

circumstance of his really grasping any part of it. So strongly do I feel this, that I account it no paradox to say that, let a man but master the one doctrine with which I began these discourses, the Being of a God, let him really and truly, and not in words only or by inherited profession, or in the conclusions of reason, but by a direct apprehension, be he a Montheist, and he is already three-fourths of the way towards Catholicism."

He allowed all this with regard to individuals, but we had to deal, not with individuals, but with systems; we could not legislate for exceptions, and we must judge of parties from their principles, not from the character of this or that individual when they are put forward for an occasion. "Half the evil that happens in public affairs arises from the mistake of measuring parties, not by their history and by their position, but by their accidental manifestations of the moment, the place, or the person." So it was with the so-called approaches of heterodox bodies towards Catholicism; and so with the expressions of admiration sometimes used by liberal philosophers towards the Catholic Church, when in principle and system they were totally irreconcilable. "This is why some persons have been so taken by surprise at the late outburst against us in England, because they fancied men would be better than their systems."

"I allow all this as regards individuals; but I have not to do with individual teachers in this discourse, but with systems, institutions, bodies of men. There are doubtless individual Protestants who, so far from making their Catholic pupils Protestant, lead on their Protestant pupils to Catholicism; but we cannot legislate for exceptions, nor can we tell for certain before the event where those exceptional cases are to be found. As to bodies of men, political or religious, we may safely say that they are what they profess to be, perhaps worse, certainly not better; and, if we would be safe, we must look to their principles, not to this or that individual, whom they can put forward for an occasion. Half the evil that happens in public affairs arises from the mistake of measuring parties, not by their history and by their position, but by their accidental manifestations of the moment, the place, or the person. Who would say, for instance, that the Evangelical Church of Prussia had any real affinities to Catholicism; and yet how many fine words do certain of its supporters use, and how favorably disposed to the Church do they seem till they are cross-examined and their radical heterodoxy brought to view! It is not so many years since, that by means of their common doctrines, as they would call them, they persuaded an Ecclesiastical body, as different from them as any Protestant body which could be named—I mean the ruling party in the Establishment—to join with them in the foundation of an Episcopal See at Jerusalem, a project as absurd as it was odious, when viewed in a religious aspect.

"Such, too, are the persevering attempts which excellent men in the Anglican Church have made to bring about a better understanding between the Greeks or Russians and their own communion, as if the Oriental Church were not on one type, and the Protestant Establishment on another; or the process of joining them were anything short of the impossible exploit of fusing two individuals into one. And the case is the same as regards the so-called approaches of heterodox bodies or institutions towards Catholicism. Men may have glowing imaginations, warm feelings, or benevolent tempers; they may be very little aware themselves how far they are removed from Catholicism; they may even style themselves its friends, and be disappointed, it does not recognise them; they may admire its doctrines, they may think it uncharitable in us not to meet them half way; all the while they may have nothing whatever of that form, idea, type of Catholicism, even in its incoherent condition, which I have allowed to some individuals among them. Such are liberal politicians, and liberal philosophers and writers, who are considered by the multitude to be one with us, when, alas! they have neither part nor lot with the Catholic Church. Many a poet, many a brilliant writer, of this or the past generation, has taken upon himself to admire, or has been thought to understand the Mother of Saints on no better ground than this superficial survey of some portion of her lineaments. This is why some persons have been taken by surprise at the late outburst against us in England, because they fancied men would be better than their systems. This is why we have to lament, in times past and present, the resolute holding off from us of learned men in the Establishment, who seemed or seem to come nearest to us. Pearson, or Bull, or Beveridge, almost touches the gates of the Divine city, yet he gropes from them in vain; for such men are formed on a different type from the Catholic, and the most Catholic of their doctrines are not Catholic in them. In vain are the most Ecclesiastical thoughts, the most ample concessions, the most promising aspirations, nay, the most fraternal sentiments, if they are not an integral part of that intellectual and moral form which is ultimately from Divine grace, and of which Faith, not carnal wisdom, is the characteristic. The event shows this, as in the case of those many who, as time goes on, after appearing to approach the Church, recede from her. In other cases the event is not necessary for their detection to Catholics who happen to be near them. These are conscious in them of something or other different from Catholicism, a bearing, or an aspect, or a tone, which they cannot indeed analyse or account for, but which they cannot mistake. They may not be able to put their finger on a single definite error; but in proportion to the clearness of their spiritual discernment, or the exactness of their theology, do they recognise either the incipient heresiarh within the Church's pale, or the unhelpful enquirer outside of it. Whichever he be, he has made a wrong start; and however long the road has been, he has to go back and begin again. So it is with the bodies, institutions, and systems of which he

is the specimen; they may die, they cannot be reformed."

The learned President concluded as follows:—

"And now, gentlemen, I have arrived at the end of my subject. It has come before us so prominently during the course of the discussion, that to sum up is scarcely more than to repeat what has been said many times already. The Catholic creed is one whole—and philosophy again is one whole; each may be compared to an individual, to which nothing can be added, from which nothing can be taken away. They may be professed; they may not be professed, but there is no middle ground between professing and not professing. A university, so called, which refuses to profess the Catholic creed, is, from the nature of the case, untrue both to the Church and to philosophy."

ACHILLI v. NEWMAN.

COURT OF QUEEN'S BENCH, LONDON, JUNE 21.
(Sittings at Nisi Prius, before Lord Campbell and a Special Jury.)

The Queen on the Prosecution of Giovanni Giacinto Achilli, v. John Henry Newman.

The Attorney-General, the Solicitor-General and Mr. T. F. Ellis appeared for the Crown; and Sir A. E. Cockburn, Mr. Serjeant Wilkins, Mr. Bramwell, Q.C., Mr. Addison, and Mr. Badeley for the defendant.

In Michaelmas term last the court had granted leave to file a criminal information against the Messrs. Burns and Lambert for a libel published by them against Dr. Achilli in a pamphlet entitled "Lectures on the present Position of Catholics in England, addressed to the Brothers of the Oratory, by John Henry Newman, D.D., Priest of the Congregation of St. Philip Neri. Lecture V. Logical Inconsistency of the Protestant View." Subsequently, Dr. Newman admitted that he was the author of the libel, and his name by the leave of the court was substituted for that of the Messrs. Burns and Lambert.

Mr. Ellis opened the pleadings. This was a criminal information filed by her Majesty's coroner against John Henry Newman, charging him with the publication of a libel upon Giacinto Achilli.

To this information the defendant pleaded "not guilty." He also pleaded a plea of justification, in substance as follows:—

"1. That before the composing and publishing of the said alleged libel, to wit on the 1st January, 1830, &c., the said G. G. Achilli was an infidel, to wit at Westminster, in the county of Middlesex.

"2. That the said G. G. Achilli was and exercised the functions of a Priest of the Church of Rome at Viterbo, Capua, Naples, and elsewhere, and whilst such Priest, &c., he secretly abandoned and disbelieved the peculiar doctrines of the Church of Rome, to wit, &c., and though outwardly professing chastity and purity of life, he committed the several acts of fornication, adultery, and impurity hereinafter mentioned, and by reason thereof was a hypocrite.

"3. That the said G. G. Achilli was a profligate under a cowl in that, being a member of the Order of St. Dominic, or Friars Preachers, and bound by vows of chastity, poverty, and obedience, he committed the several acts of fornication and impurity hereinafter mentioned.

"4. That the said G. G. Achilli had a faculty to lecture at Viterbo, of which faculty, as early as 1826, he was, for certain misconduct, deprived by the Superior of the Order, one F. Velzi, but which misconduct was concealed and suppressed by the said Superior, and is to the said J. H. Newman unknown.

"5. That the said G. G. Achilli, in 1826, was a Friar of the Order of St. Dominick, in the Convent of Gradi, at Viterbo, and, contrary to his duty as such Friar, neglected to attend Divine Service in the choir, and, without the permission of his Superior, had frequent intercourse with persons not belonging to the said Order, and so in 1827 had already earned the reputation of a scandalous Friar.

"6. That the said G. G. Achilli, in February, 1831, at Viterbo, seduced, &c., one Ellen Valente, then being chaste and unmarried, and of the age of eighteen years, and then and there robbed her of her honor.

"7. That the said G. G. Achilli, at Viterbo, seduced, &c., one Rosi di Alessandria, then being chaste and unmarried, of the age of twenty-eight years, and on the 1st of September, 1833, at Viterbo, was found guilty thereof, upon due inquiry before the Bishop of Viterbo.

"8. That the said G. G. Achilli, on the 1st July, 1834, at Viterbo, seduced, &c., a certain other young woman of the age of twenty-four years, whose name is to the said J. H. Newman unknown.

"9. That the said G. G. Achilli, at Viterbo and in the neighborhood, committed sins similar or worse, and seduced, &c., one Vincenza Guerra, then being chaste and unmarried, also another woman, then being chaste and unmarried, whose name is to the said J. H. Newman unknown, and that the said G. G. Achilli was afterwards at Rome, before the Court of the Holy Office, or Inquisition, found guilty of the said several offences.

"10. That the said G. G. Achilli, on the 1st of January, 1835, being a Friar of the Order of St. Dominick, at Capua, seduced, &c., a certain other woman being chaste and unmarried, whose name is to the said J. H. Newman unknown.

"11. That the said G. G. Achilli, on the 1st of January, 1840, at Naples, seduced, &c., one Maria Giovanni Principe, a female child of 15 years of age, &c.

"12. That the place where the said G. G. Achilli seduced, &c., the said Rosa di Alessandria was the sacristy of the Church of Gradi at Viterbo, and that the day on which he seduced, &c., the said female child at Naples was Good Friday, in the year 1840.

"13. That the said G. G. Achilli, being a Priest of the Church of Rome, at Rome, Capua, Naples, and Malta, spoke and taught against the truth of divers doctrines of the Catholic Faith, to wit, &c., and also against the laws of morality, to wit, the moral obligation of chastity and continence, and thereby did pervert one Luigi de Sanctus, one Fortunato Saccare, and the said Rosa di Alessandria, the said Elena Valente, and the said Maria Giovanna Principe—from their belief in such doctrines and obedience to such laws.

"14. That on the 2nd of July, 1843, at Corfu, the said G. G. Achilli made faithless to her husband one Marianna Crisaffi, the wife of one Nicolo Garamoni, a tailor; and afterwards, on the 1st of Aug., 1843, at Corfu, the said G. G. Achilli publicly cohabited and committed adultery with one Albina, the lawful wife of one Vincenzo Coriboni, a chorusinger, and publicly travelled about with her from Corfu to Zante.

"15. That on the 1st of May, 1848, and for 12 months preceding, the said G. G. Achilli held the office of Professor of Theology in a Protestant College, to wit, St. Julian's College, at Malta, and during that period hindered and frustrated an investigation then pending before Messrs. Hadfield and Brien, officers of the College, concerning charges of fornication and other gross immorality against one Fortunato Saccare and one Pietro Leonini, in which charges the said G. G. Achilli was also implicated, by sending away the said Fortunato Saccare to Sicily, and thereupon the Earl of Shaftesbury and others, the committee of the said college, dismissed the said G. G. Achilli from his said office of professor, and that the said G. G. Achilli was dismissed as well for hindering and frustrating the said investigation as for the said several acts of sin, fornication, and immorality hereinafter mentioned, but which the said committee were then unwilling to, and have still forbore to state and describe, and cannot get themselves to describe specifically.

"16. That the said G. G. Achilli, in the years 1847, 1850, and 1851, being resident in London, did attempt to seduce one Harriet Harris, then being chaste and unmarried, and did conduct himself lewdly and indecently as well to the said Harriet Harris as to one Jane Legg, one Sarah Wood, one Catherine Gorman, and one Mille Fortay; and by reason thereof, and of the said several other matters hereinafter set forth, the said G. G. Achilli was guilty of extraordinary depravity, and was and is the scandal of Catholicism.

"17. That the said G. G. Achilli was a profligate by the commission of the said acts of profligacy, and also had been and was an unbeliever and a hypocrite.

"18. That the said G. G. Achilli, at the Convent of Gradi, at Viterbo, in the year 1836, continually absented himself from the choir of the chancel of the said convent during Divine Service, and was a frequenter of private houses, contrary to the rules of the said Order of Saint Dominic, and had thereby given offence to divers lay persons not members of the said Order, whose names are to the said J. H. Newman unknown.

"19. That, on the 16th day of June, 1841, at Rome, by the Court of the Holy Office, or Inquisition, the said G. G. Achilli was suspended from the celebration of Mass and disabled from any cure of souls, and from preaching and hearing confessions, and from exercising the sacerdotal office.

"20. That, after the said G. G. Achilli had seduced the said Rosa di Alessandria, at Viterbo, of the age twenty-eight years, on the 1st of September, 1833, he was obliged to give the sum of fifty scudi (£10) to the father of the said young woman as damages, and that by the official reports of the police at Viterbo, it is declared that the said G. G. Achilli had given the said money as such hush-money to the said father of the said young woman.

"21. That, on the 1st of January, 1839, in and by an official document or report of the officers of police at Naples, and being amongst the archives and documents of the said Neapolitan police, the said G. G. Achilli was reported and declared to be known for habitual incontinency at Naples.

"22. That after the said G. G. Achilli had seduced the said Marianna Crisaffi, the wife of the said Nicolo Garamoni, the tailor, on the 3rd of July, 1843, the name of the said G. G. Achilli came before the civil tribunal at Corfu in respect of the said crime of adultery, that is to say, that Nicolo Garamoni, by Antonio Capello, his advocate, presented a petition to the court, praying that a petition presented by his said wife Marianna for alimony should be rejected, upon the ground that the said Marianna had been guilty of adultery with the said G. G. Achilli, and offered to prove the same by lawful witnesses.—

"23. That the said G. G. Achilli, on the 1st of January, 1850, and on divers other days, though knowing himself to have been guilty of the several offences aforesaid, did deny them all; and that the said G. G. Achilli, when he committed the said offences, and thereby was, in fact, ravening after sin, did profess and pretend to be seeking after truth; and that by reason of the said offences the said G. G. Achilli was and is a proof that Priests may fall, and Friars break their vows; and that by reason of his said offences the said G. G. Achilli was and is unworthy to be believed in respect of the charges by him made against the doctrines and discipline of the Church of Rome, and the persons professing the same. And so the said J. H. Newman says that the said alleged libel consists of allegations true in substance and in fact, and of fair and reasonable comments thereon.

"And the said J. H. Newman further saith, that at the time of the publishing of the said alleged libel, it was for the public benefit that the matters therein contained should be published, because he says that great excitement prevailed, and numerous public discussions had been held in divers places in England,

on divers matters of controversy between the Churches of England and Rome, with respect to which it was important the truth should be known, and inasmuch as the said G. G. Achilli took a prominent part in such discussions, and his opinion and testimony were by many persons appealed to and relied on as of a person of character and respectability—with reference to the matter in controversy, it was necessary, for the purpose of more effectually examining and ascertaining the truth, that the matters in the said alleged libel should be published and known, in order that it might more fully appear that the opinion and testimony of the said G. G. Achilli were not deserving of credit or consideration by reason of his previous misconduct; and also because the said G. G. Achilli had been, and was at Birmingham, Leamington, Brighton, Bath, Cambridge, Huntingdon, Winchester, and elsewhere, endeavoring, by preaching and lecturing, to excite discord and animosity towards her Majesty's Catholic subjects, and against the religion and practice of persons professing the Catholic religion, against the peace of our said lady the Queen, and it was of importance, and conducive to the diminishing of such discord and animosity, and to preserve the peace of our said lady the Queen, that the said matters should be published and known to all the liege subjects of our said lady the Queen; and also because the said G. G. Achilli had improperly pretended to such subjects that he was a person innocent of the said crimes and misconduct, and that he was greatly injured by the said foreign Ecclesiastical tribunals, and that he had been persecuted and oppressed by the Catholic Church and by the Bishops and authorities thereof on account of his religious opinions, and that he was a martyr on account of his religious opinions, and by means of such improper pretences was endeavoring to obtain credit and support from such subjects, by reason of their being ignorant of the said misconduct of the said G. G. Achilli, it then became and was of public importance and for the public benefit to expose the impropriety and want of truth of such pretences, and to prevent the said subjects being deceived and misled by such pretences, and to have the real character of the said G. G. Achilli and his conduct made known to such subjects and the public in general.— And also because many benevolent persons and the public generally were at that time disposed to show kindness and give assistance to the said G. G. Achilli, on the ground of his having been harshly and unjustly treated by the said Court of the Holy Office, or Inquisition, and by the said Superior of the said Order of St. Dominic, and on the ground that he was a person deserving of kindness and assistance, and it was for the benefit of the public that the said matters should be published for the purpose of showing that the said G. G. Achilli had been treated fairly and properly, and according to his deserts, by the said court and the said Superior, and that the said G. G. Achilli is a person wholly undeserving of kindness and assistance; and because the said G. G. Achilli had obtained and was likely again to obtain preferment and employment of public trust and confidence, which he was unfit to obtain by reason of the said matters, and which he had obtained, and was likely to obtain; only by reason of the said matters being unknown and unpublished. And so the said John H. Newman says he published the said alleged libel, as he lawfully might, for the causes aforesaid; and this the said J. H. Newman is ready to verify.— Wherefore he prays judgment, &c.

The Attorney-General then addressed the jury for the prosecution.

The witnesses on both sides then left the court. Sir A. E. Cockburn then addressed the jury on behalf of the defendant. The learned counsel proceeded to give an outline of the early career of Dr. Achilli, as stated in the affidavit he filed when the criminal information was applied for; and he then went on to state the various charges in the libel. The first accusation against Dr. Achilli was that he had robbed of her virtue and character a young woman of 18 at Viterbo. Her name was Elena Valente. She is now, and has been for some years, a married woman. She had on former occasions denounced him as the author of her ruin, and she will repeat it here to-day. Dr. Newman was not the author of this story, but it was made the subject of investigation, and punishment was awarded to Dr. Achilli upon its account. You will hear from her how he pursued her from time to time and endeavored to seduce her, and at last succeeded. She thus became disgraced for years, till by a course of good conduct her character was retrieved. The libel charges that in the year 1833 Dr. Achilli committed another such crime; that was the case of Rosa Alessandria; and another in July, 1834. For these crimes he was tried; he confessed them, and was punished. The libel charges that "in the year 1826 I was deprived of my faculty to lecture for an offence which my superiors did their best to conceal." In that it appeared to be some mistake as to the date; but the fact was that he was so deprived. It says, "and who, in 1847, had already received the reputation of a scandalous Friar." That I shall prove. He remained at Viterbo till the year 1833, when some proceedings were instituted against him in the court of the Bishop for acts of incontinency, and he went to Rome. He had strong friends at Rome, the matter was hushed up, and he became professor at the Minerva College at Rome. He remained there a year, and then proceeded to Capua, as he states, at the invitation of the Cardinal, who invited him to go and preach the Lent sermons at Capua. No doubt he was then, as he is now, celebrated for his talent in preaching; however little might be the advantage of that when you consider his practices in private life. In the year 1835 he went to Capua, and passed his time for two or three years between Capua and Naples. There were yet two more of these cases, which form the subject of this libel. "I am that son of St. Dominic, who is known to have repeated the offence at Capua in 1834 and 1835, and at Naples again in 1840, in the case of a child of fif-