

Because, if these old Bulls and Constitutions of the Roman Church are to be revived—if, as Cardinal Manning says, such Bulls as *Novit* and *Unam Sanctam* are infallible—if, as Cardinal Cullen testified on the O'Keefe trial, every Bull is of binding force when published at Rome—if, as Bishop Moran testified on the same trial, the whole Canon Law is in force in Ireland—if one of our own younger Judges can sit in a Royal Court and receive the "Corpus Juris Canonici" as of superior authority to the statutes of the realm—if Suarez, and Scavini, and Schmalzgroeber, and the Syllabus can be quoted in a judgment of one of the Queen's Judges, instead of Blackstone and Stephen and Coke—and, especially, if in a Statute passed at the last Session of the Quebec Parliament, the Canon law is recognised as regulating Roman Catholic cemeteries in Canada—it is time to go back and look into this new body of law and see what is in it. Over these dead bones of history the Vatican decrees have breathed the breath of an ephemeral life. Once more, all these haughty forms of proud and imperious churchmen threaten us with menacing gesture. Shall we not then be allowed to invoke to our aid those kings, warriors, and statesmen who resisted them *à l'outrance*, and conquered them along the whole line of combat? But why, after all, speak of kings, when we can read the burning words of the eloquent Bishop of Kildare, in his letters to Lord Liverpool? "If," says he, "we declare in all the forms which language can assume, that the Church has not defined anything upon the subject about which I treat—if, in opposition to the doctrine imputed to her, we adduce the concurrent testimony of the Lord Himself, of His Apostles, and of the Holy Fathers—if we even show that the conduct and doctrine of the most eminent of the Popes themselves are opposed to it, with what colour of justice can it still be imputed to us? If we do not stop here—if we point out the source from which this hateful doctrine has originally flowed—if we show its origin, its progress, its decline and fall, is it not, my Lord, uncandid, ungenerous, and unjust to overlook our statements, to reject our proofs, to condemn us for that conduct in others which we ourselves abhor? If the Bull *Unam Sanctam*, in which Boniface declares that every creature is subject to the Roman Pope, without at all specifying whether it be in spiritual or

temporal matters—if this Bull be objected to us, is it not reasonable to attend to us whilst we say that no Bull of any Pope can decide our judgment, if it be not received and assented to by the pastors of the Church—an assent which this Bull *Unam Sanctam* never has received? Should we not be allowed to add, that so far from being received by the Church, it was violently opposed, and by an opposition so successful that it was recalled by Clement V., between whom and the author of that Bull only one Pope, Benedict XI., intervened? If the one, which was rejected by the world, be of such mighty moment, is not the other, which was admitted by all, entitled to some respect?"

We have no desire to underrate the many benefits which civil society owes to the Canon Law, and to the influence of Rome in the ages when society was slowly reorganizing after the barbaric invasions. In relation to this, Monseigneur Capel, in his reply to Mr. Gladstone, gives an extract from Arnold's "Lectures on Modern History," which must meet with the concurrence of every reasonable man. But upon taking up the passage at the very word where Mgr. Capel left off, we find the very qualification which renders so large a part of the Canon Law repugnant to the present age. Dr. Arnold continues: "But conceive, on the other hand, the Papacy to become the representative of superstition and of spiritual tyranny, while the Imperial power was the expression and voice of law; that the Emperor stood in the place of the Church, and the Pope was the mere priest, the Church's worst enemy;—and this was actually the form which the contest between the sacerdotal and regal powers assumed at a later period;—then our sympathies are changed, and we become no less zealously Ghibelin than we before were Guelf." It would have been fairer for Mgr. Capel to have given the whole passage. Be that, however, as it may, it is extremely dangerous to a free people to allow such a mass of jurisprudence to acquire by degrees any authority whatsoever; and lest our readers may not be familiar with it, we shall quote from the evidence of Dr. Slevin, Professor of Canon Law in 1826 at Maynooth, the following account of it: "The Canon Law, or common law of our Church, is contained in a work known by the title of 'Corpus Juris Canonici.' It was published by Pope Gregory XIII., and is composed of several parts or