

THE encroachments of the See of Rome have, in fact, ever been opposed by France (1), and the liberties of the Gallican Church, in opposition to the exorbitant pretensions of the Holy Pontiff, have, at all times, been asserted, and, at all times, supported by the King, the Clergy, and the people (2). These liberties, which comprehend not only the privileges and immunities conceded by the Concordat, but all the ancient Canons adopted by the Gallican Church for its own government, with all its ancient usages, are recognised in the celebrated declaration of the Church of France, made on the 19th of March, 1682, by the Archbishops, Bishops, and Deputies of the Clergy, assembled at Paris, by the King's order, are confirmed by the Royal Edict of the same month, and are founded upon two maxims of very great extent, viz : That the papal and all other ecclesiastical power, is purely spiritual, and does not extend, directly or indirectly, to any thing temporal (3) ; and, that in spiritual concerns, the authority of the Pope being inferior to that of the Councils, he is restrained by the Canons, and cannot, by any new constitution, infringe them, or set aside any usage or custom of the Church of any State, recognised, by the Municipal Law of that State, to be valid (4). The Ecclesiastical Law of France, therefore, at the period above mentioned, although it recognised the Papal Canon Law, comprehended the parts, only, of that system, which had been received by the Gallican Church, under the sanction of the Sovereign, expressed in letters patent, or implied from immemorial usage.—No Papal constitution, decree, decretal, epistle, rescript or bull—no canon or decree of any Council of the Church Œcumenical, national, or provincial, had, at that time, or afterwards, in France the effect of Law, until published by the Clergy in their respective Dioceses ; and such publication (even of a constitution relating to an article of faith,) could not be made without the Royal authority and permission (5). Even the

(1) Fleury's *Instit au Droit Canon*, vol. 2, p. 230

(2) Vide the Declaration of the Clergy of France of 1682, and the Royal Edict thereon in Neron, vol. 2d, p. 172.

(3) Pothier, 4to. vol. 6, p. 306.

(4) Hericourt, *Loix Ecclesiastiques*, introduction, p. 13, vol. 1, p. 112—Répert. verb "Libertés de l'Eglise Gallicane."—Dietr. de Droit, verb "Libertés de l'Eglise Gallicane."—La Combe, *Recueil de Jurisp. Canon*, verb

"Libertés de l'Eglise Gallicane."—Fleury's *Instit. au Droit Canon*, vol. 2, p. 220 & seq.—*Preuves des Libertés de l'Eglise Gallicane*, by Pithon.

(5) Hericourt, *Loix Ecclesiastiques*, vol. 1, p. 105, col. 2d, and vol. 1st, p. 98 and col. 1st and 2d, p. 100, col. 1st and p. 105, col. 1st & 2d. Dietr. Canon. verb "Canon." & *Droit Canon*. La Combe, *Recueil de Jurisp. Canon*, introd. p. 1 & 2.

decr
gall
cati
give
prop
nand

T
tion
by t
vers
cipa
dissi
Prov
of t
decl
of t
the
of t
Dro
as a
ed o
whe
posi
remo
settl
Judg

I
befo
to a
atte
nada

T
to h

(1)
p. 99.
(2)
Ecrit.
(3)
Ecrit.
No. 1
L. C.