

Jesus said to his disciples. Whom do you say that I am?

Simon Peter answered and said: Thou art Christ the Son of the living God.

And Jesus answering, said to him: Blessed art thou Simon Bar-Jona; because flesh and blood hath not revealed it to thee, but my Father who is in heaven. And I say to thee: that thou art Peter: and upon this rock I will build my Church, and the gates of hell shall not prevail against it.

And I shall give to thee the keys of the Kingdom of Heaven: and whatsoever thou shalt bind upon earth, it shall be bound also in heaven, and whatsoever thou shalt loose on earth shall be loosed also in heaven.—S. Matthew xvi. 15-19.



"Was anything concealed from Peter, who was styled the Rock on which the Church was built, who received the Keys of the Kingdom of Heaven, and the power of loosing and binding in Heaven and on earth?" —PARTULLIAN Praescrip. xxi.

"There is one God, and one Church, and one Chair founded by the voice of the Lord upon Peter. That any other Altar be erected, or any other Priesthood established, besides that one Altar, and one Priesthood is impossible. Whosoever gathers elsewhere, scatters. Whatever is devised by human frenzy, in violation of the Divine Ordinance, is adulterous, impious, sacrilegious." —St. Cyprian Ep. 43 ad pleban.

"All of them remaining silent, for the doctrine was beyond the reach of man, Peter the Prince of the Apostles and the supreme herald of the Church, not following his own inventions, nor persuaded by human reasoning, but enlightened by the Father, says to him: Thou art Christ, and not this alone, but the Son of the living God.—St. Cyril of Jerusal. Cat. xi: 11"

Calendar.

- AUGUST 5—Sunday—X after Pent 2d of Aug Dedication of B V Mad nives g d.
- 6—Monday—Transfig of our Lord J C d l cl with Oct.
- 7—Tuesday—St Cajetan C d com of Oct & St Donatus B M.
- 8—Wednesday—SS Cyriacus Largus & c Mm sem com Oct.
- 9—Thursday—St Emygdus B M doub com of Oct. Vigil & St Romanus.
- 10—Friday—St Laurence M d 2 cl with Oct com.
- 11—Saturday—St Sixtus II P M doub sup com 2 Octs & of St Tiburtius & c Mm.

SUPREME COURT OF THE STATE OF NEW YORK.

Before Judge Duer and Campbell.

Gardiner G. Howland, Isaac Roosevelt and Harriet Roosevelt, executors of James Roosevelt, vs. The Union Theological Seminary and James Roosevelt Bayley.

The bill in this cause was filed in the Superior Court of the state of New York, in equity, and was transferred to the Superior Court. The plaintiffs in this suit are but nominal plaintiffs, the real contending parties being the two defendants James R. Bayley is the grandson of Roosevelt, out of a codicil in whose will the matter in issue arises.

Mr. Roosevelt, after bequeathing certain legacies and life estates, directed the division of all the residue of his property into three equal parts which he leaves, one to his son Isaac, one to trustees for the use of his son, James Barclay, and one to the five children of his daughter, Grace Bayley, to be divided equally among them. Upon the death of those to whom life interests and annuities were left, the property charged with these interests and annuities is directed to be divided among his three children already named or their heirs.

Before the death of the testator, James Barclay, one of the sons, died, and by a codicil, the residue of the estate, after legacies, is directed to be divided into two parts, and left in equal parts to the son Isaac and the children of the daughter Grace. Under this codicil, the defendant, James Roosevelt Bayley, would have succeeded to one-tenth of the residuary estate. But another codicil, of a later date, is in these terms:

"Whereas, in the fifth section of my last will and testament, bearing date the second day of September one thousand eight hundred and forty-one, I have devised and bequeathed to James R. Bayley, one of the sons of my daughter Grace, deceased, a portion of my estate, and whereas the said James R. Bayley, once a minister of the Gospel in the Protestant Church, has renounced the faith of his father, and is now a Priest in the Roman Church; and as I deem it neither just nor right that any part of the property which God has given me should be instrumental in building up a faith which I think is erroneous and unholy, I do therefore, by this codicil, which I hereby declare to be a part of my said last will and testament, to all intents and purposes, and to be taken as such, annul and make void the aforesaid bequest and devise to the said James R. Bayley, and do give and bequeath the portion so given him by my last will and testament, to the Union Theological Seminary in the city of New York, incorporated by an act of the Legislature, passed March 27th, 1839, and to their successors and assigns."

The share of the property thus disposed of, the executors have deposited, in the N. Y. Life Insurance and Trust Co. and only the direction of the Court in determining the claims of the parties mentioned.

The Union Theological Seminary claims that it is entitled by the codicil to one-tenth part of the residuary estate of the testator, and also to one-tenth part of the annuity funds upon the death of the annuitants.

The defendant, James R. Bayley, contends that the disinheriting codicil on its face is founded on the supposition that he, as a Roman Catholic Priest, could not hold property, and that the testator's property, if left to him, would go to the building up of a faith which the testator deemed erroneous, whereas this supposition is unfounded, and such property would only accrue to the maintenance and support of the defendant; also, that the bequest which the codicil proposed to make void was that contained in the fifth section of the will, which bequest was one-fifth of one-third part of the residuary estate, whereas the only effective devise at the date of disinheriting codicil was one-fifth of one-half, and not by clause in the will, but by the codicil executed after the death of James Barclay Livingston, which codicil was not revoked or modified; also, that if the Union Theological Seminary can inherit at all, it can claim but one-fiftieth part of the residuary estate, leaving even if the fifth section contained the effectual devise to the defendant, J. R. Bayley, the difference between one-tenth and one-fiftieth still devised to him, or undisposed of by will; also, that the share of James Barclay Roosevelt in the trust funds, after the death of the annuitants, lapsed, and that he the defendant, is entitled to his share thereof as heir upon intestacy of the said Jas. Barclay Roosevelt.

The circumstances of this case, as above set forth, as well as the question of law involved, made it of peculiar interest. The Seminary claims an exact fulfilment of the expressed wishes of the testator that none of his property should go to the building up of a faith which he deemed unholy; the natural heir says that his wish will not be violated by his inheriting, and claims that, as the codicil is, prospective and persecuting, it ought not to be extended by any implication or construction beyond the strict legal effect of the terms and expressions thereof. It favors the construction which the defendant, J. R. Bayley, claims, that the bequest to him remained unrevoked for three or four years after he became a Romanist, but when the testator heard that he had entered the priesthood, the disinheriting codicil was immediately executed. This codicil alone, of all the others, was not attached to the will and upon the sudden and fatal seizure of the testator, he called to one of his grandsons and with difficulty gave him two keys, one of which unlocked the drawer containing the will, the other that containing the codicil. Death supervened before he could express his wishes. These facts, however, are not before the Court.

For the Union Theological Seminary, George Wood, Esq. For Jas. R. Bayley, Daniel Lord, Esq.—*Courier*.

ITALY—ROME.

About nine o'clock on the 29th of June a thunder-storm, with heavy rain, came on, which lasted till nearly midnight. This seems to have had the effect of throwing the Roman troops off their guards, for shortly after twelve o'clock a body of the French infantry escalated the bastion immediately to the left of the gate of St. Pancrazio, against which the fire of their breaching-batteries had for so many days been directed. Two columns of attack, one from the rampart already in possession of the former, rushed forward at the same moment, at three o'clock in the morning, and, after a sharp struggle with the garrison secured a

firm footing. The position was defended by 1,200 Romans who fought (says the *Times*) for a few minutes with desperation, but the blood of the French soldier was up after so long a delay before the place, and all opposition was borne down. Four hundred of the garrison were bayoneted on the spot and 230 prisoners taken, the French losing at the same time 60 killed, and probably 100 wounded.

The *Chronicle* says there was little or no resistance. "The third regiment of Roman infantry was entrusted with the defence at this point, but its officers abandoned their post, and the men of course followed their example. They formed part of the old Pontifical troops, and are supposed to bear a better liking to his Holiness Pope Pius IX. than to the Roman Republic. However it was, the French made themselves masters of this bastion, and immediately proceeded to entrench themselves in it under the guidance of their engineers. Not only this, but several companies of their light infantry surprised the Villa Spada, lately occupied as Garibaldi's headquarters, a house lying between the fountain of the Acqua Paola and the gate of St. Pancrazio. The French were thus in possession of the line of wall from this gate to the south-western angle of the Transiberine face; and the major line of entrenchments constructed by the Romans within the walls was menaced, and perhaps rendered untenable. However, at five p. m., June 30, a courier arrived from the city at the camp with a despatch from General Roselle to General Oudinot, communicating to him the following resolution, voted by the National Assembly in the course of the same day:—

"In the name of God and the people.

"The National Assembly declares that all further resistance is impossible.

"The Triumvirate are charged with the execution of the present decree.

"Rome, June 30."

In the course of another hour or two a second courier arrived, with a request on the part of the Municipality of Rome that a deputation from that body might be received by the Commander-in-Chief. The Municipality at the same time stated that the city was ready to surrender at once, provided that General Oudinot would undertake that the French Government should recognise the Roman Republic. This condition was, of course, inadmissible; and two days appears to have been spent in negotiation. At length, on the 3d inst., the French troops entered Rome, the city surrendering at discretion.

The *Times'* Correspondent at Civita Vecchia, under date July 2, says, in introducing the following estimate of the views of the French Government:—"I think that though probably incorrect in some points, I am not far removed from the general truth. I am happy, therefore, to state that the best understanding now subsists between the Austrian and French Cabinets; and when I say that, we need care very little for the opposition their plans may meet with from the minor Roman Catholic Powers at Gaeta. The Austrian and French Governments are agreed that the Supreme Head of the Roman Catholic Church must be replaced in the free exercise of his temporal and spiritual rights, either according to the moderate—namely, Consultative Chambers—which he himself originated, or with the full constitutional forms prepared by M. Rossi. The Pope I hear is unwilling to accept these conditions; and, as he says, enlightened by experience, he is determined to return only on condition of being invested with the same privileges which he received on his elevation to the throne, but his remon-

strances are in vain, and though he may be supported by Naples, Spain, and Portugal in these pretensions, the two great Powers are resolved on maintaining the line of policy laid down. As they, however, admit that the fears of the holy Pontiff are not altogether ill-founded, they propose, in common with the other nations of Europe, to guarantee the integrity of the Roman States both from external and internal enemies; and to maintain by force of arms, if necessary, the order of things which shall now be definitively agreed on. It is further proposed by them that the Papal States shall be declared neutral in questions of war; and that a kind of common protectorate shall be exercised over them, which will for the future save them from such scandal as occurred last year, and from those internal commotions which have of late agitated all Italy. If my information be correct, the Austrian Minister at Gaeta did not comprehend his instructions in this point of view, and hitherto he had rather allied himself to the opinion of the more absolute minor powers; but a courier lately sent from Paris brought instructions of a decided nature, and according to them Count Esterhazy will have to shape his course."

LORD GOUGH.—We (*Cork Examiner*) call the attention of every countryman of this gallant but ill-used veteran to the words of Lord Gough himself, as expressed by him on the knowledge of his being superseded. They have been forwarded to us by a military gentleman, and were taken from a letter written by an officer from Simla to his father in London. Here is the extract:—"Poor Lord Gough! I never saw a man so downcast as he seemed on learning that he had been superseded in the command of the army by Sir Charles Napier. 'I am,' exclaimed the glorious old soldier, 'I am a fallen man; and no honours that can now be bestowed on me can hinder my feeling it as an unmerited humiliation during my remaining few years of a life which has been passed from boyhood upwards in the service of my country—that country which now requites my devotion with the lowering of my reputation before the whole world. This is a blow intolerable, coming from men the incapacity and misdeeds of many of whom have inflicted irretrievable injury on the country.'"

THE PROTESTANT CHURCH IN DANGER.

At the Norfolk-house affair, the Queen, on leaving, had got from the stairs half way across the hall to her carriage, when she suddenly disengaged her arm from the Duke, and, running back, with all the heartiness of an English boarding-school girl, laid hold of the Duchess, (don't be shocked—Queens are human, after all,) by each side of the head to the seeming surprise and amusement of Prince Albert, on whose arm her grace was leaning; and gave her a hearty smack on the lips, that could be heard through the bars of the National Anthem and this, too, though she had just taken leave of her before. There is a text for an harangue by a Papist-hating parson.—Queen Victoria, head of the Protestant church, and guardian at law to the thirty-nine Articles and the pigs, kissing a Papist. How Exeter-hall can remain on its foundation after such an occurrence is indeed amazing.—*Correspondent of the Liverpool Advertiser*.

A third deputation has left Bologna for Gaeta, for the purpose of inviting the Pope to come and take up his abode in the city until the affairs of Rome shall have been settled. This deputation is composed of two members of the Provincial Council, MM. Guidotti and Amotini.