

on the subject of religious toleration, as enjoyed in England, to be easily fooled out of the privileges which it possesses. The nation will watch with jealousy any attempt to curtail or to narrow them, even though Catholics be the victims. Believe me, at this moment, the danger to the religious and civil liberties of Englishmen is not from any infringement on them by the Pope, in granting to English Catholics what I hope to show you that they had full right to obtain from him, but from those who are taking advantage of the occurrence to go back a step if they can in the legislation of toleration, and take away from a large body of Englishmen what at present is lawful to them in regard to the free exercise of their religion.

**II. WHAT WAS THE EXTENT OF RELIGIOUS TOLERATION GRANTED TO CATHOLICS? HAVE THEY A RIGHT TO POSSESS BISHOPS OR A HIERARCHY?**

The Act of Catholic Emancipation was considered, not only by those whom it benefited, but by all who consented to it, as an act of justice rather than of favor. It was deemed unjust to exclude from fair participation in constitutional rights any Englishman on account of his religious opinions. By this act, therefore, preceded and followed by many others of lesser magnitude, the Catholics of the British empire were admitted to complete toleration—that is, were made as free as any other class of persons to profess and practise their religion in every respect. The law made a few exceptions, but the enumeration of these only served to prove that in every other respect but these the law recognised no restrictions. 'If the law,' observed Lord Lyndhurst, 'allowed the doctrines and discipline of the Roman Catholic Church, it should be allowed to be carried on perfectly and properly.'

Hence to have told Catholics 'You have perfect religious liberty, but you shall not teach that the Church cannot err; or, you have no complete toleration, but you must not presume to believe Holy Orders to be a sacrament,' would have been nugatory and tyrannical. Now, Holy Orders require Bishops to administer them, consequently a succession of Bishops to keep up a succession of persons in orders.

Hence, the Catholic Church is essentially Episcopal; and to say, 'You Catholics shall have complete religious toleration, but you shall not have Bishops among you to govern you,' would have been a complete contradiction in terms—it would have amounted to a total denial of religious toleration.

When, therefore, Emancipation was granted to Catholics, full power was given them to have an Episcopate—that is, a body of Bishops to rule them in communion with the Pope, the avowed head of their Church.

Now, government by Bishops in the Catholic Church may be of two kinds:

First, the regular, ordinary, proper, and perfect form of Episcopal government consists of a local Hierarchy—that is, a body of Bishops, having their Sees in the country, with an Archbishop similarly holding his See. Such is the Episcopacy where constituted in its ordinary form.

Secondly, where this proper form is not attainable, a temporary and less perfect mode of providing Bishops for a country is adopted. The Pope names Bishops to vacant Sees, situated now in infidel countries—as Turkey or Barbary—and gives them jurisdiction in the country to be provided for, as his own immediate Vicars. Hence such Bishops are called Vicars-Apostolic.

When Emancipation or full religious freedom was granted to Catholics, if in this was included full liberty to be governed by Bishops according to the constitution and ordinances of their own Church, it follows that they were at perfect liberty to have it governed according to the regular form of their constitution, as much as by the temporary and irregular; and that is by a Hierarchy of local Bishops.

To have said to Catholics, 'You are perfectly free to practise your religion, and to have your own Church government, but you shall not be free to have it in its proper and perfect form, but only in the imperfect form in which it has been tolerated while you had not liberty of conscience,' would have been a tyranny, and, in fact, a denial of that very liberty of conscience.

But the fact is a simple and plain one, that the law did not say so, and did not put on any such restriction; and we are to be governed by law, and not by assertions. If the Catholics are at liberty by law to have Bishops at all, they are as much at liberty to have local Bishops as to have Vicars-Apostolic.

Nay, more than this, the law plainly foresaw and provided for our having regular Bishops one day instead of Vicars.

First, as Lord Lyndhurst, already quoted, has observed, 'If the law allowed the doctrines and the discipline of the Roman Catholic Church, it should be allowed to be carried out perfectly and properly.' This is in the spirit of every legislation. Our Church system would not be allowed to be carried out perfectly and properly, if it was understood (where not expressed) that it was only to be allowed to be carried out in its imperfect and less proper form. Suppose a man has kept possession for years of a house which he had built for himself on his land without my permission, and then we had come to an amicable arrangement, and I give him leave, without any restriction, to have a house there; could I complain, if when his old one required rebuilding, he made it of brick or stone, and say that I always meant he was only to keep up a wooden or temporary house? If any Sovereign granted to any distant country its independence, and power to rule itself by a monarchical government, would it be just, when that form of jurisdiction was established, to complain and say, that by the concession was only meant a perpetual state of regency such as existed until the King was chosen? Now, if Catholics at their Emancipation were allowed to build up their Church according to its avowed proper plan, which is Episcopal, what right can any one have to say, 'Yes, but it was meant that you should only build it of temporary and imperfect materials, such as we have tolerated in you during your oppression and exclusion.' And then, government of a church by Vicars-Apostolic is to its normal state just what a regency is to a monarchy.

Secondly, the law did put on a restriction. There is an axiom in law, 'Exclusio unius est admissio alterius,' that is, if you specifically exclude or deny the use of one particular thing, you thereby admit the lawful use of that which is not denied. To take the instance above given; if I had said in my agreement with the householder that he might not in building make any use of sandstone, this would have implied

that he might employ granite or limestone, or any other stone but the one excluded. Now, if the law of Emancipation did make one exclusion and prohibition respecting the titles of Catholic Bishops, it thereby permitted, as perfectly within the law, whatever in that respect came not under that exception. The Act of Emancipation forbids any one from assuming or using the style or title of any Bishopric or Archbishopric of the Established Church in England or Ireland. From this it follows that they are allowed to assume any other titles. The Bishop of London himself has seen this, and in his answer to the Chapter of Westminster, acknowledges that the new Catholic Bishops cannot be touched by the law as it stands; but he wishes Parliament to be petitioned for a new law, which will narrow the liberty here given us.

I conclude, therefore—  
First, that Catholics, by law, had a right to be governed by Bishops.

Secondly, that no law or authority bound them to be forever governed by Vicars-Apostolic, and that they were at liberty to have a Hierarchy—that is, an Archbishop and Bishops, with local titles, or titles from places in the country.

Thirdly, that accordingly such titles are not against any law, so long as they are not the actual titles held by the Anglican Hierarchy.

Fourthly, that all these conditions having been exactly observed in the late erection of the Catholic Hierarchy, this is perfectly legal, perfectly lawful, and unassailable by any present law.

Then why all the clamor that has been raised? On what ground does the attack made upon us rest? Why have we been denounced? why held up to public hatred? why pointed out to public fury? I have not seen one paper which, during the violence of the storm, thought it worth while to look into the question of the law, and calmly inquire—'Have the Catholics violated or gone beyond the law of the land? If not, why should they be thus perseveringly abused?'

Is it because the Church of England is supposed to be attacked by this measure of the Catholic Church, or that its securities are threatened? This is the great and natural grievance of the Anglican Clergy in their remonstrances. To this I reply—first, that even when, in the Emancipation Act, Catholic Bishops were restrained from taking the very titles held by the Anglican, this restriction was not intended or supposed to give the slightest security to the English Church. Speaking of it, the Duke of Wellington remarked that 'the (restrictive) clause was no security, but it would give satisfaction to the United Church of England and Ireland. According to the laws of England, the title of a diocese belonged to persons appointed to it by his Majesty; but it was desirable that others appointed to it by his Majesty; but it was desirable that others appointed to it by an assumed authority should be discontinued, and that was the reason why the clause was introduced. This was one of the instances which showed how difficult it was to legislate upon this subject at all. He was aware that this clause gave no security to the Established Church, nor strengthened it in any way, but it was inserted to give satisfaction to those who were disturbed by this assumption of title by the Catholic Clergy.'

Even, therefore, our being restrained from adopting its very titles, could give no security to the Established Church; so that we may conclude that still less security would be given to it by our being forbidden to assume titles which are not theirs. The legislation on this subject had clearly no bearing on the security of the Church of England; and if we are to be considered guilty of an aggression against her, and have to be dealt with by fresh penal legislation, for the purpose of propping her up, I do not see where you can stop consistently, short of forbidding Catholics to have any Bishops at all. You cannot make a law that they shall only be governed by Vicars-Apostolic, which would be acknowledging directly the Pope's power in the realm (which the Protestant Bishops under oath cannot do); still less can you proceed to forbidding them to have Bishops of any sort, which would put them back into a worse condition than they were during the operation of the penal laws. Any step backward is a trenching on the complete toleration granted us. (To be Continued.)

\* It is clear that no difference whatever is made in this enactment between England and Ireland. Indeed, the word "assuming" seems to apply to the former, "using" to the latter. 10 George IV., chap. 7, sec. 24.

† Hansard, vol. xxi., p. 560.

Dates from Kingston, Jamaica, are to December 1st. The cholera is making the most fearful ravages throughout the West Indies. It has been very fatal at Kingston, but is now more severe in other parts of the Island. Kingston is reported to have lost 5000 by that disease, and a proportionate number at Port Royal. —Boston Pilot.

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\* Speech in the Lords, April 20, 1846. Hansard, vol. lxxv., p. 1,261.

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