

tion of the monasteries, the instruction of the clergy, preaching, the interdicting of books contrary to religion," &c.

The Greek government received the tomos, celebrated a solemn service on the occasion, sent an ecclesiastic to announce the event to the Russian and other churches of the Greek rite, and even put in execution a part of it,—that which concerned the formation of the Holy Synod (hitherto appointed annually by the King). But when the necessity presented itself of electing new bishops—for of the fifty bishops existing at the arrival of the king, not more than five are now alive—the government, from false fears and false measures, determined on presenting to the chambers the decree which is to fix the attributes of the Synod on the basis laid down by that of Constantinople. The public mind was already much excited on this subject, when some days ago the work which we have mentioned above was published. It is entitled, "The Synodical Tomos; or, Concerning the Truth." It is written by a priest, formerly Secretary of the Holy Synod, named Pharmakides, and his theme is to prove that the church of Constantinople never had any canonical authority over the bishoprics which now compose the church of Greece; that she has, consequently, no right to declare that church independent; and that she cannot insist that she should be governed independently of the secular authority, having always herself submitted to the will of the emperors. This book, which is written with much violence and acrimony, speaks in most abusive terms of the Patriarchs of Constantinople, opposes strongly all their pretensions, denies the validity of several Synods, and goes even so far as to deny that marriage is a sacrament. But it is written with so much art, and in a style so capable of stirring up the passions, that it is unfortunately creating a great impression. The author tries to demonstrate that all this is merely a Russian intrigue, in order to obtain a permanent dominion over both the church and the government of Greece, and the part the government have to play is extremely difficult. If they adopt the conclusions deduced by this book, if they seem to approve them, or even if they do not formally disapprove them, by interdicting the book, and dismissing the author from the University, where he holds a chair of divinity, they break at once with Constantinople, and march towards a schism with rapid strides, alienating at the same time from Greece the sympathies of all the other Greek populations of the East. On the other hand, there is a party in Greece who, profiting by this difficult position, wish to confiscate altogether the power of the crown in the name of the church, and to draw from the tomos consequences the most extreme, and the most inadmissible by any government that is watchful of its own interests.

ENGLAND.

DOMESTIC. LIBEL CASE.

Achilli vs. Newman.—This important trial, more than once referred to in our columns, commenced on the 22nd of June, in the Court of Queen's Bench, before Lord Campbell and a special jury, with a great array of legal talent on the part of each of the litigating parties.

The prosecution charged John Henry Newman with the publication of a libel upon Giacinto Achilli. The defendant pleaded, first, not guilty, upon which issue was joined; second, specially, that the allegations in the libel were true in substance and in fact, and that the publication of them was for public good.

The special pleas embrace the following issues:—that Achilli was an infidel; that while professedly a Roman Catholic priest he disbelieved the doctrines of the church, and committed various acts of adultery, fornication and impurity; that in 1826 he was deprived of a faculty to lecture, for misconduct; that at Viterbo, in 1831, he seduced Elena Valente, aged 18; in 1835, Rosa de Allesandris, aged 28; in 1834, a young woman, name unknown; and two others; all at Viterbo, of which offences he was found guilty by the Inquisition.

That similar offences were committed at Capua in 1835; at Naples in 1840, and that some of these offences were committed in the sacrilege of the Church. That while a priest, he publicly spoke and taught against the laws of morality and the obligations of chastity; that in 1843 he lived in open adultery and publicly travelled with the wife of a tailor; that he had at various times conducted himself lewdly and was habitually profligate, and that by the Court of Inquisition at Rome he had been disabled forever from any cure of souls. Various other allegations are made, which we cannot enumerate.

Dr. Achilli, our readers are aware, is a preacher at the Italian Protestant Chapel, Golden Square, London, having escaped to England from the prison of the Inquisition, and embraced the Protestant faith. Dr. Newman was formerly a clergyman of the Church of England, but is now a Roman Catholic.

After the opening by the Attorney General, all the witnesses, including Dr. Achilli, were ordered out of Court. Sir A. E. Cockburn then addressed the jury for the defendant.

The testimony in proof of the allegations in the special pleas is very long and explicit, nor in most cases was it in the least shaken by the most rigid cross-examination. Elena Valente said that when she remonstrated with Achilli, he told her there was no sin in their intimacy. One witness testified that her intercourse with Dr. Achilli became evident to her parents, who seeing Dr. Achilli in a procession called him aside into a house, and remonstrated with him. He told them he was a priest, and they might "go to the d—l if they liked; it mattered nothing to him." He subsequently charged them before the police with calumniating him, but on a hearing of the case the charge was not entertained.

Evidence was also given by English residents at Corfu, from 1844 to 1847, for open immorality on the part of Achilli there. W. L. Reynolds, Government inspector of houses in the Ionian Islands, testified that Dr. Achilli, in the autumn of 1844, came to Corfu and applied to him respecting opening an Italian Protestant Church. He asked Mr. Reynolds's assistance, who hired a house. Dr. Achilli, he testified, hired a common prostitute for a door keeper, and kept her in his house. From what he saw from his own window, he broke off all connection with Dr. Achilli, and his church, after having in vain remonstrated with him respecting the scandal to which his conduct gave rise.

The Earl of Shaftesbury and others gave evidence as to Dr. Achilli's efforts to screen two priests at Malta who had been guilty of immorality. All the witnesses proved that Dr. Achilli was anxious to keep them from coming forward at his trial.

Considerable excitement was caused by the intro-

duction of the copy of proceedings of the Inquisition. Lord Campbell thanked God there was no Inquisition in England—which provoked loud applause—but as a Court of an independent state, he felt bound by the law of nations to respect its records.

"I, the undersigned notary of the Holy Roman and Universal Congregation of the Inquisition, do testify that, after a complete investigation of the proceedings instituted in the holy office against Father Hyacinth Achilli, priest, religious professor of the order of preachers, it is proved from the same acts that the said Achilli, having been examined by the established authorities, confessed himself guilty of having held carnal intercourse whilst he was living in the monastery of Viterbo with many women; also of having deflowered another who was a virgin in the city of Mount Falcione, and of having carnally known two other women at Capu.

"Moreover, it is discovered that he made another girl at Naples a mother, and that the superior of the order of preachers paid fifty scudi to another woman who had been corrupted by the same Achilli, in order to make amends for the injuries done. Lastly I attest, that on account of the crimes above named and other crimes of which mention is made in the acts, after mature and deliberate examination of the heavy charges resulting from the acts, after having weighed the charges put forth and considered other matters according to custom, and after having mercifully accepted the confession of the accused himself, and his own declaration of the following tenor:

"I do not ask to be chastised, nay, rather I desire to be severely dealt with on my own showing, according as justice demands. I will receive with resignation whatever punishment may be determined upon, and supposing there were wanting sufficient reason for proceeding with greater rigor I desire that confession be considered sufficient grounds for punishing me as the said tribunal shall think best. Their eminences, the inquisitors general, on Wednesday, June 16, 1841, in the Convent of Santa Maria-super-Microam, decreed that the accused Father Hyacinth Achilli, after having been forever suspended from the celebration of the sacrifice of mass, and forever disabled from any sort of direction of souls, and preaching the Word of God, and deprived of active and passive voice in the government of his order, and after having had salutary penances imposed upon him, be condemned to remain for three years in some religious house of his order of the most strict observance.

"Given in testimony of all these facts for the chancellor's office of the Holy Office, on this day, Sept. 22, 1851."

On the night of the 23rd the case for the prosecution closed. The next morning Sir A. E. Cockburn addressed the jury for Newman, commenting severely upon the "unbridled license" of the prosecutor.

By consent the allegations of the special pleas, and the evidence by which they were supported were placed in the hands of the jury, who were addressed by the Attorney General in behalf of Dr. Achilli.

In the course of the Attorney General's speech, Lord Campbell suggested that the Earl of Shaftesbury might be sent for and examined with respect to Dr. Achilli's dismissal from the college at Malta, and accordingly his lordship appeared and was examined from the bench.

Sir A. Cockburn—Were there any other reasons besides that of having sent Saccaree (one of the priests charged with immorality) away, which influenced the committee in dismissing Dr. Achilli? The Earl of Shaftesbury (with much emphasis): Yes; the other reasons were as follows:—We felt that if this matter became public, so great and foul a scandal would be created in the college and in the branch of it occupied by the ex-priests, that, out of regard to the character of the institution and of Protestantism, we ought to cut the Gordian knot by getting rid of that portion of the establishment and dismissing Dr. Achilli, whether he was innocent or not.—(sensation.)

Lord Campbell then proceeded to sum up. He said, that some apprehensions had been expressed that the jury might be actuated by religious prejudices. Even had the credit of the Protestant religion been at stake, he assured them that he would look with confidence to them for a verdict founded upon the evidence before them. But he could not see how it could be said that in this case the credit of the Protestant religion was at all involved. The character of Dr. Achilli was at stake in the deepest manner; but the charges which were imputed to him took place when he was still a priest of the Roman Catholic religion, and he (Lord Campbell) could not see how it affected the Protestant faith that a Roman Catholic priest pretended to come over to the Protestant persuasion, and had no credit for his professions.

Then, as to Dr. Newman, there was no danger of his being looked upon very unfavourably, though he had left the Protestant religion, and had, it was said, become a zealous champion of the Roman Catholic faith. What his lordship disliked to see was clergymen remaining in the Protestant church, who wished to be Roman Catholics; but when a man of piety and honor stated, that he did not belong to the Church of England, and resigned his position in that church, and all other advantages arising from it, there was no reason to doubt the sincerity of such conduct. He must say, that Dr. Newman, in attacking Dr. Achilli as he had done, had acted rashly and recklessly, even though he believed in the truth of what he said. He had asserted a number of things of which he had no personal knowledge; but, he must do him the justice to say, that when an application was made to his booksellers for his name, he at once stepped forward.

This being a criminal information, all that the court had to see was, that there were reasonable grounds for bringing the case before a jury, and there seemed to be no doubt that the statement made by Dr. Newman, affecting Dr. Achilli, amounted to a libel. Two pleas had been placed upon record, the first of "Not Guilty," and there could be no doubt, that the verdict of the jury upon that plea must be for the prosecutor. Formerly that would have been the only question to determine; but now the law was altered; and those who were charged with libel had an opportunity of alleging, in justification, that they had stated the truth, and were actuated by laudable motives. This was a great improvement in our jurisprudence, for it had taken away the reproach embodied in the saying, "The greater the truth, the greater the libel."

It would be for the jury to say, on the evidence before them, whether the various imputations justified in the second plea by Dr. Newman, had been established. As to some of those imputations, hardly any proof had been adduced, while upon others most serious evidence had been offered; and it would be for the jury to say whether they believed that evidence, and whether they considered the allegations in respect of them proved. They would be furnished with a copy of those charges, and he would have to ask them whether they believed

that all or any of them were true, and if some, which. They might find that none were true—they could hardly find that all were—and, perhaps, they might think that certain material ones had been established.

After the eloquent speeches which they had heard from the counsel on the other side, and which would have done credit to the English bar in its brightest days, they could not come to a satisfactory conclusion without having the evidence read over to them, and he therefore proceeded to do so. This occupied his lordship from shortly after 5 till half-past 8 o'clock; and, in laying before the jury the substance of his notes, he very distinctly alluded to the question of credibility, as between conflicting statements. There were, he said, improbabilities in the story which was told by Elena Valente, and which, as far as he observed, were uncorroborated; but if her statement was trustworthy, the sixth charge must be held proved. The evidence of Elena Valente appeared after a lapse of 20 years—now to be brought forward for the first time—but that Maria Principe's was one of older standing, and, therefore, it was one of a very serious character.

Dr. Achilli denied it, but it was clear from the evidence brought forward, that complaint had been made at the time, and that the matter was not invented to suit the present emergency. The evidence with reference to Garamoni's wife he considered not at all satisfactory, as it only amounted to a meeting in the dark under suspicious circumstances. His lordship read carefully over the evidence with regard to Cariboni's wife, and, with a caution as to the testimony of Mr. Reynolds, left it to the jury to pronounce on that charge. On the transactions at Malta, the sending away of Saccaree, the action of the London committee thereon, and the subsequent evidence as to the alleged immoralities in London, his lordship went steadily through his notes, never offering more than a short passing observation. He then repeated his previously expressed view of the document purporting to be a judgment of the Inquisition on Dr. Achilli. He declared it not only to be admissible evidence, but very strong evidence that such a sentence had been pronounced.

The court of the Inquisition was presided over by men of learning and piety. They had issued the paper in question as a document to be used in a court of justice, and he could not suppose that they wished to practice any imposition. The causes for which the sentence was pronounced formed a very different matter, and the probability was that it related more to a charge of heresy than one of immorality. Dr. Achilli said that it was heresy, but that was a question for the jury to decide. His lordship treated the occurrence of the plaintiff's name in the proceedings between Garamoni and his wife as unimportant upon the merits of the case, and he disposed in a similar way of the vows of chastity and poverty taken by the Dominican monks. These, he said, were vows contrary to human nature, and were not very material.

With regard to Dr. Achilli, his refusal to answer as to intercourse with other women is pregnant matter for your consideration. It is for you to say whether his declining to answer raises a conviction in your estimation. You must draw your own inference upon this testimony, by which you must decide. You have listened very attentively, and the public is much indebted to you for the manner in which you have devoted yourselves to your duties in this case. I have done my duty to the best of my ability, and I am quite sure you will properly discharge yours.

The jury then (at about half-past 9) retired. They did not return into court until 11 o'clock.

On their return, it was asked, "Are you agreed on your verdict?" The Foreman—Yes; on the 19th charge we find proved. All the rest we find not proved.—(sensation, and partial cheering.)

Lord Campbell—The 19th charge respects Dr. Achilli's being deprived of his professorship and prohibited from preaching and hearing confession. You find that to be proved?

The Foreman—Yes, my lord, proved.

Lord Campbell—And you find none of the other allegations proved?

The foreman and several jurors—No, none of the others.

[Here the people in the court, beginning to understand the verdict, burst into a vigorous cheer, which no one attempted to suppress.]

Lord Campbell—With regard, then, to the plea of not guilty. The first plea is not guilty. You see that involves the publication and the question whether it was a libellous nature.

A Juror—Not guilty. That's what we find.

Lord Campbell—No, understand me. The first plea is not guilty; and that involves the question whether it is proved that the defendant published this alleged libel, and whether it be libellous. Do not mind the truth of the charges at all. As to this, say only on that do you find him guilty, and that was of a libellous nature.

The Foreman—Yes, guilty.

Lord Campbell—On that you find him guilty. There is, then, a verdict for the crown on that. Then we come to the justification. And on the justification you find that the only part of it which is proved is the 19th, respecting Dr. Achilli being deprived of his professorship and prohibited from preaching and from hearing confession.

A Juror—Yes, that is the verdict.

Lord Campbell—Wait a moment, and let me see. That is (after a pause), you find that this is true which is alleged in the decree of the Inquisition, as far as that decree goes.

A Juror—Yes.

Lord Campbell—So far as that decree goes. You don't find as to the reason for the decree, but as to the decree itself?

The Foreman—Yes, only that.

Lord Campbell—Very well. Then you find it to be true that Dr. Achilli was suspended from the celebration of mass, and prohibited from any cure of souls, and from preaching, and from hearing confession, and from exercising his sacerdotal office in any way—according to the decree of the Inquisition. And all the rest you find not to be proved?

The foreman—Not to our satisfaction.

Lord Campbell—Very well. Then on the justification, I direct a verdict to be entered for the crown on that issue as well as on the plea of not guilty; and that special finding I, of course, will report to the court when necessary—(hear again a loud cheer was given by the thronged court). I now discharge you gentlemen, from your attendance, and beg to thank you, (renewed cheers).

A Juror—I beg your lordship to understand that we didn't consider this case as regards Protestantism and Catholicism. We only look at it as a matter of fact.

Lord Campbell—Oh, I am sure you have dealt with it conscientiously.

Another hearty cheer was now given, which the learned judge did not for a moment attempt to check,

Some conversation took place between his lordship, the jury, and the learned counsel, respecting the fees to be paid to the jury. All parties agreed it was a "hard case," but his lordship said he had no power to grant anything like indemnity; and, accordingly, only the customary nominal fee was paid to each jurymen. Immediately afterwards the Court dispersed.

GRAND DINNER AT THE MANSION HOUSE TO THE DIGNITARIES OF THE CHURCH.

The Lord Mayor gave a splendid entertainment to the prelates and a great number of the other dignitaries of the Church, upon their return from St. Paul's after the sermon to the Society for the Propagation of the Gospel in Foreign Parts. Covers were laid in the Egyptian-hall for 350.

The Bishops of Michigan and Western New York were amongst the guests, as deputations from America.

A NEW PEER.—The Exeter papers announce that Sir John Yarde Buller, Bart., M. P. for South Devonshire, is to be raised to the peerage by the title of Baron Brixham.

THE THAMES TUNNEL.—A project is on foot to complete the approaches to the Thames Tunnel on both sides of the river. This will relieve London-bridge of a considerable extent of the loaded vehicles which now pass over it between the Surrey side of the river and Wapping, Limehouse, Poplar, &c., all of which has now to be conveyed an unnecessary circuit of nearly six miles. This communication will give to Southwark and its outlying districts a short and easy access to and from the East and West India Dock Railway terminus, and thence to the whole network of railways north of the Thames.—*Railway Journal.*

POLITICAL.

A significant illustration of the one-sided "religious liberty," which certain liberals would practise, when the Church is concerned, and they had the power, was presented in the House of commons on Tuesday night, in the Committee on the Metropolitan Burials Bill. That Bill provides for a piece of consecrated ground for Church-people, who value consecration, and a piece of unconsecrated ground for Dissenters who reject consecration. This was not enough. Dissenters must have the right to burial in Churchmen's consecrated ground; and this we believe they will be allowed, as in our Church-yards. But even this was not enough: they must have the right to demand or to reject the Burial Office and the Ministrations of our Clergy. That was not enough: they must be allowed to introduce their own Offices, and their own Ministers into our ground! Such persons evidently consider that Churchmen have no rights. Practically, their language is the old saying—"What's your's is mine, and what's mine is my own."

A piece of the wreck of a large steamship was some time ago towed ashore near Pennan, in Banffshire, N. B., which was thought to be a portion of the lost "President." It now appears that the builder of that ill-fated vessel, after an investigation, have declared that such is not the case.

IRELAND.

DOMESTIC.

CLEARANCES IN THE WEST.

The Galway journals contain further accounts of the progress of the clearance system in the western province; and one in particular, upon an extensive scale, on the Martin estate in Connemara, which is about to be sold in the Exchequer Court. The *Galway Packet* of Saturday has the following statement on this painful subject:—

"On yesterday the High Sheriff, John Ireland, Esq., and a large party of police and military, proceeded to that portion of the Martin estate, situated in the county of the town of Galway, to aid in the eviction of the unfortunate creatures residing there. The property is at present in the possession of the Law Life Insurance Company. In the present instance, we believe, there was a pretext, for it was alleged by one of the agents, in presence of some of the evicted, and not denied, that there were four and five years' rent due, and that Mr. Robinson, a few months since, offered to forgive the arrears, if a half-year's rent were paid. This had not been complied with, and the tenants alleged in excuse that this was not a season to demand money from them, as their crops were all down, and therefore they could have no means of paying rent until harvest. However the case may stand, it is a melancholy thing to see forty-two families, numbering two hundred and three individuals, flung homeless and homeless upon the world, with no resource left them but to enter the workhouse, and for the remainder of their existence become a burden on the already oppressed rate-payers of the union. The relations of landlord and tenant require immediate attention at the hands of the Government, if they are really intent on doing anything to serve this country. Messrs. Robinson, land agents, and Leonard, law agent for the company, were present, attended by the usual posse of the 'crow-bar-briquet.' The evictions spread over the townlands of Thonabricky, Ballagh, Barnacerranny, and Lettragh, occupying an extent of two hundred acres. The cries and lamentations of the women and children were pitiable and heartrending. We have scarcely ever witnessed a scene more truly miserable than these poor people presented, sitting, themselves and their children, outside the miserable cabins so lately their homes, amid the wreck of their little furniture. In every instance the possession was given up quietly, and about six o'clock in the evening the authorities returned to town."

Another Galway journal, the *Mercury*, states that the agent of the company made "a very fair offer of settlement, to guarantee the tenants in possession for six months, and the enjoyment of their crops, provided they paid one-half year's rent out of the very large arrears due by them." The *Galway Vindicator* mentions that "the evictions were taken out about nine months ago, and that most of the occupiers had since paid the costs of the decrees (£2 5s. each) and some rent." It is stated by that journal that the sheriff who attended during the execution of the decrees shed tears, and that many of the soldiers were deeply affected by the scene. On Friday evening a number of old men, women, and children, who had been evicted during the day, came into Galway to obtain admission to the union workhouse.

The *Galway Vindicator* states, that within the last week upwards of one hundred houses were levelled in the neighbourhood of Westport, county of Mayo, and that several of the poor families evicted had constructed huts beside the walls of their former habitations,