representing, in religious dignity, those who erected, and beautified, and governed, that church and cloister”! Where are the traces of the Roman Catholic clergy in these dismal scenes of destitution and corruption? And if Dr. Wiseman coveted that blessed pasture, in which ‘sheep’ of holy Church *are to be tended*,” but which appear to have been, up to this time, miserably *un-tended*, why must he first be made a “Cardinal” and “Archbishop”?

“In ancient times,” he says, “the existence of an abbey

⁶ What are “slums”? And where is the word to be found explained? Is it Roman, or Spanish? There is no such word in our language.

on *any* spot, with a large staff of clergy, and ample revenues, would have sufficed to create around it a little paradise of comfort, cleanliness, and ease. This, however, is not the case:" nor will it be, Dr. Wiseman would have us believe, till he and his friends are re-installed: and the false and insulting insinuation appears to be that those whose places are so coveted, divert from their proper objects, and prostitute for selfish purposes, their ecclesiastical resources—"keeping them stagnant and not diffusive." Is this indeed so? And is this insinuation hazarded before us who, here in London—in the country at large—know how these revenues are expended?

Dr. Wiseman, by his "little Paradise," wishes to direct our thoughts to a moral Eden where virtue blooms, and in which "order, peacefulness, decency, religion, and virtue" are, by the "special culture" of this intrusive hierarchy, to blossom into fruit. How desperate the blind daring which could challenge a reference to IRELAND! That blasted heath of their witcheries and conjurations,—that moral desert, where the bounties of Providence are neutralised, and the charms of nature defiled, by the blighting presence of this same hierarchy—ever to be seen squatting like an incubus on the liberty and intellect of mankind, and at this moment crushing those of heaven-blessed, man-cursed Ireland, to death!

Let me, however, now pass away gladly from Dr. Wiseman's unsatisfactory and offensive exposition and vindication of the policy of Rome, and of the part which he has taken in carrying it into execution, in dogged defiance of our Queen and ourselves. Before discussing the legal questions arising out of this memorable case, I would briefly remind you of the quiet unceasing activity, which always appeared to me to be suspicious, with which the legislature has been importuned, year after year, to weed out of the statute-book all those prohibitions and penalties appearing to stand there, in the way of so grand a Papal move as the recent one. It has been long contemplated, as is now acknowledged. There was, indeed, no perceptible or alleged necessity for the late legislative alterations: no case of hardship or persecution had arisen, as far as I have been able to ascertain. *All, however, is now explained.* Enough, nevertheless, appears yet on the statute-book, to reach the case which has arisen; thanks to the vigilance of one or two astute and experienced members of the Legislature.

IV. In the years 1844, 1846, 1848—by statutes 7 and 8 Vic. c. 102; 9 and 10 Vic. c. 59; and 11 and 12 Vic. c. 108—important changes were effected in the laws relating to Roman Catholics: the first two repealing the whole, or portions, of many statutes imposing restrictions and penalties upon them; the last enabling Her Majesty to establish and maintain diplomatic relations, and to hold diplomatic intercourse with the Sovereign of the Roman States: but not (s. 2) through the intervention of any ecclesiastical person in any diplomatic capacity whatever; and the last of the three sections of the statute, consisted of a very stringent clause, evidencing extreme anxiety on the part of the legislature, against any interference of the act with the Queen's civil and ecclesiastical supremacy. Here it is:—"Provided always, and be it enacted, that nothing herein contained shall repeal, weaken, or affect, or be construed to repeal, weaken or affect, any law or statutes, or any part of any laws or statutes, now in force, for preserving and upholding the supremacy of our Lady the Queen, her heirs and successors, in all matters, civil and ecclesiastical, within this realm, and other Her Majesty's dominions; nor those laws, or parts of laws now in force, which have for their object to control, regulate, and restrain the acts and conduct of Her Majesty's subjects, and to prohibit their communications with the sovereigns of foreign states on the said matters: **ALL WHICH LAWS AND STATUTES OUGHT FOR EVER TO BE MAINTAINED, FOR THE DIGNITY OF THE CROWN, AND THE GOOD OF THE SUBJECT.**"

Thus, as it appears to me, stand our common and statute law, as applicable to the case under consideration: but before entering into details, it may be well to premise, that a "*misprision*" signifies "all such high offences as are under the degree of capital, but nearly bordering thereon." And one is—"such a contempt of the executive magistrate, as demonstrates itself by some arrogant and undutiful behaviour towards the King and his government." ⁷

1. As to the COMMON LAW.—By what authority has Dr. Wiseman come into this independent kingdom of England, as a *Cardinal*, a title of dignity conferred by a foreign sovereign: calling himself and acting as a Cardinal—as "Nicholas,

⁷ Blackstone's Comment. p. 122.

by the Divine Mercy, of the Holy Roman Church, by the title of St. Pudentiana Cardinal Priest, Archbishop of Westminster and Administrator Apostolic of the Diocese of Southwark?" He tells us in his "Pastoral," that the Pope gave him this rank, and that he has thereby infinitely enhanced his claims to the "loyalty and fidelity" of his new counsellor: *loyalty and fidelity*, that is to a foreign potentate, whose commands he has come prepared to obey, and enforce obedience to, in the Queen's dominions. Dr. Wiseman has become, as a Cardinal, one of his master's highest and most confidential advisers; a member of the College of Cardinals, who will elect, when need may be, his successor: and eligible, indeed, himself to be that successor, he may presently figure before us as Pope Nicholas VI.! What oaths he has taken^a; and what may be the secret obligations he has contracted, I know not. I strongly suspect that he took a stringent oath of fealty to the Pope, on being made a Cardinal; a fact the terms of which it might be highly inconvenient to Dr. Wiseman to avow and specify. This may account for that silence, respectively politic and ominous to him and to us, which he and his friends have observed for nearly three weeks, notwithstanding the direct question has been more than once proposed to him, in courteous terms, in the Times newspaper. I feel myself therefore justified in assuming that some serious temporal obligations have been contracted by Dr. Wiseman to Pope Pius IX. But his enthusiastic "loyalty to the supreme See of St. Peter" would be, one should think, a little embarrassed, if Her Majesty should think fit to go to war with the Pope, or any papal enemy in alliance with him. No man can serve two masters: and in that conflict of allegiance (such as is honestly acknowledged by the Duke of Norfolk and Lord Beaumont) will Dr. Wiseman condescend to inform us whether he would obey the Vicar of Christ, or the heretic Queen Victoria? This is a consideration operative with our law. "*It is not lawful*," says LORD COKE^b "for any sub-

^a By the Emancipation Act, stat. 10, Geo. IV., c. 7, § 29, "any member of any religious order, community, or society of the Church of Rome, bound by religious or monastic vows, coming into this realm, shall be deemed guilty of a misdemeanour, and on conviction *banishable for life*."

^b 3 Instit. 144.

ject of the King of England to take a pension, *et cetera*, of any foreign king, prince, or state, *without the King's licence*, albeit they be in league with the King of England; both for that they may become enemies, and for that also it is mischievous and dangerous to the King himself, and his state, as it appeareth by this distichon:—

“Principe ab externo veniunt lethalia dona,
Quæ, studii specie, fata necemque ferunt.”

“Nemo potest duobus dominis servire: aut enim unum odio habebit, et alterum diligit: aut unum sustinebit, et alterum contemnet.”

So HAWKINS:—¹

“It is so high an offence to prefer the interests of a foreign prince to that of our own, that it is criminal to do anything which may but incline a man so to do: *as*, to receive a pension from a foreign prince, without the leave of our King.”

So BLACKSTONE:—²

“Contempt against the Prerogative may also be, by preferring the interest of a foreign potentate to those of our own; *or doing or receiving anything* that may create *an undue influence* in favour of such extrinsic power: *as*, by taking a pension from any foreign prince, without the consent of the King.”

A “pension” is here professedly put as *an instance* only, to illustrate the nature of the prohibition. A title of dignity or honour stands evidently on the same footing, and may, indeed, far more strongly incline a British subject towards the foreign sovereign who has so highly honoured him, as Dr. Wiseman avows, with irrepressible exultation, himself to have been honoured by the Pope. He has assumed here, I understand, the titles thus conferred, and publicly gone through a ceremony which has been called ‘*enthronization*!’ Had he assumed any imaginary designation of his own accord here—as even an “archangel”—no one might have objected to his companions addressing him as “His Heavenliness.” The distinction is between home-born, harmless assumption, and distinctions and dignities conferred by, and attracting their bearer towards, a foreign sovereign.

¹ Pleas of the Crown. b. i. c. 22, § 3.

² 4 Comment. 122.

I know of no LICENCE from Her Majesty to Dr. Wiseman to appear here in the character, and use the title, and exercise the functions of "Cardinal" or "Archbishop of Westminster," the same being titles of dignity, and offices, conferred on him by a foreign sovereign. Though we have heard of subscriptions for a cardinal's hat, and kissing a cardinal's ring, and the "condescension" of their sublime wearer, I have not yet seen in the Gazette, or heard of, any such Queen's licence, as I imagine that the law requires. Was such licence applied for and granted? If so, let him produce and prove it. Was it applied for and refused? Or did Dr. Wiseman abstain from doing so, knowing it would be refused, and assume the right nevertheless? If so, what is his position? If it should be suggested that it would have been futile to ask the Queen for her licence, since it would amount to a recognition of papal authority prohibited by the law, that furnishes an additional argument to prove the illegality alleged.

Again, it is past question, that Her Majesty the Queen is "the fountain of ALL dignity and honour in the kingdom."³ *Whom the Queen delighteth to honour* we will honour, and none else. Therefore I call the gentleman in question simply Dr. Wiseman, and do not know him, nor does the Queen, in any other name or capacity. In any indictment which may be brought against him, he will be called simply "*Nicolas Wiseman.*" The word "Cardinal," or "Archbishop," will not be mentioned, except, perhaps, as an ingredient in the offence imputed to him, for thus says Lord Coke:—"If a foreign king creates any person noble, *he shall not be allowed his dignity by the law here.*"⁴ Mr. Bowyer, in his Commentaries on Constitutional Law, in citing a passage from Lord Coke's Fourth Institute, to shew that a Bishop, if made a Cardinal, could not sit as such in the House of Lords, observes justly, "This opinion is important, to shew that *foreign dignities are not allowed in England.*"⁵ Mr. Anstey⁶ contends, that "the grant of the Cardinalitate to an English subject by the Pope, is no act of derogation to the Sovereign of England: that it is an office neither of this Crown, nor of

³ Coke's 4th Inst. p. 363; Comyns' Digest; Title, Dignity, A; 4 Blackst. Com. 396.

⁴ 4 Inst. 363; Calvin's Case, 7 Coke's Rep. 16.

⁵ Comment. on Const. Law. p. 506.

⁶ The Queen's Supremacy, p. 31.

the Roman Church, but 'of the Court of Rome:' and the general rule as to the *capacity* of a subject to *accept* any office at a court not at enmity with the Queen, applies as much to that court as to any other." This appears to me stating only half the question: the other half is, whether the Queen's licence be not necessary, before the title is adopted in this country. Under these circumstances, I think it only a false courtesy, and also sanctioning a disrespectful and disloyal indifference to Her Majesty's dignity and authority, to recognise a title which has been assumed with such an arrogant antagonism to our Sovereign and our institutions. Had it been a harmless one ("as Doctor") we might have humoured him. As it is, I will not call him "Cardinal," nor speak of him as "his eminence," any more than "his lowliness." We must not countenance these artful attempts to familiarise the people of England with pestilent novelties. *Words and things*, in the slippery policy of Rome, change places continually.

Finally, with Dr. Wiseman, the Pope is the sole fountain of honour; with us the Queen, according to the law of the land. Let Dr. Wiseman look to this matter. So also may his "Bishops:" so, for aught I know, may now be looking to it our friends, the Attorney and Solicitor-General, who may be apt to deem both Cardinal Archbishop, and Bishops, guilty of an indictable offence, for a contempt against the Queen's prerogative.—It appears to me, again, that Dr. Wiseman, Dr. Ullathorne, and any other person who has accepted, or may accept the rank or title of "Archbishop," or "Bishop," of a province, or diocese, or "see," assumed to be created in this kingdom by a foreign sovereign, without the consent, and in defiance, of the authority of the Queen and Parliament, have been, and are guilty of a misdemeanour *at common law*: as perpetrating an insult to the Sovereign, and an invasion of that perfect sovereignty to which every independent state is entitled. Such an insult and invasion amount, in my opinion, to a violation of the Law of Nations; and such an offence, committed within this realm, is an offence at common law. That it is such an offence, for a British subject to assist or abet any foreign power in insulting the Sovereign of this realm, by invading the integrity of her power, cannot properly, I conceive, be doubted. If the Emperor of Russia were

to do by our judicial, as the Pope has done by our ecclesiastical institutions, by organising a rival establishment for the administration of civil justice throughout the entire length and breadth of the land, can any one doubt that it would be a violation of the sovereignty of our state, and a gross insult to our Sovereign, and encroachment on her prerogative,—one justifying war with the Emperor, and criminal proceedings, perhaps, for high treason, against all in this country who dared to assist and abet him?

Therefore I think that Dr. Wiseman has been guilty of a “contempt of our Lady the Queen, and the laws of this realm, to the evil example of all others in the like case offending, and against the peace of our said Lady the Queen, her crown and dignity.”

2. As to the STATUTE LAW.—If Dr. Wiseman, and those who with him recognise, and assume to enforce and act upon the Pope’s Bull, have been guilty of any breach of the statute law of the realm; it seems to be of some one, or all, of the three following statutes, viz. (1st.) the 16th Rich. II. c. 5, entitled, “The statute of Provision and Præmunire; (2ndly) the 1st Eliz. c. i. entitled, “An Act restoring to the crown the ancient jurisdiction over the state, ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same”; (3rdly), the 13th Eliz. c. ii., entitled, “An Act against the bringing in and putting in execution of Bulls, and other instruments, from the see of Rome.” I entertain some little doubt, but with great deference to your better opinion, whether the first of these statutes would be held exactly to meet the case under consideration; or, at all events, whether it would be, upon the whole, expedient to put it in force. I feel some doubt; also, whether the second could be effectively brought to bear upon it; but none whatever as to the applicability of the last. Portions of the latter two have been recently repealed; but one section in the last, namely, the third, appears to me to apply as clearly and closely as can be desired to the act of which Dr. Wiseman is alleged to have been guilty, in bringing into England the “Bull, writing, or instrument,” of Pope Pius IX.

(1.) *Statute 16 Rich. II. c. 5.* — “It is,” says Dr. Lingard⁷

⁷ History of England, vol. iv. p. 227. Edit. 1847.

"the last and most comprehensive of the statutes of Provision and Præmunire, aimed at preventing and punishing those who procured from Rome sentences of excommunication, or translation of bishops; and provided, that if man pursue or obtain, in the court of Rome, or elsewhere, such translations, excommunications, bulls, instruments, or other things, against the king's crown and regality, or kingdom, *as is aforesaid*, or bring them into the realm, or receive, notify, or execute them, either within the realm or without, such person or persons, their notaries, procurators, maintainers, abettors, parties, and counsellors, shall be out of the king's protection; their goods and chattels, lands and tenements, shall be forfeited to the king, and their persons attached, wherever they may be found." This is the statute containing the noble preamble quoted in a former page;⁸ where it may be seen that the statute was not confined, as Dr. Lingard would have his readers infer, to *then existing* evils. The recital shews that it was to be extended to other cases, corresponding with the comprehensiveness of the general enactment. The recital declares that the Parliament would stand with the King "in the cases aforesaid, and IN ALL OTHER CASES attempted against him, his crown, and his regality."

Lord Coke thus emphatically shews⁹ the generality and comprehensiveness of this enactment. He says that even "Queen Mary would not repeal the statutes of Provision and Præmunire, though so severe against the Pope, whose supremacy in a sort she restored, but provided that they should stand in force. Whereby it appeareth how careful the state was [even] in Queen Mary's time, to preserve the prerogative of the crown, and the ancient laws of the realm. . . . This statute," he continues, "extends (1.) to *all persons*, of what quality or sex whatsoever; (2.) to *all courts* whatsoever; (3.) to *all things* whatsoever; (4.) not only against the king, his crown and dignity, but against the kingdom also; (5.) not only to procurers, abettors, maintainers, counsellors, etc., but to favourers." The Act is nearly five hundred years old; but stands unrepealed on the statute book, and in full force, as you have several times asserted in your place in Parliament, and never met with a denial. "In the 5th of James I. it was

⁸ Ante, p. 16, 17.

⁹ 3rd Institute. Tit. *Præmunire*, p. 127.

resolved by divers justices," says Lord Coke; "that *without question* the statutes 37 Edward III. and the 16 *Richard II.* are yet in force." It is certain that they have not since been repealed. Whether, however, it would be expedient to institute proceedings under this latter statute, may be questionable. Its penalties are not precisely in accordance with modern ideas of criminal jurisprudence: but I conclude with an observation of Lord Coke. "We have been the longer concerning cases of Præmunire, for that they be matters of great weight, and necessary to be known: *and we wish that the offence may never be committed.*"

(2.) *Statute 1 Eliz. c. 1.*—On carefully considering the terms of this statute, and applying it to what appear to me sound principles of construction, I doubt whether it be practically applicable to the case of Dr. Wiseman and his pretended "bishops," and I believe that you agree with me; but I express that doubt with considerable diffidence, since some of my legal friends, far abler than myself, have come to a different conclusion; and our three weekly legal journals¹ concur in opinion, that the statute is applicable to the pretended archbishop and bishops of the Pope. On being narrowly scanned by legal ingenuity, it might, however, be found, that the statute shews itself to have been aimed at present, not prospective—actual, not contingent—grievances. Had its object been to prevent the exercise of *new* powers, as well as the repression of old or existing powers, its language might possibly have been different. This statute is one of those which was partially repealed, in 1844 and 1846, by statutes 7 & 8 Vict. c. 102, and 9 & 10 Vict. c. 59; but there is the following important proviso in the latter Act:—"Provided always and be it declared, that nothing in this enactment contained, shall *authorise*, or RENDER IT LAWFUL for *any person or persons* to affirm, hold, stand with, set forth, maintain or defend any such Foreign Power, pre-eminence, jurisdiction or authority: nor shall the same extend further than to the repeal of the particular penalties and punishments therein referred to: but *in all other respects the law shall continue the same as if*

¹ The Law Times, 9th Nov. The Jurist, 19th Nov. The Legal Observer, 23rd Nov.

this enactment had not been made." Thus this enactment leaves unlawful the acts declared such by statute 1 Eliz. c. 1, but abolishes the penalties prescribed by that statute. Where, however, a statute simply prohibits an act, without providing a sanction or penalty, the common law supplies one, declaring contravention of the act a misdemeanor, punishable by fine and imprisonment. In moving for leave to repeal this Act, on the 8th December, 1847, Mr. Anstey rested his case expressly on the admission that "as the Religious Opinions' Act (9 & 10 Vict. c. 59) repealed the specific penalties of statute 1 Eliz. c. 1, *but left the prohibition in force, here was still an offence punishable with fine and imprisonment; it being a misdemeanor at the common law to disobey an express statute.*"² Sir Edward Sugden, whose great authority as a lawyer will be universally acknowledged, has publicly made the following decisive declaration, since this letter was committed to the press:³—"I assert here, and I am prepared to do so everywhere, that by the law as it stands, the Bishop of Rome, and his Archbishops and Cardinals, have no right to assert or maintain that they have any spiritual or ecclesiastical jurisdiction in this realm."

(3.) *Stat. 13 Eliz. c. 2. s. 3.* About the applicability of this statute to the case under consideration, it appears to me, that there exists no doubt whatever. That this section of the Act is in full force, was admitted, as in the last case, by Mr. Anstey, and on the same occasion. "By Statute 13 Eliz. c. 2, it was an offence punishable with præmunire in the first instance, and high treason if repeated, to bring in, or publish, or use any bull or rescript of the See of Rome, of however harmless a character.... *The statutory prohibition as to bulls and writings remain, with the liability to fine and imprisonment at common law.*"⁴ The punishments of præmunire and death were taken away, and those of fine and imprisonment suffered to continue." The terms of this statute are so simple and comprehensive, that they must have conveyed the same impression to all who have read them. "It applies," says Mr. Reeve, the

² Hansard (Third Series), vol. xcv. col. 804.

³ Tuesday, 17th December. See the Papers of the ensuing day.

⁴ Id. ib. Annual attempts have been since made to repeal these enactments but in vain.

learned historian, of the English law,⁵ to any one "who shall have obtained [from Rome] *any Bull of any kind*, or shall have put it in use;" "to all persons," says Mr. Hallam,⁶ "*publishing any Bull from Rome*;" to "obtaining or putting in use," says Dr. Lingard,⁷ "any Bull, writing, or instrument, from the Bishop of Rome."

The third section enacts, that "if any person shall obtain or get from the Bishop of Rome *any manner* of Bull, writing, or instrument, written or printed, containing *any thing* matter, or cause whatsoever; or shall publish, or by any ways or means put in ure,⁸ any such Bull, writing, or instrument, that then, all and every such act and acts, offence and offences, shall be deemed and adjudged, by the authority of that act, to be *high treason*." It was attempted in 1846, to repeal this act altogether; but the legislature could be induced to go no further than to "repeal the penalties and punishments **ONLY**," adding with a provident explicitness, to prevent all possible misunderstanding, the following stringent proviso: "nothing in this enactment contained shall **AUTHORISE OR RENDER IT LAWFUL** for any person or persons to import, bring in, or put in execution, within this realm, any such bulls, writings, or instruments: and that in all respects, save as to the said penalties or punishments, **THE LAW** shall continue the same, as if this enactment had not been made."

Here then, construing together, on ordinary principles, these statutes passed *in pari materia*, we have a distinct statutory prohibition against *any person's* obtaining from Rome, or in *any way* putting in use, or publishing in this country, *any manner* of Bull, writing or instrument, containing *anything whatsoever*. It is declared "*an offence*" to do so: [and "offence" is a 'vocabulum artis,' signifying an act committed against a law, or omitted where the law requires it, and punishable by it:]⁹ and that nothing on the statute-book shall render it *lawful* to do that act. The "law," that is, the statute and common law, "continues the same" at this hour, as if the statute cautiously repealing specified "penalties and punish-

⁵ Vol. v. p. 145.

⁶ Hallam's Const. Hist. vol. i. p. 187.

⁷ Hist. of Eng. vol. vi. p. 243.

⁸ "Ure" is a word then in use, but now obsolete, and was identical in signification with "use."

⁹ West's Symb.

ments ONLY," had not passed; except as to such limited repeal. "A penalty," says Chief Justice Holt, "implies a prohibition, though there are no prohibitory words in the statute:"¹ and it will not be contended, I presume, that combining the two statutes in question together, the legislature has not declared the acts mentioned in them to be unlawful, and consequently, has prohibited them from being done. If this be so, it is a rule of the common law both indisputable and elementary, that "every contempt of a statute is indictable, if no other punishment be limited:" that "where a statute commands or prohibits anything of public concern, the person guilty of disobedience to the statute is liable to be indicted for the disobedience."²

We have seen Mr. Anster, an able Roman Catholic lawyer, expressly stating his opinion in the House of Commons, that this is the law of the land, and seeking to alter it, because it is such, but ineffectually. Infinitely more important than this however, is the recently declared opinion of Sir Edward Sugden; that this statutory prohibition is in full force; that it has been broken; and that such breach is clearly punishable by the law. If, then, this be indeed so, what are we to think of those who have deliberately set it at defiance, in order to commit that act of insolence and aggression towards the Queen, and encroachment upon the British Sovereignty, which has occasioned such apprehension and confusion throughout the nation? Surely it is the duty of the government resolutely and promptly to vindicate the prerogative of the crown, and the supremacy of the law, against such a signal and continued outrage: and it is to be hoped that they have been on the alert to secure sufficient legal *evidence* of the breach of law which has been committed, not only so notoriously, but with such an insulting ostentation. Irresolution, supineness, or negligence, in such a case, is surely a grievous breach of public duty, which ought not to be lightly imputed to those whom Her Majesty has intrusted with the responsible exercise of her executive authority. Finally, Admitting the impolicy of instituting a State Prosecution, where there is a reasonable possibility of its failure, from the defective state of the law, or

¹ Bartlett v. Vinor, Carthew, 252.

² Hawkins' Pleas of the Crown, b. i. c. 22, § 5. Bacon's Abridgment, Tit. "Statute" K.

from inability to adduce satisfactory evidence of the legal facts sought to be brought within a clear statutory enactment; yet, in the present case, it appears to me that even if both these difficulties concurred, they would indicate clearly the duty of the government to make the attempt, if only to *test* the state of the law, for the purpose of demonstrating the necessity of amending it: of supplying exactly what shall have proved deficient, and strengthening what shall have proved too weak to encounter flagrant, daring, *and continued* outrage.

The Queen's Prime Minister, on the 4th of November last, solemnly assured the country that the government, of which he was head, should "carefully examine the existing state of the law," and "deliberately consider the propriety of adopting proceedings" with reference to the recent assumption of power. And what did he pronounce to be the nature of such "assumption"?—"A pretension by a foreign potentate to SUPREMACY OVER THE REALM OF ENGLAND! A CLAIM TO SOLE AND UNDIVIDED SWAY, INCONSISTENT WITH THE QUEEN'S SUPREMACY, WITH THE RIGHTS OF OUR BISHOPS AND CLERGY, AND WITH THE SPIRITUAL INDEPENDENCE OF THE NATION!" Could words express a case of greater gravity and urgency? Do these words correctly characterize the "documents which have come from Rome," and what has been done under it so doggedly? The entire nation sternly concurs, with unprecedented unanimity, and did so from the moment the case was fully before them, in the view taken by the Prime Minister; believing also, and having now the strongest reasons for believing, that such was, and continues to be, the view of Her Most Gracious Majesty. Has Lord John Russell since altered his opinions? He has never said a word, or done an act, leading to that conclusion; and even had he, he could not alter the opinion of the nation, which it has expressed in every possible way consistently with the preservation of order, and respect for the laws. It behoves the government to contemplate the present manifestation of national opinion and purpose, with solemn deference. They have to deal with an enlightened and powerful people, declaring deliberately that they believe their Queen has been insulted, and their laws violated, in order to subvert the national faith, and it has been, and continues to be, a sore trial of national

forbearance, to see among us those who have sanctioned and are upholding these acts of insult and violation, and declare that they will continue to do so in defiance of us. But there are limits to forbearance which it is unspeakably dangerous to disregard, or approach too nearly.

To me, the present attitude and aspect of the nation appear grand and affecting. It is gazing, as it were, on those who have suddenly aimed a blow at its heart: those whom it had opened its arms wide to welcome, to protect, to give them all it had to share with them—the blessings of brotherly love, of peace, and security. It is conscious of power which could crush those who have been guilty of such cruel and perfidious insult and ingratitude. Yet it will not do so: but, with benignity beaming through indignation, seeks no more than protection from a repetition of outrage, and to heal the wound which it has received. Let not POWER, in such a humour, be trifled with, nor its dignified forbearance abused.

Sad, sad, will it be, if the fiends of intolerance and bigotry should be suddenly awakened from their slumber, not by those, who with such peril had succeeded in throwing them asleep, but by those on whose behalf that peril had been encountered. God forbid, however, that such should be the case: that our angels, CIVIL AND RELIGIOUS LIBERTY should be reached and strangled by the two serpents who are approaching them. It is we Protestants who will guard those liberties, shedding every drop of our blood, if need be, in the struggle.

But let there be no confusion of persons or places—in words or things. Inflexible determination to defend, is not aggression: and we are called upon, and have been called upon suddenly, loudly, and insolently, to defend ourselves, the very ark of our citadel—of our civil and religious liberties, and the institutions by which they are to be preserved and perpetuated. Those who have so roughly assailed, would have no right to complain of an equally rough reception. They shall not, however, encounter roughness, but only resolution; with an aspect somewhat stern, it cannot be denied. The shock which we have received will have been salutary, if it put us for ever on a sleepless watch against those who are, in the language of our great divine,³ “infinitely encroaching; who, having gained one degree of liberty upon indulgence, will demand another upon

³ South, vol. i. Sermon 5.

claim." I would use to every enlightened and candid Roman Catholic in the country, your own happy expressions, in resisting the recent attempt to repeal those statutes which, at length it has been determined to disobey. "Let them not imbue the Protestant minds of this country with the impression, and induce the people to believe, that all past concessions were used only as arguments for further advances; that they were aiming at more than they were willing to allow; that in asking for toleration equality was meant; that in asking for equality establishment was intended; and that in asking for establishment, nothing could really give satisfaction but ascendancy."⁴ I say, we must drive back those who have made so daring an advance upon us, or be ourselves driven back, nor slowly. "The effect of these important measures of the present reign," says Mr. Anstey,⁵ "has been to strengthen the constitutional position enjoyed by the Church of Rome in this country, under preceding Relief Acts. . . . By the Letters Apostolic issued at Rome, the 29th September, 1850, the constitution of that church [in this country] is entirely abolished—the whole body of the *lex scripta* of Rome annulled and repealed, so far as they contravene this enactment; which gives a plenary power of legislation, on *all subjects belonging to Church matters* [observe the phraseology] to an archbishop and twelve bishops in ordinary: and the Pastorals of His Eminence Cardinal Wiseman, named to the new archbishopric by the Pope, and of his new suffragans, inform their flocks that they have accepted this ecclesiastical constitution, and are acting under it." Where is all this to end? Are we expected to stand by and see this black structure built up under our very eyes, in spite of us, and which is avowedly designed for, at least, the spiritual destruction of our own ecclesiastical system? How soon will these archbishops and bishops demand seats in the House of Lords? To have their "Cardinal Archbishop's and Bishops'" titles formally recognised, and precedence granted accordingly?⁶

The duty now imposed on the legislature is very serious; to encounter prudently and efficiently, difficulties of no small

⁴ Debate on the Further Roman Catholic Relief Bill, Dec. 8, 1847. Hansard, vol. xcv, col. 832, (3d series.)

⁵ The Queen's Supremacy, pp. 11, 29.

⁶ Where will a "Cardinal" require to be placed at court, and elsewhere, on public occasions? Must he go before our Archbishops? our Lord Chancellor? our Lay Peers? our Dukes? Dr. Wiseman before—the Duke of Wellington!

extent and complexity, carefully considered before-hand, by those who have defied our energies. Legislation must not be for a mere momentary exigency, but aimed at permanent security for our Protestant institutions, if it be really wished or purposed to preserve and perpetuate them. Errors of legislation, and those recent slips in the practical conduct of the Government, which have been so unscrupulously pressed into their service by the supporters of the present proceedings of Dr. Wiseman, must be frankly acknowledged, and promptly retraced, in time to receive due allowance by the nation; as well-meant acts, of which unexpected and unworthy advantage has been taken. There is reason to believe that very serious questions will be put, in both Houses of Parliament, as soon as the ensuing session opens; and I devoutly hope that they will be frankly and satisfactorily answered.

It appears to me that effectual legislation must be based upon a thorough perception of the true nature and extent of the authority, spiritual or temporal—claimed and exercised by the Pope; illustrated by the history of his assertions and interpositions: under what circumstances he has disguised, and under what avowed and exercised it. The clue to that history lies in a word or two—*I ought, and I will; I would, if I could; I wait, till I can.*

Where would be the difficulty of framing a short Act declaratory of the existing law; clearing up doubts which some may suppose to exist in it; declaring it to be contrary to the common weal, and not consistent with the safety of the Established Church of England, that the bishop of Rome should be allowed to create an Episcopacy in this country; prohibiting all British subjects from accepting such Episcopal office, and assuming Episcopal titles conferred by the bishop of Rome, and derived from names or places of counties, cities, towns, or places in this country; all such offices and titles, and pretences to territorial jurisdiction being, and being thereby declared, null and void, whensoever they may have been created; and that whoever, after the passing of that act, shall presume to accept such offices, and to act as, and under the name, style, and designation of archbishop or bishop, and claim to be possessed of, or exercise, directly or indirectly, territorial jurisdiction, shall be deemed guilty of a high crime and misdemeanor,

and punishable accordingly?—And why may not another Act recite, that whereas certain official recognitions, in past time, of the ministers of the Roman Catholic religion, as prelates, and entitled to episcopal precedence, hath been grievously misconstrued, and that which had been designed as courtesy only, had been insidiously perverted into, and pretended to be rightfully regarded as, a recognition of the right (which they have not) of prelates of the Roman Catholic Church to rank and precedence, as against the rank and precedence of the prelates and others of the Established Church of England; whereby had been created a handle of great offence, and a pretext for assumptions and usurpations offensive to the people of this country, inconsistent with the dignity of the crown of these realms, and the well-being and safety of the Established Church thereof, and calculated to prejudice the cause of the Protestant Reformed religion; be it enacted, that hereafter no such recognitions of rank or precedence should be allowed on any pretence whatsoever." Would not Dr. Wiseman's "Appeal" be of itself a conclusive case in support of such a bill as this? Such an enactment would not expend its force upon mere words and names, but would reach the things signified by them; would be an assertion of the challenged sovereignty of the state; an act at once of repulsion of aggression, and punishment of offence. It would also soon bring matters to a practical issue. It would annihilate the present flimsy pretences of compliance with the mere letter of the law; and require obedience to that unequivocally expressed law, or submission to punishment for traitorous disobedience.

That many keen statesmanlike intellects are at this moment occupied with these critical matters, is most likely; and it is to be hoped that their experienced sagacity will be able to devise legislative measures, or suggest the enforcement of existing legal powers, adequate to the vindication of our imperilled rights. Even those most indisposed to activity, if animated by a spark of patriotism, must be quickened and stirred up by the remarkable letters of the Duke of Norfolk and Lord Beaumont, both of whom, in a noble spirit of loyalty, have acknowledged that the Pope has peremptorily required obedience to an act of his, which cannot be yielded but at the expense of their loyalty to Her Majesty, and obedience to the laws of the country.

Their voices speak trumpet-tongued; and I doubt not, as I have already said, that they are in unison with the opinions of a vast majority of their Roman Catholic fellow-subjects. The legislature, or the Government, ought at once, then, to come to the rescue, if only in protection of those who are placed in so cruel and fatal a dilemma.

Something must be done, and promptly, and very decisively. It is absolutely impossible that the country will tolerate what has happened, or submit to trifling, on any pretence; of that let every one concerned, be thoroughly assured. Rome has spoken, — such is her set language, “and the cause is determined.” But we will not have it so here in England. Were it indeed otherwise, it would be to say, with a ludicrous stupidity, “the Pope shall have us, whether we will or not.” No, I say, no. Let us play the man before Protestant and Roman Catholic Europe, which is looking on, to see whether we care for the name we bear; and whether we will fight out the battle to which the Pope has challenged us, on this our own England, his avowedly long-coveted “famous realm of England.” But it would deserve in all time hereafter to be indelibly branded as the “INFAMOUS realm of England,” if from lukewarmness, cowardice, or hollow-heartedness, we were to betray the sacred and ever-glorious cause for which such torrents of blood have been shed; to be false to our God, who has given us the victory in the conflict between truth and error; to dishonour the memory of our ancestors, and betray the interests of our posterity.

Observe the speciality of the time and manner of this astounding attack upon us! We were at peace with the whole world: we had escaped the whirlwind which had desolated the Continent: our Queen sat calm and serene on her throne amidst us: our people were *worshipping the God of our fathers, though after the way which some call heresy*, allowing all men to worship God as they pleased: our toleration was sincere, universal, acknowledged: persecution was dead and buried: *as much as in us lay, we were living peaceably with all men*: Churchmen, Dissenters, Roman Catholics, seemed knitted together in the bonds of a common Christianity. Thus were we among ourselves; and thus expected to have been ere long seen, by the collected representatives of intellect and

civilization from every quarter of the globe—when this deadly blight from Rome fell upon us: the air was darkened: confidence, peace, love, have taken wing, and distrust, trouble, and anger have come instead. *Indeed, an enemy hath done this; and a solemn voice is heard among us, Blow ye the trumpet in Zion, and sound an alarm in my holy mountain.* But let not that trumpet give an uncertain sound, lest we mistake our enemy, and are confounded, by his well-concerted movements, and diverted from the true point of attack. To be forewarned, is to be fore-armed.

In some respects we have cause for thankfulness because of this sudden invasion; for it has challenged an enlightened and fearless scrutiny into pretensions and credentials which are false, and cannot stand the steadfast eye of awakened Truth. Let us not, however, be deceived; nor dream that because the Romish is a false form of religion, it has not power. It *has* power, as real as its pretensions are false. It must ever be regarded as a stupendous **WORLDLY SYSTEM**, based on an intimate acquaintance with human nature, especially its weaknesses, and their sources; to which it is accommodated with an exquisite and wondrous adaptation of means to end. Those means are used with masterly skill, that end is ever kept in view. Its resources seem boundless, for corrupting the passions and dazzling the imagination, in order to subjugate the understanding. It plants its foot upon the conscience, and exercises over it, and by means of it, such a dismal and fearful supremacy, as nothing but the merciful power of God can subvert. A wondrous source and guarantee of strength is its unity and fixedness of purpose.

Rome has never altered since she first unfurled her banner in warfare against the liberties of mankind. On her baleful brow glistens the index of her accursed identity, **EADEM SEMPER—EVER THE SAME**—"unchanged, unchangeable." She has not altered, she cannot, from the very nature, necessity, and condition of her organisation and existence. To abate one jot or tittle of her pretensions, would be her annihilation. This she knows; and, impelled by the instinct of self-preservation, exercises a sleepless and transcendent sagacity, in order to preserve her existence, by disguising her identity; adopting myriad devices and transformations to meet the exigencies of her position,

and the passing humour of the age. No eloquence, no learning, no sagacity, no genius, avails to shake her from her fell purpose, to dislodge her from her deadly hold. The cunning and the simple, fall alike victims to her untiring and unscrupulous sophistries and falsehoods; the strong and the weak, yield equally to her blandishments and her terrors. Kings have quailed, empires crumbled before her, as before the appalling incarnation of despotism. The pages of history darken and redden by turns, as they trace her blighting foot steps.

O awful and inscrutable Providence, who can fathom Thy all-wise purposes in permitting so long the existence and sway of this mystery of iniquity! Is it our mission to destroy it? How shall we encounter it?

She trembles before one enemy—a sincere and vigorous Protestantism. She knows that the Protestant, armed with his single weapon—the Bible—is too strong for the pretended successors of a pretended Prince of the Apostles.⁷ The perusal of its pages, is the detection of her imposture. The impious fiction on which she has founded herself, is instantly dissolved. *What was it that ye disputed among yourselves by the way?* with awe he finds asked by the Saviour of mankind, of his ambitious disciples. *But they held their peace: for by the way they had*

⁷ Pope Pius IX. shares the natural horror of his predecessors, at the circulation of the Scriptures; and in his Encyclical Letter, on becoming Pope, thus fervently joined in his immediate predecessor's DENUNCIATIONS OF THE BIBLE SOCIETIES!

“Such is the object [viz. to ‘contend sharply against the [Roman] Catholic religion’] of THOSE MOST CRAFTY BIBLE SOCIETIES, which, reviving an old device of the heretics, do not cease to put forth an immense number of copies of the books of the sacred Scriptures, printed in various vulgar tongues, and often filled with false and perverse interpretations, contrary to the rules of the Holy Church; which they continually circulate at an immense expense, and force upon all sorts of persons, even of the rudest sort, with a view that” [let what follows be ingrained into the memory], “rejecting the divine TRADITIONS, the teachings of the fathers, and the AUTHORITY OF THE CHURCH, they should ALL INTERPRET FOR THEMSELVES, and BY THEIR OWN PRIVATE JUDGMENT, the Word of God: and so, perverting the sense, be led into grievous errors: WHICH SOCIETIES, our predecessor, Gregory XVI., emulating the example of his predecessors, vehemently condemned, and we desire to join as eagerly in condemning!”—Encyclical Letter of Pius IX. pp. 17, 18. Such is the founder of the new Roman Catholic hierarchy, in “the famous realm of England,” in the broad day-light of the latter half of the nineteenth century!

disputed among themselves who should be the greatest. And he sate down, and called the twelve, and saith unto them, if any man desire to be first, the same shall be last of all and servant of all !”^a Could we conceive Peter, who had heard this sublime rebuke, permitted to rise from the dust, and make his appearance at this moment upon the earth, contemplating the line of descendants who have pretended to spring from him, and inherit his imaginary privilege and authority, he might sink upon his knees, and burying his face in the dust, in horror and self-abasement, exclaim, “ O my gracious Lord and Master ! that I, of all my brethren, should have been chosen by men for this bad pre-eminence ! I who denied thee thrice in thy last hour, and with cursing and an oath ! whose heart is yet broken with that look of awful tenderness and reproach with which thou *lookedst upon* thy disloyal disciple ! who presumed to rebuke thee, the Lord of heaven and earth ; and whose terrible rebuke yet soundeth in my ears, *Get thee behind me, Satan : for thou savourest not the things that be of God, but the things that be of men !* And when, after thy resurrection, mindful of my fickle-

^a Mark ix. 33—35. In the very next chapter we find our Saviour again rebuking the ambitious aspirations of his disciples. *Jesus called them to him and saith unto them, Ye know that they which are accounted to rule over the Gentiles, exercise lordship over them : and their great ones exercise authority upon them. BUT SO SHALL IT NOT BE AMONG YOU : but whosoever will be great among you, shall be your minister : and whosoever of you will be the chiefest shall be servant of all.* Mark x. 42—44.

“ *Feed the flock of God which is among you,* said Peter himself to the church (1 Peter v. 2—4), *neither as being lords over God’s heritage, but being ensamples to the flock. And when THE CHIEF SHEPHERD shall appear, ye shall receive a crown of glory that fadeth not away.*” Immediately before saying this, which occurs in his “ exhortation ” to the elders of the church whom he was addressing, he says, “ *I exhort, who am also AN ELDER* ” (ver. i.). All bishops were at first called Apostles. The holy apostles being dead, they who were ordained after them to govern the church, could not arrive to the excellency of the first, nor had the testimony of miracles, but were in many other respects inferior. Afterwards they were styled the apostle’s successors, “ thinking it honour enough to be so styled.” St. Jerome says, “ wheresoever a bishop is, they are all of equal merit ; their priesthood is the same ; they are all successors to the apostles.” EVERY BISHOP was anciently called ‘ Papa,’ ‘ Father,’ or ‘ Pope.’ It was no peculiar privilege of one or the other, but the common title of all bishops for several ages, who were called ‘ fathers of the church,’ and ‘ fathers of the clergy.’ All bishops were anciently styled, ‘ Vicars of Christ,’ and had as much interest in that name as he that has since laid so much claim to the title.” — Extracted from the very learned Bingham’s “ Antiquities of the Christian Church,” Book II. ch. ii. . 1, 2, 7, 10.

ness, thou didst thrice pierce my troubled heart, by asking, if indeed, after all that I had done, *I loved thee*—and didst bid me shew my repentant faithfulness, by feeding thy flock with its other pastors—O unhappy man that I am! In virtue of this, which was thy most grievous, but also merciful, rebuke, daring men have in my name disobeyed thy precepts, and made themselves *lords over God's heritage*! Forgive this dreadful presumption and disobedience, nor lay it to the charge of him who knew it not!"—he would say, as he gazed aghast at the crimes and cruelties which for ages had been committed in his name, and under his authority! And then he might return trembling to the dust.

These are things of infinite moment, which we have been fiercely called upon by the friends of Rome to look into; and we will do so. One of them has thus placed on record his sentiments, in his 'authorised' vindication of these proceedings. "The truth is, that wherever the Roman Catholic *Church*, and the Protestant Anglican *establishment* co-exist, they must be theologically antagonistic to each other, for this simple reason, that they differ diametrically in essential points of faith, and, therefore, one or the other teaches false doctrine. The Bishops of the Establishment, who have solemnly engaged to 'drive away strange and erroneous doctrine,' on the one hand believe themselves bound to oppose the progress of what they denominate Romish error. On the other, THE CARDINAL ARCHBISHOP OF WESTMINSTER AND HIS SUFFRAGANS [!] hold that THE ENTIRE KINGDOM ought to embrace the faith of OUR church, as the ONLY TRUE RELIGION. Let this great issue," continues this confident and exulting champion of the Roman Catholic faith "be fairly tried?"⁹ Well, be it so. It is a great issue, and it shall be fairly tried, and must be. Each church charges the other with blasphemy, in respectively receiving, or rejecting, certain doctrines: and a merciful God must judge between them! But He requires each to be sincerely in earnest, both in word, and in deed. And what is implied in that awful requirement? Let us, then, be all of us up and doing—and *earnestly contend*

⁹ Mr. Bowyer. Pamphlet, p. 37.

for the faith which was ONCE delivered to the Saints: not by simply wishing it God speed, but by taking our place in the battle-field, resolving never to lay down our arms, but with our latest breath, in this combat against deadly error and falsehood.

If so unworthy a person as myself might presume to offer a word of entreaty to my earnest brother Protestants, it would be this: to keep our own eyes fixed upon, and continually direct those of others to, the **CARDINAL POINTS OF DISTINCTION** between us and the Romish Church. One of them is a Truth blazing above us in the gospel firmament, like a sun; I mean the awful and soul-supporting doctrine of the *all-sufficient and EXCLUSIVE¹ priesthood of Jesus Christ*. Let this glorious and consolatory truth, with its kindred truths, especially the **ROYALTY** of that priesthood, that of a *Priest UPON HIS THRONE,²* be constantly mingled with the thinkings of our innermost souls, and all the deadly exhalations of Romish corruption will melt away from us for ever. We shall walk in light! Our ears will be ever filled with His blessed accents—*ye shall know the truth, and the truth shall make you FREE*. Free! from the bondage of error, superstition, and tyranny. We, who have once tasted of the holy cup of a pure Christian faith, must take care that we suffer it not to drop, nor yet to be dashed from our lips. When they touched that cup, we contracted a dazzling and tremendous trust and responsibility; one of which we cannot rid ourselves—no! nor would we, for all the starry heavens which He quitted to come among us, that He might give us that cup: and where, when He had accomplished His purpose, He now sits, in the same body He wore among us, on the right hand of the throne in the majesty of the heavens, whence He looks benignantly upon us, amongst whom He will, ere long, suddenly re-appear! Who shall come between us and Him, our only Mediator? No created being!

¹ “Ἀπαράβατον ἔχει τὴν ἱερωσύνην,” says the Apostle [Hebrews vii. 24.]—“he hath an *intransmissible* (or *incommunicable*) priesthood”:—i. e. ἀδιάδοχον—*perpetuum habet sacerdotium, in quo nullum habet successorem* See Schleusn. Lex. in Nov. Test. ad vocem. This is the only place in the New Testament where this solemnly-significant word ἀπαράβατον occurs; and it would seem to be inappropriately, or inadequately, rendered by the word “unchangeable,” in the authorised version.

² Zechariah vi. 13.

Is this the truth? And yet he, against whom we are contending, has himself impiously declared that we have **ANOTHER AND BETTER ADVOCATE!** "Let us have recourse to the intercession of the most Holy Mother of God, the immaculate Virgin Mary—our sweetest Mother!—our **MEDIATOR!**—our **ADVOCATE!**—our **SUREST** hope!—our **FIRMEST** reliance!—**THAN WHOSE PATRONAGE NOTHING** is more potent, **NOTHING** is more effectual with God!" Who shall not **PROTEST** and fight against such a doctrine as this?

We live in marvellous times, clothing us, whether we will or not, with religious responsibilities: which may be summed up in almost a word—the promotion and perpetuation of the Protestant faith: and equal vigilance against foes from within, and from without. Our enemy from Rome approaches us in both characters! Oh that we could detect him in the persons of his emissaries, in whose ears Satan has whispered, "When thou art corrupted, corrupt thy brethren!" and is faithfully obeyed! May God discover them to us, and forgive them! But towards him who has fallen a victim to the arts of the tempter, and honestly quitted our ranks, we can feel no animosity. We rather mourn over him, saying, *Alas, my brother!* gazing with wonder and grief after one who has gone *out of marvellous light, into darkness!* But let it not be so with us, whom our Queen has from her throne, so solemnly reminded of our duties! We look back, indeed, into days gone by, and our souls swell with exultation and gratitude. We, *a people, sitting in darkness, saw* **A GREAT LIGHT, which shined in the darkness,** that had before only reddened with the flickering fires of martyrdom. That pure and holy light still burns brightly, shedding a heavenly radiance over our land! No Pope shall extinguish that light, though he deem its burning **A CALAMITY;** and direct, towards it as his predecessors for three centuries have directed, and his successors may direct for ten centuries to come, the coldest and bitterest blast from Rome. No, Pius the Ninth, thy efforts are vain! Our eyes are fixed on the sublime spectacle of our Latimer, ascending to heaven in his robes of flame! His words are yet sounding in our ears—"Be of good comfort, brother Ridley, and play the man! **WE SHALL THIS DAY LIGHT**

SUCH A CANDLE, BY GOD'S GRACE, IN ENGLAND, AS I TRUST SHALL NEVER BE PUT OUT! FATHER OF HEAVEN, RECEIVE MY SOUL!" Let the loving words of his simple biographer sink deep into our hearts!

"Thus much concerning the end of this old and blessed servant of God, Bishop Latimer! for whose laborious services, fruitful life, and constant death, the whole realm has cause to give great thanks to Almighty God!" And thus thinking, let every one of us say, I am ready, if God's Providence shall will it, to die as Latimer died, rather than see the heavenly light of the Reformation extinguished, or even endangered! If, indeed, we be lukewarm herein, how soon may we hear a terrible voice saying, *I will come unto thee quickly, and will remove thy candlestick out of his place!*

I am,

My dear Walpole,

Your affectionate friend, and Brother,

In the Protestant Faith,

SAMUEL WARREN.

APPENDIX.

HERE follow, collected together for ready reference, the chief public documents relating to the present great political and religious movement in this country. The Bull (a Letter Pontifical of Pius IX.), and the "Pastoral" of Dr. Wiseman (calling himself therein, Cardinal Priest, Archbishop of Westminster), I have printed from copies procured from the "Metropolitan Catholic Printing Office," where Mr. Anstey states (the Queen's Supremacy, p. 29, note d.) that they are "published by authority."

I.

LETTERS APOSTOLICAL, ETC.

DATED, ROME, 29TH SEPTEMBER, 1850.

THE power of ruling the universal Church, committed by our Lord *Jesus Christ* to the Roman Pontiff, in the person of *St. Peter*, Prince of the Apostles, hath preserved, through every age, in the Apostolic See, that remarkable solicitude by which it consulteth for the advantage of the Catholic religion in all parts of the world, and studiously provideth for its extension. And this correspondeth with the design of its Divine Founder, who, when he ordained a head to the Church, looked forward, by his excelling wisdom, to the consummation of the world. Amongst other nations the famous realm of England hath experienced the effects of this solicitude on the part of the Supreme Pontiff. Its historians testify, that in the earliest ages of the Church the Christian religion was brought into Britain, and subsequently flourished greatly there; but about the middle of the fifth age, the Angles and Saxons having been invited into the island, the affairs, not only of the nation, but of religion also, suffered great and grievous injury. But we know that our holy predecessor, *Gregory the Great*, sent first *Augustine the Monk*, with his companions, who subsequently, with several others, were elevated to the dignity of bishops, and a great company of priests, monks, having been sent to join them, the Anglo-Saxons were brought to embrace the Christian religion; and by their exertions it was brought to pass, that in Britain, which had now come to be called England, the Catholic religion was every where restored and

extended. But to pass on to more recent events, the history of the Anglican schism of the sixteenth age presents no feature more remarkable than the care unremittedly exercised by our predecessors, the Roman Pontiffs, to lend succour, in its hour of extremest peril, to the Catholic religion in that realm, and by every means to afford it support and assistance. Amongst other instances of this care are the enactments and provisions made by the chief Pontiffs, or under their direction and approval, for the unfailing supply of men to take charge of the interests of Catholicity in that country; and also for the education of Catholic young men of good abilities on the continent, and their careful instruction in all branches of theological learning; so that, when promoted to holy orders, they might return to their native land and labour diligently to benefit their countrymen, by the ministry of the Word and of the sacraments, and by the defence and propagation of the holy faith.

Perhaps even more conspicuous have been the exertions made by our predecessors for the purpose of restoring to the English Catholics prelates invested with the episcopal character, when the fierce and cruel storms of persecution had deprived them of the presence and pastoral care of their own bishops. The Letters Apostolical of *Pope Gregory XV.*, dated March 23rd, 1623, set forth that the Chief Pontiff, as soon as he was able, had consecrated *William Bishop*, Bishop of Chalcedon, and had appointed him, furnished with an ample supply of faculties, and the authority of ordinary, to govern the Catholics of England and of Scotland. Subsequently, on the death of the said *William Bishop*, *Pope Urban VIII.*, by Letters Apostolical, dated Feb. 4th, 1625, to the like effect, and directed to *Richard Smith*, reconstituted him Bishop of Chalcedon, and conferred on him the same faculties and powers as had been granted to *William Bishop*. When the King, *James II.*, ascended the English throne, there seemed a prospect of happier times for the Catholic religion. *Innocent XI.* immediately availed himself of this opportunity to ordain, in the year 1685, *John Leyburn*, Bishop of Adrumetum, Vicar Apostolic of all England. Subsequently, by other Letters Apostolical, issued January 30, 1688, he associated with *Leyburn*, as Vicars Apostolic, three other bishops, with titles taken from churches in *partibus infidelium*; and accordingly, with the assistance of *Ferdinand*, Archbishop of Amasia, Apostolic Nuncio in England, the same Pontiff divided England into four districts, namely, the London, the Eastern, the Midland, and the Northern; each of which a Vicar Apostolic commenced to govern, furnished with all suitable faculties, and with the proper powers of a local ordinary. *Benedict XIV.* by his Constitution, dated May 30, 1753, and the other Pontiffs, our predecessors, and our Congregation of Propaganda, both by their own authority, and by their most wise and prudent directions, afforded them all guidance and help in the discharge of their important functions. This partition of all England into four Apostolic Vicariates, lasted till the time of *Gregory VI.*, who, by Letters Apostolical, dated July 3, 1840, having taken into consideration the increase which the Catholic religion had received in that kingdom.

made a new ecclesiastical division of the counties, doubling the number of the Apostolical Vicariates, and committing the government of the whole of England in spirituals to the Vicars Apostolic of the London, the Eastern, the Western, the Central, the Welsh, the Lancaster, the York, and the Northern Districts. These facts that we have cursorily touched upon, to omit all mention of others, are a sufficient proof that our predecessors have studiously endeavoured and laboured, that as far as their influence could effect it, the Church in England might be re-edified and recovered from the great calamity that had befallen her.

Having, therefore, before our eyes so illustrious an example of our predecessors, and wishing to emulate it, in accordance with the duty of the Supreme Apostolate, and also giving way to our own feelings of affection to that beloved part of our Lord's vineyard, we have purposed, from the very first commencement of our pontificate, to prosecute a work so well commenced, and to devote our closer attention to the promotion of the Church's advantage in that kingdom. Wherefore, having taken into earnest consideration the present state of Catholic affairs in England, and reflecting on the very large and every where increasing number of Catholics there; considering also that the impediments which principally stood in the way of the spread of Catholicity were daily being removed, we judged that the time had arrived when the form of ecclesiastical government in England might be brought back to that model on which it exists freely amongst other nations, where there is no special reason for their being governed by the extraordinary administration of Vicars Apostolic. We were of opinion that times and circumstances had brought it about, that it was unnecessary for the English Catholics to be any longer guided by Vicars Apostolic; nay more, that the revolution that had taken place in things there was such as to demand the form of Ordinary Episcopal government. In addition to this, the Vicars Apostolic of England themselves had, with united voice, besought this of us; many also, both of the clergy and laity, highly esteemed for their virtue and rank, had made the same petition; and this was also the earnest wish of a very large number of the rest of the Catholics of England. Whilst we pondered on these things, we did not omit to implore the aid of Almighty God, that in deliberating on a matter of such weight, we might be enabled both to discern, and rightly to accomplish, what might be most conducive to the good of the church.

We also invoked the assistance of Mary the Virgin, Mother of God, and of those Saints, who illustrated England by their virtues, that they would vouchsafe to support us by their patronage with God to the happy accomplishment of this affair. In addition, we committed the whole matter to our venerable brethren the Cardinals of the Holy Roman Church of Our Congregation for the Propagation of the Faith, to be carefully and gravely considered. Their opinion was entirely agreeable to our own desires, and we freely approved of it; and judged that it be carried into execution. The whole matter, therefore, having been carefully and deliberately

consulted upon; of our own motion, on certain knowledge, and of the plenitude of our Apostolic power, we constitute and decree, that in the kingdom of England, according to the common rules of the church, there be restored the Hierarchy of Ordinary Bishops, who shall be named from sees, which we constitute in these our Letters, in the several districts of the Apostolic Vicariates. To begin with the London district, there will be in it two Sees; that of Westminster, which we elevate to the degree of the Metropolitan or Archbishopal dignity, and that of Southwark, which, as also the others (to be named next), we assign as suffragan to Westminster. The diocese of Westminster will take that part of the above-named district which extends to the north of the river Thames, and includes the counties of Middlesex, Essex, and Hertford; that of Southwark will contain the remaining part to the south of the river, namely, the counties of Berks, Southampton, Surrey, Sussex, and Kent, with the Islands of Wight, Jersey, Guernsey, and the others adjacent.

In the Northern District there will be only one Episcopal See, which will receive its name from the city of Hexham. This diocese will be bounded by the same limits as the district hath hitherto been.

The York District will also form one Diocese; and the Bishop will have his See at the city of Beverley.

In the Lancashire District there will be two Bishops; of whom the one will take his title from the See of Liverpool, and will have as his diocese the Isle of Man, the hundreds of Lonsdale, Amounderness, and West Derby. The other will receive the name of his See from the city of Salford; and will have for his diocese the hundreds of Salford, Blackburn, and Leyland; the county of Chester, although hitherto belonging to that district, we shall now annex to another diocese.

In the District of Wales there will be two Bishoprics, viz., that of Shrewsbury, and that of Menevia (or St. David's), united with Newport. The Diocese of Shrewsbury to contain, northwards, the counties of Anglesey, Caernarvon, Denbigh, Flint, Merioneth, and Montgomery; to which we annex the county of Chester, from the Lancashire District, and the county of Salop, from the Central District. We assign to the Bishop of St. David's and Newport as his Diocese, northwards, the counties of Brecknock, Glamorgan, Pembroke, and Radnor, and the English counties of Monmouth and Hereford.

In the Western District we establish two Episcopal Sees; that of Clifton and that of Plymouth. To the former of these we assign the counties of Gloucester, Somerset, and Wilts; to the latter those of Devon, Dorset, and Cornwall.

The Central District, from which we have already separated off the county of Salop, will have two Episcopal Sees; that of Nottingham and that of Birmingham. To the former of these we assign, as a Diocese, the counties of Nottingham, Derby, and Leicester, together with those of Lincoln and Rutland, which we hereby separate from the Eastern District. To the latter we assign the counties of Stafford, Warwick, Worcester and Oxford.

Lastly : in the Eastern District, there will be a single Bishop's See, which will take its name from the city of Northampton, and will have its Diocese comprehended within the same limits as have hitherto bounded the district, with the exception of the counties of Lincoln and Rutland, which we have already assigned to the aforesaid Diocese of Nottingham.

Thus, then, in the most flourishing kingdom of England, there will be established one Ecclesiastical Province, consisting of one Archbishop, or Metropolitan Head, and Twelve Bishops his Suffragans ; by whose exertions and pastoral cares we trust God will grant to Catholicity, in that country, a fruitful and daily increasing extension. Wherefore, we now reserve to ourselves and our successors, the Pontiffs of Rome, the power of again dividing the said Province into others, and of increasing the number of Dioceses, as occasion shall require ; and in general, that, as it shall seem fitting in the Lord, we may freely decree new limits to them.

In the meanwhile we command the aforesaid Archbishop and Bishops that they transmit, at due times, to Our Congregation of Propaganda, accounts of the state of their Churches, and that they never omit to keep the said Congregation fully informed respecting all matters which they know will conduce to the welfare of their spiritual flocks. For we shall continue to avail ourselves of the instrumentality of the said Congregation in all things appertaining to the Anglican Churches. But in the sacred government of clergy and laity, and in all other things appertaining unto the Pastoral office, the Archbishop and Bishops of England will henceforward enjoy all the rights and faculties which the other Catholic Archbishops and Bishops of other nations, according to the Common Ordinances of the Sacred Canons and Apostolic Constitutions, use, and may use : and are equally bound by the obligations which bind the other Archbishops and Bishops according to the same common discipline of the Catholic Church. And, whatever regulations either in the ancient system of the Anglican Churches or in the subsequent missionary state, may have been in force either by special Constitutions or privileges or peculiar customs, will now henceforth carry no right nor obligation : and in order that no doubt may remain on this point, we, by the plenitude of our Apostolic authority, repeal and abrogate all power whatsoever of imposing obligation or conferring right in those peculiar constitutions and privileges of whatever kind they may be, and in all customs by whomsoever, or at whatever most ancient or immemorial time brought in. Hence it will for the future be solely competent for the Archbishop and Bishops of England to distinguish what things belong to the execution of the common ecclesiastical law, and what, according to the common discipline of the Church, are entrusted to the authority of the Bishops. We, certainly, will not be wanting to assist them with our Apostolic authority, and most willingly will we second all their applications in those things which shall seem to conduce to the glory of God's name and the salvation of souls. Our principal object, indeed, in decreeing by

these our Letters Apostolic, the restoration of the Ordinary Hierarchy of Bishops, and the observation of the Church's common law, has been to pay regard to the well-being and growth of the Catholic religion throughout the realm of England; but, at the same time, it was our purpose to gratify the wishes both of our venerable brethren who govern the affairs of religion by a vicarious authority from the Apostolic See, and also of very many of our well-beloved children of the Catholic clergy and laity, from whom we had received the most urgent entreaties to the like effect. The same prayer had repeatedly been made by their ancestors to our predecessors, who, indeed, had first commenced to send Vicars Apostolic into England, at a time when it was impossible for any Catholic prelate to remain there in possession of a Church by right in ordinary; and hence their design in successively augmenting the number of Vicariates and Vicarial districts, was not certainly that Catholicity in England should always be under an extraordinary form of government, but rather looking forward to its extension in process of time, they were paving the way for the ultimate restoration of the Ordinary Hierarchy there.

And therefore we, to whom, by God's goodness it hath been granted to complete this great work, do now hereby declare, that it is very far from our intention or design that the Prelates of England, now possessing the title and rights of Bishops in Ordinary, should in any other respect, be deprived of any advantages which they have enjoyed heretofore under the character of Vicars Apostolic. For it would not be reasonable, that the enactments we now make at the instance of the English Catholics, for the good of religion in their country, should turn to the detriment of the said Vicars Apostolic. Moreover, we are most firmly assured that the same, our beloved children in Christ, who have never ceased to contribute by their alms and liberality, under such various circumstances to the support of Catholic religion, and of the Vicars Apostolic, will henceforward manifest even greater liberality towards Bishops, who are now bound by a stronger tie to the Anglican Churches, so that these same may never be in want of the temporal means necessary for the expenses of the decent splendour of the Churches, and of divine service, and of the support of the Clergy, and relief of the poor. In conclusion, lifting up our eyes unto the hills, from whence cometh our help, to God Almighty and All-merciful with all prayer, and supplication, we humbly beseech Him, that He would confirm by the power of His Divine assistance all that we have now decreed for the good of the Church; and that He would bestow the strength of His grace on those to whom the carrying out of our decrees chiefly belongs, that they may feed the Lord's flock which is amongst them, and that they may each increase in diligent exertion to advance the greater glory of His Name. And in order to obtain the more abundant succours of heavenly grace for this purpose.

We again invoke, as our intercessors with God, the most Holy Mother of God, the Blessed Apostles Peter and Paul, with

the other heavenly patrons of England; and especially *St. Gregory the Great*, that since it is now granted to our so unequal deserts again to restore the Episcopal Sees in England, which he first effected to the very great advantage of the Church, this restoration also which we make of the Episcopal Dioceses in that kingdom may happily turn to the benefit of the Catholic religion. And we decree that these our Letters Apostolical shall never at any time be objected against or impugned, on pretence either of omission or of addition, or defect either of our intention, or any other whatsoever; but shall always be valid and in force, and shall take effect in all particulars, and be inviolably observed. All general or special enactments notwithstanding whether Apostolic, or issued in Synodal, Provincial, and Universal Councils; notwithstanding also all rights and privileges of the ancient Sees of England, and of the Missions, and of the Apostolic Vicariates subsequently there established, and of all Churches whatsoever, and pious places, whether established by oath or by Apostolic confirmation, or by any other security whatsoever; notwithstanding, lastly, all other things to the contrary whatsoever. For all these things, in as far as they contravene the foregoing enactments, although a special mention of them may be necessary for their repeal, or some other form, however particular, necessary to be observed, we expressly annul and repeal. Moreover, we decree, that if, in any other manner, any other attempt shall be made by any person, or by any authority, knowingly or ignorantly, to set aside these enactments, such attempt shall be null and void. And it is our will and pleasure that copies of these our Letters, being printed and subscribed by the hand of a Notary public, and sealed with the seal of a Person high in ecclesiastical dignity, shall have the same authenticity as would belong to the expression of our will by the production of this original copy.

Given at Rome, at St. Peter's under the Seal of the Fisherman, this 29th day of September, 1850, in the fifth year of our Pontificate,

A. CARDINAL LAMBRUSCHINI,

II.

"PASTORAL."

NICHOLAS, BY THE DIVINE MERCY, OF THE HOLY ROMAN CHURCH BY THE TITLE OF ST. PUDENTIANA CARDINAL PRIEST, ARCHBISHOP OF WESTMINSTER, AND ADMINISTRATOR APOSTOLIC OF THE DIOCESE OF SOUTHWARK.

TO OUR DEARLY BELOVED IN CHRIST, THE CLERGY SECULAR AND REGULAR, AND THE FAITHFUL OF THE SAID ARCHDIOCESE AND DIOCESE.

HEALTH AND BENEDICTION IN THE LORD.

If this day we greet you under a new title, it is not, dearly beloved, with an altered affection. If in words we seem to divide those, who

till now have formed; under our rule, a single flock, our heart is as undivided as ever in your regard. For now truly do we feel closely bound to you by new and stronger ties of charity; now do we embrace you in our Lord Christ Jesus, with more tender emotions of paternal love; now doth our soul yearn, and our mouth is open to you; * though words must fail to express what we feel, on being once again permitted to address you. For if our parting was in sorrow, we durst not hope that we should again face to face behold you, our beloved flock; so much the greater is now our consolation and our joy, when we find ourselves, not so much permitted, as commissioned, to return to you, by the Supreme Ruler of the Church of Christ.

But how can we for one moment indulge in selfish feelings, when through that loving Father's generous and wise counsels, the greatest of blessings has just been bestowed upon our country, by the restoration of its true Catholic hierarchical government, in communion with the See of Peter.

For on the twenty-ninth day of last month, on the Feast of the Archangel St. Michael, Prince of the Heavenly Host, His Holiness Pope Pius IX. was graciously pleased to issue his letters Apostolic, under the Fisherman's Ring, conceived in terms of great weight and dignity, wherein he substituted for the eight Apostolic Vicariates heretofore existing, one Archiepiscopal or Metropolitan and twelve Episcopal Sees; repealing at the same time, and annulling, all dispositions and enactments, made for England by the Holy See, with reference to its late form of ecclesiastical government.

And by a Brief dated the same day, His Holiness was further pleased to appoint us, though most unworthy, to the Archiepiscopal See of Westminster, established by the above-mentioned letters Apostolic, giving us at the same time, the Administration of the Episcopal See of Southwark. So that at present, and till such time as the Holy See shall think fit otherwise to provide, we govern, and shall continue to govern, the counties of Middlesex, Hertford, and Essex, as Ordinary thereof, and those of Surrey, Sussex, Kent, Berkshire, and Hampshire, with the Islands annexed, as Administrator with Ordinary jurisdiction.

Further we have to announce to you, dearly beloved in Christ, that, as if still further to add solemnity and honour before the Church to this noble act of Apostolic authority, and to give an additional mark of paternal benevolence towards the Catholics of England, His Holiness was pleased to raise us, in the private Consistory of Monday, the 30th of September, to the rank of Cardinal Priest of the Holy Roman Church. And on the Thursday next ensuing, being the third day of this month of October in public Consistory, he delivered to us the insignia of this dignity, the Cardinalitial Hat; assigning us afterwards for our title in the private Consistory which we attended, the Church of St. Pudenciana, in which St. Peter is groundedly believed to have enjoyed the hospitality of the noble, and partly British family of the Senator Pudens.

In that same Consistory we were enabled ourselves to ask for the

Archiepiscopal Pallium, for our new See of Westminster; and this day we have been invested, by the hands of the Supreme Pastor and Pontiff himself, with this badge of Metropolitan jurisdiction.

The great work then is complete; what you have long desired and prayed for is now granted. Your beloved country has received a place among the fair Churches, which, normally constituted, form a splendid aggregate of Catholic Communion: Catholic England has been restored to its orbit in the ecclesiastical firmament, from which its light had long vanished, and begins now anew its course of regularly adjusted action, round the centre of unity, the source of jurisdiction, of light and of vigour. How wonderfully all this has been brought about, how clearly the Hand of God has been shown in every step, we have not now leisure to relate; but we may hope soon to recount to you by word of mouth. In the mean time we will content ourselves with assuring you, that, if the concordant voice of those venerable and most eminent Counsellors to whom the Holy See commits the regulation of Ecclesiastical affairs in Missionary countries, of the overruling of every variety of interests and designs, to the rendering of this measure almost necessary, if the earnest prayers of our holy Pontiff and his most sacred oblation of the Divine Sacrifice, added to his own deep and earnest reflection, can form to the Catholic heart an earnest of heavenly direction, an assurance that the Spirit of truth, who guides the Church, has here inspired its Supreme Head, we cannot desire stronger or more consoling evidence that this most important measure is from God, has His sanction and blessing, and will consequently prosper.

Then truly is this day to us a day of joy and exaltation of spirit, the crowning day of long hopes, and the opening day of bright prospects. How must the saints of our country, whether Roman or British, Saxon or Norman, look down from their seats of bliss with beaming glance upon this new evidence of the Faith and Church which led them to glory, sympathising with those who have faithfully adhered to them through centuries of ill repute, for the truth's sake, and now reap the fruit of their patience and long-suffering. And all those blessed martyrs of these later ages, who have fought the battles of the Faith under such discouragement, who mourned, more than over their own fetters or their own pain, over the desolate ways of their own Sion and the departure of England's religious glory; oh! how must they bless God, who hath again visited His people, how to take part in our joy, as they see the lamp of the temple again enkindled and rebrightening, as they behold the silver links of that chain, which has connected their country with the See of Peter in its Vicarial Government, changed into burnished gold; not stronger nor more closely knit, but more beautifully wrought and more brightly arrayed.

And in nothing will it be fairer or brighter than in this, that the glow of more fervent love will be upon it. Whatever our sincere attachment and unflinching devotion to the Holy See till now, there is a new ingredient cast into these feelings; a warmer gratitude, a tenderer affection, a profounder admiration, a boundless and endless

sense of obligation, for so new, so great, so sublime a gift, will be added to past sentiments of loyalty and fidelity to the supreme See of Peter. Our venerable Pontiff has shown himself a true Shepherd, a true Father; and we cannot but express our gratitude to him in our most fervent language, in the language of prayer. For when we raise our voices, as is meet, in loud and fervent thanksgiving to the Almighty, for the precious gifts bestowed upon our portion of Christ's vineyard, we will also implore every choice blessing on Him who has been so signally the divine instrument in procuring it. We will pray that His rule over the Church may be prolonged to many years, for its welfare; that health and strength may be preserved to Him for the discharge of His arduous duties; that light and grace may be granted to Him proportioned to the sublimity of His office; and that consolations, temporal and spiritual, may be poured upon Him abundantly, in compensation for past sorrows and past ingratitude. And of these consolations may one of the most sweet to His paternal heart be the propagation of Holy Religion in our country, the advancement of His spiritual children there in true piety and devotion, and our ever increasing affection and attachment to the See of St. Peter.

In order, therefore, that our thanksgiving may be made with all becoming solemnity, we hereby enjoin as follows:—

1. This our Pastoral Letter shall be read publicly in all the Churches and Chapels of the Archdiocese of Westminster and the Diocese of Southwark, on the Sunday after its being received.

2. On the following Sunday there shall be in every such Church or Chapel a Solemn Benediction of the Blessed Sacrament, at which shall be sung the *Te Deum*, with the usual versicles and prayers with the prayer also *Fidelium Deus Pastor, et Rector* for the POPE.

3. The Collect *Pro Gratiarum Actione*, or Thanksgiving, and that for the Pope shall be recited in the Mass of that day and for two days following.

4. Where Benediction is never given, the *Te Deum*, with its prayers, shall be recited or sung after Mass, and the Collects above named shall be added as enjoined.

And at the same time earnestly entreating for ourselves also, a place in your fervent prayers, We lovingly implore for you and bestow on you the Blessing of Almighty God, Father, Son, and Holy Ghost. Amen.

Given out of the Flaminian Gate of Rome, this seventh day of October, in the year of Our Lord MDCCCL.

(Signed)

NICHOLAS,

CARDINAL ARCHBISHOP OF WESTMINSTER.

By command of His Eminence.

FRANCIS SEARLE, SECRETARY.

III.

LETTER OF THE RIGHT HONOURABLE LORD JOHN RUSSELL, THE
FIRST LORD OF THE TREASURY, TO THE RIGHT REVEREND THE
LORD BISHOP OF DURHAM, AND PUBLISHED BY THE LATTER,
WITH THE FORMER'S AUTHORITY.

Downing Street, 4th Nov. 1850.

"MY DEAR LORD,—I agree with you in considering 'the aggression of the Pope upon our Protestantism' as 'insolent and insidious,' and I therefore feel as indignant as you can do upon the subject.

"I not only promoted to the utmost of my power the claims of the Roman Catholics to all civil rights, but I thought it right, and even desirable, that the ecclesiastical system of the Roman Catholics should be the means of giving instruction to the numerous Irish immigrants in London and elsewhere, who without such help would have been left in heathen ignorance.

"This might have been done, however, without any such innovation as that which we have now seen.

"It is impossible to confound the recent measures of the Pope with the division of Scotland into dioceses by the Episcopal Church, or the arrangement of districts in England by the Wesleyan Conference.

"There is an assumption of power in all the documents which have come from Rome—a pretension to supremacy over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, as asserted even in Roman Catholic times.

"I confess, however, that my alarm is not equal to my indignation.

"Even if it shall appear that the ministers and servants of the Pope in this country have not transgressed the law, I feel persuaded that we are strong enough to repel any outward attacks. The liberty of Protestantism has been enjoyed too long in England to allow of any successful attempt to impose a foreign yoke upon our minds and consciences. No foreign prince or potentate will be permitted to fasten his fetters upon a nation which has so long and so nobly vindicated its right to freedom of opinion, civil, political, and religious.

"Upon this subject, then, I will only say that the present state of the law shall be carefully examined, and the propriety of adopting any proceedings with reference to the recent assumptions of power deliberately considered.

"There is a danger, however, which alarms me much more than any aggression of a foreign Sovereign.

"Clergymen of our own Church, who have subscribed the Thirty-nine Articles, and acknowledged in explicit terms the Queen's supremacy, have been the most forward in leading their flocks, 'step by step, to the very verge of the precipice.' The honour

paid to saints, the claim of infallibility for the Church, the superstitious use of the sign of the cross, the muttering of the Liturgy so as to disguise the language in which it is written, the recommendation of auricular confession, and the administration of penance and absolution—all these things are pointed out by clergymen of the Church of England as worthy of adoption, and are now openly reprehended by the Bishop of London in his charge to the clergy of his diocese.

What, then, is the danger to be apprehended from a foreign prince of no great power, compared to the danger within the gates from the unworthy sons of the Church of England herself?

“I have little hope that the propounders and framers of these innovations will desist from their insidious course. But I rely with confidence on the people of England, and I will not bate a jot of heart or hope so long as the glorious principles and the immortal martyrs of the Reformation shall be held in reverence by the great mass of a nation which looks with contempt on the mummeries of superstition, and with scorn at the laborious endeavours which are now making to confine the intellect and enslave the soul.

“I remain, with great respect, etc.

“J. RUSSELL.”

IV.

LETTER OF THE RIGHT HONOURABLE THE LORD BEAUMONT, TO
THE RIGHT HONOURABLE THE EARL OF ZETLAND.

“Dublin, Nov. 20, 1850.

“My dear Lord Zetland,—I perceive that the newspapers have announced the intention of the High Sheriff to call a public meeting to consider the propriety of addressing the crown, on the subject of the late insult offered to this country by the court of Rome; and I learn from the same sources of information that the step on the part of the High Sheriff has been taken in consequence of a requisition signed by nearly all the resident peers in Yorkshire. It is a matter not only of no surprise, but of no regret to me, that such a proceeding should be adopted by the country, for the acts in question are of quite as much political and social importance as of religious and sectarian character. The Pope, by his ill-advised measures, has placed the Roman Catholics in this country in a position where they must either break with Rome, or violate their allegiance to the constitution of these realms: they must either consider the Papal Bull as null and void, or assert the right of a foreign prince to create, by his sovereign authority, English sees, and to erect English bishoprics. To send a bishop to Beverley for the spiritual direction of the Roman Catholic clergy in Yorkshire, and to erect a see of Beverley, are two very different things—the one is allowed by the tolerant laws of the country; the other requires territorial dominion and sovereign power within the country. If you deny that this country is a fief of Rome, and that the Pontiff has any dominion over it, you deny his power to create a territorial see, and you condemn the late Bull as a sound and fury signifying

nothing.' If, on the contrary, you admit his power to raise Westminster into an archbishopric, and Beverley into a bishopric, you make over to the Pope a power which, according to the constitution, rests solely with the Queen and her Parliament, and thereby infringe the prerogative of the one, and interfere with the authority of the other. It is impossible to act up to the spirit of the British constitution, and at the same time to acknowledge the jurisdiction of the Pope in local matters. Such is the dilemma in which the late published Bull places the English Roman Catholic. I am not, however, sufficiently acquainted with their views on the subject, or their intentions respecting it, to give any opinion as to the effect this newly-assumed authority of Rome will have upon their conduct; but I am inclined to believe that the *Tablet* and *L'Univers* newspapers speak the sentiments of the zealous portions of the Roman Catholic community, and that they are the real, if not the avowed, organs of the priesthood. The church of Rome admits of no moderate party among the laity; moderation in respect to her ordinances is lukewarmness, and the lukewarm she invariably spues out of her mouth. You must be with her against all opponents, or you are not of her; and, therefore, when Rome adopts a measure such as the present, it places the laity in the awkward dilemma I have alluded to. Believing, therefore, that the late bold and clearly-expressed edict of the court of Rome cannot be received or accepted by English Roman Catholics without a violation of their duties as citizens, I need not add, that I consider the line of conduct now adopted by Lord John Russell as that of a true friend of the British constitution.

"Believe me, my dear Lord Zetland, yours very truly,

"BEAUMONT.

"To the Right Hon. the Earl of Zetland."

V.

LETTER FROM HIS GRACE THE DUKE OF NORFOLK TO THE LORD BEAUMONT.

"Arundel Castle, Nov. 28, 1850.

"My dear Lord.—I so entirely coincide with the opinions in your letter to Lord Zetland, that I must write to you to express my agreement with you. I should think that many must feel as we do, that ultramontane opinions are totally incompatible with allegiance to our sovereign and with our constitution.

"I remain, my dear Lord, faithfully yours,

"NORFOLK.

"To the Lord Beaumont."

VI.

ADDRESS AND PROTEST OF THE ARCHBISHOPS AND BISHOPS OF
THE CHURCH OF ENGLAND (EXCEPT THE BISHOPS OF EXETER
AND ST. DAVIDS).

“TO THE QUEEN’S MOST EXCELLENT MAJESTY.

“The humble Address of the Archbishops and Bishops of the
Church of England.

“May it please your Majesty,—We, the Archbishops and undersigned Bishops of the Church of England, approach your Majesty with sentiments of veneration and loyalty at a time when an unwarrantable insult has been offered to the Church and to your Majesty, to whom appertains the chief government of all estates of this realm, whether they be ecclesiastical or civil. This our country, whose Church being a true branch of Christ’s Holy Catholic Church, in which the pure word of God is preached, and the sacraments are duly ministered according to Christ’s ordinances, is treated by the Bishop of Rome as having been a heathen land, and is congratulated on its restoration, after an interval of three hundred years, to a place among the Churches of Christendom. The return of our people is anticipated to a communion, the errors and corruptions of which they deliberately renounced, and which continues to maintain practices repugnant to God’s word, inculcates blasphemous fables and dangerous deceits, and prescribes as necessary to salvation, the belief of doctrines grounded on no warranty of Scripture.

“It is a part of the same arrogant assumption that, in defiance of the law which declares that ‘no foreign prelate or potentate shall use and exercise any manner of power, authority, or jurisdiction, spiritual or ecclesiastical, within this realm,’ the Bishop of Rome has pretended to exercise spiritual dominion over the people of this country; and, in nominating certain Romish ecclesiastics to particular places or sees in England, has reasserted his claim of supremacy over the kingdom, and has interfered with a prerogative constitutionally belonging to your Majesty alone.

“We consider it our duty to record our united protest against this attempt to subject our people to a spiritual tyranny from which they were freed at the Reformation; and we make our humble petition to your Majesty to discountenance by all constitutional means the claims and usurpation of the Church of Rome, by which religious divisions are fostered, and the labour of our clergy impeded

in their endeavours, to diffuse the light of true religion amongst the people committed to their charge.

" J. B. CANTUAR.	" G. PETERBOROUGH.
" T. EBOR.	" H. WORCESTER.
" C. J. LONDON.	" J. LICHFIELD.
" E. DUNELM.	" A. T. CHICHESTER.
" C. R. WINTON.	" THO. ELY.
" R. BATH AND W. LIS.	" S. OXON.
" J. LINCOLN.	" T. VOWLER ST. ASAPH.
" C. BANGOR.	" J. P. MANCHESTER.
" G. ROCHESTER.	" R. D. HEREFORD.
" H. CARLISLE.	" J. CHESTER.
" J. H. GLOUCESTER & BRISTOL.	" S. NORWICH.
" C. T. RIPON.	" A. LLANDAFF.
" E. SALISBURY.	" J. SODOR AND MAN."

VII.

THE QUEEN'S DECLARATIONS, IN ANSWERS TO THE ADDRESSES (ON THE SUBJECT OF THE PRESENT ACT OF PAPAL INSULT, AGGRESSION AND ENCROACHMENT,) OF THE UNIVERSITIES OF CAMBRIDGE AND OXFORD, AND THE CORPORATION AND CITY OF LONDON, ON TUESDAY, THE 10TH DECEMBER, 1850, AT WINDSOR CASTLE;—THE FIRST PRESENTED AND READ BY HIS ROYAL HIGHNESS, THE PRINCE CONSORT; THE SECOND BY HIS GRACE THE DUKE OF WELLINGTON,* CHANCELLORS OF THE RESPECTIVE UNIVERSITIES.

I. TO THE UNIVERSITY OF CAMBRIDGE.

"I fully participate in your expression of gratitude to Almighty God for the blessings which he has been pleased to bestow upon this Country, and I rejoice in the proofs which have been given the zealous and undiminished attachment of the English people to the principles asserted at the Reformation.

"While it is my earnest wish that complete freedom of conscience should be enjoyed by all classes of my subjects, it is my constant aim to uphold the just privileges and extend the usefulness of the

* The following memorable expressions fell from His Grace on the passing of Statute, 10 Geo. IV., c. 7, entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects:—

"I entertain no doubt that after this measure shall have been effected, the Roman Catholics will no longer exist as a separate interest in the state, as they at present do. I have no doubt they will cease to excite disunion in this and the other House of Parliament. Parliament will then, I hope, be disposed to look at their conduct, and everything which respects Ireland, as they will look upon the people and the affairs of England and Scotland. I will say, however, that if I am disappointed in my hopes of tranquillity after a trial has been given of the measure, I shall have no scruple in coming down to Parliament and laying before it the state of the case, and calling for the necessary power to enable Government to take steps suited to the occasion. I shall do this in the same confidence that Parliament will support me that I do in the present case."

Church, established by law in this Country, and to secure to my people the full possession of their ancient rights and liberties."

II. To THE UNIVERSITY OF OXFORD.

It has ever been, and ever will continue to be, my endeavour to promote the efficiency and maintain the purity of our Reformed Church, the supreme government, of which, under God, is by law confided to me, and it is highly gratifying to me to be assured of your faithful adherence to its principles, doctrine, and discipline.

"While I cordially concur in the wish that all classes of my subjects should enjoy the free exercise of their religion, you may rely on my determination to uphold alike the rights of my crown and the independence of my people against all aggressions, and and encroachments of any Foreign Power.

III. To THE LORD MAYOR AND ALDERMEN OF THE CITY OF LONDON.

"I heartily concur with you in your grateful acknowledgements of the many blessings conferred upon this highly favoured nation, and in your attachment to the Protestant faith, and to the great principles of civil and religious liberty, in the defence of which the City of London has ever been conspicuous.

"That faith and those principles are so justly dear to the people of this Country that I confidently rely on their cordial support in upholding and maintaining them against any danger with which they may be threatened, from whatever quarter it may proceed."

IV. To THE LORD MAYOR, ALDERMEN, AND COMMONS OF THE CITY OF LONDON, IN COMMON COUNCIL ASSEMBLED.

You may be assured of my earnest desire and firm determination, under God's blessing, to maintain unimpaired the religious liberty which is justly prized by the people of this Country, and to uphold as its surest safeguard the pure and scriptural worship of the Protestant faith, which has long been happily established in this land."

V. To THE LORD MAYOR, ALDERMEN, AND THE REST OF THE QUEEN'S COMMISSIONERS OF LIEUTENANCY FOR THE CITY OF LONDON.

"It will continue to be, as it has ever been, my earnest endeavour, in the exercise of the power and authority intrusted to me, as the supreme governor of this realm, to maintain the independence, and uphold the constitutional liberties of my people against all aggression and encroachment."

