

all, the Pope, and the Pope alone, can make them for them. Then it enters as completely into the principles of religious liberty that the Pope should name the hierarchy as that Catholics should have the right to possess one—a right as necessary for them as is for the Wesleyans that of having Conferences with superintendents.

"But it may be said, what induced the Pope to appoint this hierarchy, and in so sudden a manner?"

"For an answer to this question I must refer you to my introduction, in which you will find, I trust, a satisfactory one. You will see that the Pope has finally granted now to his Catholic children in England what they had petitioned for and obtained three years ago; and that if half the attention had been paid to our affairs then which they receive now, the public would have known all about it. I will only repeat what I have there observed, that in what has been done the Pope has entirely acted, not only in accordance with the wishes, but at the earnest petition of his Vicars Apostolic, and has seconded a warm desire of the great body of Catholics in England.

"Let me then, sum up briefly what I have proved thus far.

"1. Catholics are not bound to obey, or to consider as their bishops, those appointed by the Crown under the Royal ecclesiastical supremacy, which legally they are not bound to hold.

"2. Catholics belong to a religion, fully tolerated, and enjoying perfect liberty of conscience, which is episcopal and requires bishops for its government.

"3. There is no law that forbids them to have archbishops according to their proper and ordinary form.

"4. That form is, with ordinary jurisdiction, local sees, and titles derived from them: that is a Hierarchy.

"5. They were fully justified in employing the only means in their power to obtain this form of ecclesiastical government; that is, by applying to the Holy See.

"6. And they have not acted contrary to any law by accepting the gracious concession of what they asked.

"But it will be said, that though we the Catholics, may have kept within the bounds of law, the act of the Pope is derogatory from, and contrary to, the Royal prerogative. Let us see."

"§ IV. DOES THE APPOINTMENT OF A CATHOLIC HIERARCHY TRENCH ON THE PREROGATIVE OF THE CROWN?"

"This is, indeed, a delicate question; and yet it must be met. Every address and every reply of bishops and clergy assumes that the Royal prerogative has been assailed.

"But this is nothing compared with the address to Her Majesty, signed by some 100 members of the bar, to the effect that, by this measure, 'a foreign potentate has interfered with Her Majesty's undoubted prerogative, and has assumed the right of nominating archbishops and bishops in these realms, and of conferring on them territorial rank and jurisdiction.'

"One naturally supposes that those who signed this memorial, being professionally learned in the law, have studied the question—have come to a deliberate conclusion as to the truth of their assertion. On ordinary occasions one would bow to so overwhelming an authority; on the present I think we shall not be wrong in demurring to its award. There is one point which I would beg respectfully to suggest to the consideration of persons better versed in law than I am.

"In this document, and in many other similar ones, including the Premier's letter, the Pope's acts are spoken of as real and taking effect. The Pope has 'assumed a right,' he 'has parcelled out the land,' he 'has named archbishops and bishops.' If, according to the oath taken by non-Catholics, the Pope not only ought not to have, but really 'has' not power or jurisdiction 'spiritual or ecclesiastical' in these realms, it follows that, according to them, the Pope's ecclesiastical acts with regard to England are mere nullities, and are reputed to have no existence. It is as though the Pope had not spoken and had not issued any document. To act otherwise is to recognise an efficient act of power on his part.

"I am confirmed in this view by Lord John Russell's explanation of the Protestant oath. 'The oaths now taken are not altered. We shall continue to take the oath, that 'the Pope has not,' &c.; though at the same time there is no doubt, in point of fact, that he exercises a spiritual authority in these realms. I have always interpreted the oath to be, that in the opinion of the person taking it the Pope has not any jurisdiction which can be enforced by law, or ought not to have.' According to this test, the Pope (permissively at least) does exercise a spiritual jurisdiction in England, and is within the limits of that toleration so long as he does not exercise a jurisdiction which can be enforced by law, or purporting, or claiming to be a jurisdiction enforceable by law. Now, no one for a moment imagines that the Pope, or the Catholics of England, or their bishops, dream that the appointment of the Hierarchy can be 'enforced by law.' They believe it to be an act altogether ignored by the law; an act of spiritual jurisdiction, only to be enforced upon the consciences of those who acknowledge the Papal supremacy, by their conviction and their faith.

"Has this assumption of titles been within the terms of the law? Is there any law forbidding the assumption of the title of bishop? A certain Dr. Dillon assumed it and ordained what he called Presbyters, and no one thought of prosecuting him. The Moravians have bishops all over England; and so have the Irvingites, or Apostolics; yet no one taxes them with illegality. Then our taking the title of bishops merely constitutes no illegality. Is there any law that forbids our taking the title from any place not being a see of an Anglican bishop? No one can say that there is.

"Then I ask those more learned in the law than myself, can an act of a subject of Her Most Gracious Majesty, which by law he is perfectly competent to do, be an infringement of her Royal prerogative? If not, then I trust we may conclude that by this new creation of Catholic bishops that prerogative has not been violated.

"No one doubts that the bishops so appointed are Roman Catholic bishops, to rule over Roman Catholic flocks. Does the Crown claim the right, under its prerogative, of naming such bishops?"

"It will be said that no limitation of jurisdiction is made in the Papal document, no restriction of its exercise to Catholics; and hence Lord John

Russell and others conclude that there is in this brief 'a pretension to supremacy over the realm of England, and a claim to sole and undivided sway.' Every official document has its proper forms; and had those who blame the tenor of this taken any pains to examine those of Papal documents they would have found nothing new or unusual in this. Whether the Pope appoints a person vicar apostolic or bishop in ordinary, in either case he assigns him a territorial ecclesiastical jurisdiction and gives him no personal limitations. This is the practice of every church which believes in its own truth and in its duty of conversion. What has been done in this brief has been done in every one issued, whether to create a hierarchy or to appoint a bishop.

"§ V. HAS THE MODE OF ESTABLISHING THE HIERARCHY BEEN 'INSOLENT AND INSIDIOUS'?"

"The words in this title have been extracted from the too memorable letter of the First Lord of the Treasury. I am willing to consider that production as a private act, and not as any manifesto of the intention of Her Majesty's Government. Unfortunately, it is difficult to abstract one's mind from the high and responsible situation of the writer, or consider him as unpurged by anything that he puts forth. There are parts of the letter on which I would here refrain from commenting, because they might lead me aside, in sorrow, if not in anger, from the drier path of my present duty. I will leave it to others, therefore, to dwell upon many portions of that letter, upon the closing paragraph in particular, which pronounces a sentence as awfully unjust as it was uncalled for on the religion of many millions of Her Majesty's subjects, nearly all Ireland, and some of our most flourishing colonies. The charge, uttered in the ear of that island, in which all guarantees for genuine and pure Catholic education will of necessity be considered, in future, as guarantees for 'confining the intellect and enslaving the soul,' all securities for the Catholic religion as security for the 'mummies of superstition,' in the mind of their giver—guarantees and securities which can hardly be believed to be heartily offered—the charge thus made, in a voice that has been applauded by the Protestantism of England, produces in the Catholic heart a feeling too sickly and too deadening for indignation; a dismal despair at finding that, where we have honoured and supported and followed for years, we may be spurned and cast off the first moment that popularity demands us as its price, or bigotry as its victim.

"But, to proceed. So little was I, on my part, aware that such feelings as that letter disclosed existed in the head of our Government on the subject of the Hierarchy, that having occasion to write to his Lordship on some business I took the liberty of continuing my letter as follows:—

"VIENNA, NOV. 3.

"My Lord,—

"I cannot but most deeply regret the erroneous and even distorted view which the English papers have presented of what the Holy See has done in regard to the spiritual government of the Catholics of England; but I take the liberty of stating that the measure now promulgated was not only prepared but printed three years ago, and a copy of it was shown to Lord Minto by the Pope on occasion of an audience given to his Lordship by his Holiness. I have no right to intrude upon your Lordship further in this matter beyond offering to give any explanations that your Lordship may desire, in full confidence that it will be in my power to remove particularly the offensive interpretation put upon the late act of the Holy See, that it was suggested by political views or by any hostile feelings.

"And with regard to myself, I beg to add that I am invested with a purely ecclesiastical dignity; that I have no secular or temporal delegation whatever—that my duties will be, what they have ever been, to promote the morality of those committed to my charge, especially the masses of our poor, and keep up those feelings of good will and friendly intercommunion between Catholics and their fellow countrymen, which I flatter myself I have been the means of somewhat improving. I am confident that time will soon show, what a temporary excitement may conceal, that social and public advantages must result from taking the Catholics of England out of that irregular and necessarily temporary state of government in which they have been placed, and extending to them that ordinary and more definite form which is normal to their church, and which has already been so beneficially bestowed upon almost every colony of the British empire.

"I beg to apologise for intruding at such length upon your Lordship's attention; but I have been encouraged to do so by the uniform kindness and courtesy which I have always met with from every member of Her Majesty's Government with whom I have had occasion to treat, and from your Lordship in particular, and by a sincere desire that such friendly communication should not be interrupted.

"I have the honour to be, my Lord, your Lordship's obedient servant,

"N. CARD. WISEMAN.

"The Right Hon. the Lord John Russell,

First Lord of the Treasury, &c."

"I give this letter, because it will show that there was nothing in my mind to prepare me for that warm expression of feeling that was manifested in the Premier's letter; which, though it appeared a day or two before mine reached him, I must consider as my only reply. And I do not think that the tone of my letter will be found to indicate the existence of any insolent or insidious design.

"It is my duty, therefore, now to show calmly and dispassionately, and apart from any party feelings, the reasons which led me and others to believe that no reasonable objection could exist to our obtaining the organization of our hierarchy in England.

"1. It was notorious not only that in Ireland the Catholic hierarchy had been recognised and even Royalty honoured, but that the same form of ecclesiastical government had been gradually extended to the greater part of our colonies. Australia was the first which obtained this advantage, by the erection of the archiepiscopal see of Sydney, with suffragans, at Maitland, Hobarttown, Adelaide, Perth, Melbourne, and Port Victoria. This was done openly and was known publicly, and no remonstrance was ever made. Those prelates in every document take their titles, and they are ac-

knowledge and salaried, as archbishop and bishops respectively, and this not by one, but by successive Governments.

"Our North American possessions next received the same boon. Kingston, Toronto, Bytown, Halifax, have been erected into dioceses by the Holy See. Those titles are acknowledged by the local governments. In an act 'enacted by the Queen's excellent Majesty, by and with the advice and consent of the Legislative Assembly of the province of Canada,' [12th Victoria, chap. 136,] the Right Rev. J. E. Guignes is called 'Roman Catholic Bishop of Bytown,' and is incorporated by the title of 'the Roman Catholic Episcopal Corporation of Bytown.'

"In an act passed March 21, 1849 [12th Victoria, chap. 31,] the Right Rev. Dr. Walsh is styled 'Roman Catholic Bishop of the diocese of Halifax, Nova Scotia,' and through the act he is called 'the R. C. Bishop of the said diocese.'

"Lastly again, after mature consideration, the Holy See has formed a new ecclesiastical province in the West Indies, by which several vicars apostolic have been appointed bishops in ordinary.

"But there has been a more remarkable instance of the exercise of the Papal supremacy in the erection of bishoprics nearer home. Galway was not an episcopal see till a few years ago. It was governed by a warden, elected periodically by what are called the Tribes of Galway, that is, by families bearing certain names, every member of whom had a vote. Serious inconveniences resulted from this anomalous state of things, and hence it was put an end to by the Holy See, which changed the wardenship into a bishopric, and appointed the Right Rev. Dr. Brown, since translated to Elphin, first bishop of that diocese. Bishop Brown was consecrated October 23, 1831. No remonstrance was made—no outcry raised, at this exercise of Papal power.

"But to return to our colonies; it had come to pass, that with the exception of India hardly a vicar apostolic was left in our foreign possessions. Far am I from blaming the sound policy of successive Administrations which had seen the practical inconveniences of a half-toleration and semi-recognition where friendly official intercourse and co-operation were necessary. But I may ask, sit anything unreasonable, extravagant, still more, 'insolent and insidious' in the Catholics of England to have sought and obtained what insignificant dependencies had received? Many of the bishops of the new dioceses had scarcely a dozen priests and but scattered flocks, generally poor emigrants. And could it be supposed that they intended to remain for ever in a temporary or provisional state when they possessed, not only stately churches, eight or ten great and generally beautiful colleges, and many extensive charitable institutions, but nearly 600 public churches or chapels, and 800 clergy; and when they reckoned in their body some of the most illustrious and most distinguished men of the country? But, moreover, the increase of bishops from four to eight—was already found to be insufficient, and it was become expedient to increase it to 12 or 13. Now, an episcopate of 13 vicars apostolic, without of course a metropolitan, would have been an anomaly, an irregularity, without parallel, in the church. Was it, then, something so unnatural and monstrous in us to call for what our colonies had received? or had we any reason to anticipate that the act would have been characterized in the terms which I do not love to repeat?

"2. But, further, considering the manner in which acts of the Royal supremacy had been exercised abroad, and taking it for granted that it could not be greater when exercised in foreign Catholic countries than the Pope's in our regard, we could not suppose that this appointment of Catholic bishops in ordinary in England would have been considered as more 'inconsistent with the Queen's supremacy' than that exercise was considered 'inconsistent with the Pope's supremacy' acknowledged in those countries. I will refer my readers to Mr. Boyer's pamphlet, published by Ridgway, for details of what I will briefly state.

"In 1842 Her Majesty was advised to erect, and did erect (5 Victoria, chap. 6), a bishopric of Jerusalem, assigning to it a diocese in which the three great Patriarchates of Antioch, Jerusalem and Alexandria were massed into one see, having episcopal jurisdiction over Syria, Chaldaea, Egypt, and Abyssinia, subject to further limitations or alterations at the Royal will. No one supposes that, for instance, the consent of the King of Abyssinia, in which there is not a single Protestant congregation was asked. Mr. Boyer also shows that bishop Alexander was not sent merely to British subjects, but to others owing no allegiance to the Crown of England. Suppose his Majesty of Abyssinia or the Emir Beshir had pronounced this to be an intrusion 'inconsistent with the rights of bishops and clergy, and with the spiritual independence of the nation,' how much would this country have cared?

"Under the same statute a Bishop of Gibraltar was named. His see was in a British territory; but its jurisdiction extended over Malta—where there was a Roman Catholic archbishop, formally recognised by our Government as the Bishop of Malta—and over Italy.

"Under this commission Dr. Tomlinson officiated in Rome, and, I understand, had borne before him a cross, the emblem of archiepiscopal jurisdiction, as if to ignore in his very diocese the acknowledged 'Bishop of Rome.' He confirmed and preached there without leave of the lawful bishop and yet the newspapers took no notice of it, and the pulpits did not denounce him. But, in fact, the statute under which these things were done is so comprehensive that it empowers the Archbishops of Canterbury or York to consecrate not only British subjects, but subjects and citizens of any foreign state, to be bishops in any foreign country. No consent of the respective Governments is required; and they are sent not only to British subjects, but to 'such other Protestant congregations as may be desirous of placing themselves under his or their authority.'

"If therefore, the Royal supremacy of the English Crown could thus lawfully exercise itself where it never has before exercised authority, and where it is not recognised, as in a Catholic country—if the Queen, as head of the English church, can send bishops into Abyssinia and Italy surely Catholics had good right to suppose that, with the full toleration granted them, and the per-

"Roman Catholic Church (India, &c.) Ordered by the House of Commons to be printed, 15th of Aug., 1850, p. 10. 1844, p. 13.

mitted exercise of Papal supremacy in their behalf, no less would be permitted to them without censure or rebuke.

"3. But not only had Catholics every ground to feel justified by what had been elsewhere done before, doing the same when to themselves seemed expedient, without their act, any more than preceding ones, being characterised as we have seen, but positive declarations and public assurances led them to the same conclusion.

"In 1841, or 1842, when for the first time the Holy See thought of erecting a hierarchy in North America, I was commissioned to sound the feelings of Government upon the subject. I came up to London for the purpose, and saw the Under-Secretary for the Colonies, of which Lord Stanley was the Secretary. I shall not easily forget the urbanity of my reception, or the interesting conversation that took place, in which much was spoken to me which has since come literally true. But on the subject of my mission the answer given was somewhat to this effect:—'What does it matter to us what you call yourselves, whether Vicars Apostolic, or Bishops, or Monks, or Imams, so that you do not ask us to do anything for you? We have no right to prevent you taking any title among yourselves.' This, however, the distinguished gentleman alluded to observed was his private opinion, and he desired me to call in a few days after. I did so, and he assured me, that, having laid the matter before the head of the department, the answer was the same as he had before given me. I wrote it to Rome, and it served, no doubt, as the basis of the nomination of bishops in ordinary in North America. I have no doubt the documents referring to this transaction will be found in the colonial-office. In the debate on the Catholic Relief Bill, July 9, 1845, Lord John Russell, then in Opposition, spoke to the following effect:—'He, for one, was prepared to go into committee on those clauses of the act of 1829. He did not say that he was at once prepared to repeal all those clauses, but he was willing to go into committee to deliberate on the subject. He believed that they might repeal those disallowing clauses which prevented a Roman Catholic bishop assuming a title held by a bishop of the established church.' He could not conceive any good ground for the continuance of this restriction. It must be observed that there is nothing in the context which limits these sensible and liberal words to Ireland. They apply to the repeal of the whole clause, which, as we have said, extends equally to both countries.

"What his Lordship had said in 1845, he deliberately and even more strongly confirmed the following year. In the debate on the first reading of the Roman Catholic Relief Bill, Feb. 6, 1846, he referred to his speech just quoted of the preceding session, in the following terms:—

"Allusion having been made to him (by Sir R. Inglis) he wished to say a few words as to his former declaration, 'that he was not ready at once to repeal these laws without consideration.' Last session he had voted for the committee, but he reserved to himself the right of weighing the details. It appeared to him that there was one part of the question that had not been sufficiently attended to: the measure of Government as far as it was stated last year, did not effect that relief to the Roman Catholics from a law by which they were punished, both for assuming episcopal titles in Ireland, and for belonging to certain religious orders. That part of the subject required interference by the Legislature. As to preventing persons assuming particular titles, nothing could be more absurd and puerile than to keep up such a distinction. He had also the strongest objection to the law which made Jesuits in certain cases subject to transportation; the enactment was as intolerant as it was inefficient, and it was necessary that the law should be put on an intelligible and rational footing."

"It would appear therefore that whatever hostilities Lord John Russell had about repealing other clauses in the Emancipation Act, his mind was made up about the restriction of Catholics from assuming the very titles of sees held by Anglican bishops. Had he obtained his wishes in 1846, the law would now have permitted us to call ourselves bishops of London or Chester, and archbishop of Canterbury. I quote these passages, not for the purpose of charging Lord John Russell with inconsistency, but merely to justify ourselves, and show how little reason we could have had for believing that our acting strictly within the law respecting episcopal titles would have been deemed as a law; for if it was possible in 1846 to continue to prevent Catholics even taking the prohibited titles, and no good reason existed for the continuance of even that restriction, it is mainly in 1850 to denounce as 'insolent and insidious' the assumption of titles not different from those accorded to us by the authority which Lord John acknowledged could alone bestow episcopacy upon us?

"I have already alluded to Lord Minto's being shown the brief for the Hierarchy printed about two years ago. The circumstance may have escaped his memory, or he may not at the time have attended to it, having more important matters in his mind; but as to the fact that his attention was called to it, and he made no reply, I can have no doubt.

"I trust therefore, that I have said enough to prove that Catholics have not acted in an unwelcome manner in claiming for themselves the same right of possessing a Hierarchy, as had been allowed to the colonies, and clearly acknowledged as no less applicable to them. One more topic remains.

"§ VI. THE TITLE OF WESTMINSTER.

"The selection of this title for the metropolitan see of the new Hierarchy has, I understand, given great offence. I am sorry for it. It was little

"Hansard, vol. lxxviii, p. 299.

"The Religious Opinion Bill, which the Government had proposed.

"Hansard, vol. lxxviii, p. 299.

"I have been told that great offence has been taken as the use of the word 'govern' found in my pamphlet, although implying some temporal authority. I find, however, that in this respect, I have again and again used the word because it is the usual and almost only word applied amongst us to episcopal rule. It must be remembered that the Pastoral was addressed, in the usual form of such documents, 'to the clergy, secular and regular, and to the faithful,' which showed it to be meant for Catholics alone, who could understand the word. I have been in the habit of addressing several Pastoral letters a year to the Catholics committed to my charge, which have always been read in our churches and chapels. But this, I believe, the fact which the press has done me the honour of transferring to its columns. It thus came to be represented as addressed to all the inhabitants of certain counties, a sort of edict or manifesto, instead of a pastoral, usually confined to Catholic hearing or personal.