

# The Papacy And The Civil Power –

## Chapter XV. The English Barons



King John signs the Magna Carta as the Barons watch.

Continued from [The Papacy And The Civil Power – Chapter XIV. The Native Britons Part 2.](#)

The Pope turns England over to France.—Resistance of the Barons.—John resigns the Crown to the Pope.—Langton.—Charter of Henry I.—Barons form a League.—Langton supports the Barons.—Magna Carta.—John swears to obey it.—The Pope releases Him, and annuls the Charter. He claims England as a Fief.—Foreign Mercenaries.—Henry III.—Italian and Foreign Priests.—King promises to observe the Charter.—The Pope again releases Him.—Appeals to Rome.—Peter-pence.—Immunities of Clergy.—They murder with Impunity.—House of Commons established.—Pope again releases the King from his Oath.—Civil War.—The Barons defeated.—Their Treatment by the King and Pope.—Edward I. confirms the Charter.—The Pope releases Him.—Edward II.—The Statutes of Provisors and of Praemunire.—The Lollards.—Law for burning Heretics.—William Sawtre and Thomas Badby burned.—Lollards attacked.—Clergy exempt from Punishment in Secular Courts.—Their Corruption and that of the Popes.—Urban V. and Gregory XI.—Popes and Antipopes.—Scandalous and Disgraceful Conduct.—Gregory XII. Pope at Rome, and Benedict XIII. at Avignon.—Both declared Infamous by the Council of Pisa.—Alexander V.—John XXIII. deposed for Enormous Crimes by Council of Constance.—Martin V.—Influence upon the Church. —Corruption almost Universal.—The Fruits of the False Decretals.

THE condition into which King John was thrown by the attempt of Innocent III. to stir up an insurrection in England against his authority was embarrassing in an extreme degree. He had incurred the animosity of the Norman barons, who, after having at first entertained hostility toward the native Britons and the Saxons, had become reconciled to both, and were anxious to defend and share with them their ancient rights and privileges. These barons were Roman Catholics in all the essentials of religious faith; but as they found nothing in that faith, when uncontaminated by the influence of the papacy, requiring them to submit passively to the tyranny of either kings or popes, they became early imposed with the necessity of adopting such measures as would teach their rulers that the English people had some rights they were bound to respect. The occasion afforded them an opportunity of seeking to avenge themselves upon the king for the injuries he had inflicted upon them in a previous part of his reign; and as the power of the crown, when backed by that of the papacy, was too strong for resistance by any ordinary means, they began to combine with a view to his expulsion from the throne, and the election of another king more favorable to the people.

The pope, taking advantage of this disaffection, and supposing that there existed no further impediment to the consummation of his plans, issued another bull deposing John, and empowering the King of France to put the sentence into execution! Of course the King of France, faithful as he was to the Church, did not act altogether out of religious motives; nor did the pope, although he claimed to be employing a divine power only for the good of the Church, address himself to any such motive. The pretext of the good of the Church was, on the part of both, the mere cover for ambition of the baser sort. Therefore, we find the pope promising the French king, as a reward for his aggressive interference with the affairs of England, "*the remission of all his sins, together with the crown of England*, when once he had dethroned the tyrant." ("History of England," by Rapin, vol. iii., p. 203.)

It was scarcely possible to make a more bountiful bestowal of pontifical favor. In one breath the sins of a whole life-time were forgiven, and, in the next, the crown of a nation was given away! The pope had about as much right to do the one as the other: the first was an assumption of a prerogative which belongs to God alone; the second was a criminal violation of the law of nations. Both acts, under the pretense of Divine sanction, were impious. But the King of France readily accepted the proposition, and commenced military preparations to carry it into execution.

The pope, however, was too cunning a politician to permit measures to be carried to extremes, so long as there was a possibility of accomplishing his ends by other means; for he was sagacious enough to see that with Philip of France in possession of the English throne he might have an adversary far more formidable than John to deal with. Accordingly, he sent a legate to John to excite his fears by telling him that the barons would take the side of Philip, and to remind him of his unpopularity with the people. He hoped to bring John to terms without complying with his promise to Philip; for, like many other popes, he always interpreted the law of God as if it had been made flexible and yielding, merely for the purpose of advancing the papal ambition.

As the courage of John had already begun to fail, the legate had little difficulty in impressing his mind with the views of the pope, who, notwithstanding the anathema of the Church rested upon John's head, was still willing to treat with an excommunicated heretic, if thereby he could add to the power of the papacy. When the legate, therefore, found that John had become alarmed at the formidable alliance against him, he developed the whole papal plan by telling him that his only remedy was to put himself wholly under the protection of the pope, which he could do by becoming a dutiful son of the Church, and by promising to perform whatsoever the pope should enjoin upon him!

John, caught in the papal net, finally consented to these humiliating terms, and agreed to take the necessary oath. However, when the legate came to explain the terms of the surrender, he insisted that as John's offenses were "against God and the Church!"—as all offenses against the papacy are yet regarded by the advocates of infallibility—he must also resign the crown into the pope's hands! Forced by the seeming necessity of his condition, and with his spirit crushed by the violence of pontifical wrath, John consented even

to this; and, publicly taking the crown from his head, laid it at the feet of the legate! He then signed a charter, resigning to the pope the kingdom of England and the lordship of Ireland! (Rapin, vol. iii., p. 208; Lingard, vol. ii., p. 165; Appendix, note, D.)

And thus the King of England became a vassal of the Pope of Rome, promising to pay a thousand marks a year in money, and binding all his successors to like obedience! And all this was done without any regard whatever to the interest or wishes of the people, who, under the impious pretense that God required it, were transferred from one despot to another, like cattle sold in the public market. And thus Pope Innocent III., by virtue of authority derived from the Forged Decretals, planted his feet upon the necks of the English people.

Even Lingard, conscious of the iniquity of the act, cannot refrain from saying that "this transaction has heaped everlasting infamy on the memory of John;" and he might, with equal propriety and justice, have added, like infamy upon the memory of Innocent III., who planned, plotted, and contrived it by fraud, usurpation, and deceit—all covered up under the flimsy disguise of infallibility. And yet, infamous as it was, it is not at all too strong to say that Pius IX. would avail himself of the same disguise, today or tomorrow, to do the same thing in England or the United States, or in any other country, under like favorable circumstances.

John having thus traded away the crown to the pope, to the disgrace of both seller and buyer, the dissatisfaction against him became intense throughout the kingdom. Langton, though the pope's legate, sympathized with the barons; and, in order to stimulate their zeal, he made known to them the existence of an old charter granted by Henry I., a fact which was of the utmost importance to their cause, but of which they were previously ignorant. (\*)

\* Henry I., in order to obtain possession of the crown, promised to abrogate all rigorous laws made after the Conquest, and to restore the Government to the condition in which it was under the first Saxon kings. This he did by granting a charter, renouncing the unjust prerogatives usurped by William the Conqueror, and by William II., his (Henry I.'s) immediate predecessor.—*Rapin*, vol. ii., pp. 323–326. For copy of this charter see *Thierry*, vol. i., p. 344 (note).

Thus notified of this important grant, the barons were easily induced to enter into a league or confederacy to secure a greater degree of independence, upon the basis of the old Saxon liberties. When this movement was made known to the pope, he was gratified; not because he desired or intended that the barons should obtain any additional liberties, but because he hoped that the breach between them and the king would become so irreconcilable that they could not unite against him; for he understood perfectly well that if the king and the barons were united in opposition to him, they could soon terminate all his usurped authority in England. But Langton understood the policy and schemings of the crafty pope, and was determined that his countrymen should not be deprived of their ancient Saxon liberties, since they were preparing to make such noble efforts for their restoration. He was familiar enough with the papacy to foresee the

degradation into which they would be plunged if the pope should secure his triumph. And he, accordingly, brought himself under the suspicion of the pope, who sent another legate into England, and demanded a second resignation of the crown by John, and an additional treaty, sealed with gold instead of wax.

When this demand was made, the king, already humiliated to an unparalleled degree, consented to it; but Langton protested against it, because it was apparent that the pope had by this time resolved to oppose the cause of the barons, and had promised to protect John against their demand for their ancient liberties. Langton's protestation greatly incensed the pope, who could not understand how a papal legate could espouse the cause of English liberty; but he was afraid to proceed immediately to extremities for fear of open resistance by the people, who were now beginning to learn something of the rights out of which they had been cheated by treacherous rulers, under the dictation of equally treacherous popes.

The barons were not appeased by the conduct of either the king or the pope, but renewed their league, and courageously resolved to demand the re-establishment of the charter of Henry I. When they made this demand of the king, he, backed by the pope, refused it. They then took up arms, acquired possession of London, and besieged the king in the Tower. Were they justified in this? Undoubtedly they were.

There are two kinds of government—one of law, the other of force. When the latter seizes upon and destroys the natural and inalienable liberties of a people, they have the right to re-assert them by whatsoever degree of force may be necessary to resist the usurpation. In that condition the English people were then placed. Their former freedom had been guaranteed to them by all the proper forms of law; and when kings and popes, by unrighteous combinations, had disregarded the law and set it aside, they were justified in resuming their position of independence, even at the sword's point.

And the barons showed themselves capable of performing this great work, for they soon compelled the king to sign two charters, one of which was the Charter of Liberties, or *Magna Carta*, which is yet regarded as the foundation of the present liberties of England and the United States. Being afraid to trust the king, the barons required him to take an oath to observe these charters, which he did in the most solemn form. But circumstances soon transpired to show that, notwithstanding the solemnity with which this oath had been taken, he did not intend to be bound by it. It was considered an essential part of the doctrine of the "divine right" of kings, that they were not bound by any promise made by them to the people, in whose hands none of the powers of government were lodged; and if this convenient method of escape from the obligation of an oath had not been provided, the dispensing power of the pope, as God's vicegerent (!), was always at hand to release the representatives of absolutism from all such obligations, whenever the interest of the papacy required it.

In this particular instance King John was stimulated to the violation of his oath by the foreigners who were about his court, and who had been sent into England by the pope to aid him in oppressing the people by the exercise of

ecclesiastical authority, under the canons of the Roman Church, and who were assiduous in their efforts to become the masters of the country. (Rapin, vol. iii., p. 228.) These ecclesiastics assisted the king to raise foreign troops to resist the barons, because such troops, being merely mercenaries, and having no sympathies with the English people, were always ready to enlist in any cause which promised them remuneration, whether in the form of money or booty. The king, however, while employing these means of subjugating his own people, called also upon the pope for assistance. He sent to him copies of the charters he had granted the barons, in order to show how much they encroached upon the royal and pontifical authority, and asked that he be absolved from his oath to observe them—that is, that the pope, as God's representative, should release him from the obligation to obey a promise solemnly made to his own countrymen concerning their own domestic laws and policy!

The pope was greatly incensed at the barons for having dared to assert such liberties for themselves and the people, understanding perfectly well that such a concession would lead to a demand for others. And "in his rage he swore [by St. Peter] that, cost him what it would, he would never suffer their rashness to go unpunished." (Rapin, vol. iii., p. 230.) He annulled the charters, absolved the king from his oath, and wrote to the barons commanding them to renounce what they had extorted from John, as the only means of escaping the pontifical wrath.

Lingard comes to our assistance again, by furnishing us the reasons which influenced Innocent III. in this additional act of interference with English affairs. After naming several, such as the violation of their fealty to the king by the barons, the fact that they had presumed to sit in judgment upon the conduct of their king, and the additional fact that John had agreed to take part in the Crusades, and was therefore entitled to protection, he proceeds to say:

"Lastly, England was become the fief of the Holy See, and they [the barons] could not be ignorant that if the king had the will, he had not, at least, the power, to give away the rights of the crown without the consent of his feudal superior [the pope]. He [the pope] was therefore bound to annul the concessions which had been extorted from John, as having been obtained in contempt of the Holy See, to the degradation of royalty, to the disgrace of the nation, and to the impediment of the Crusade." ("History of England," by Lingard, vol. ii., p. 181.)

Could anything show more satisfactorily the nature of the divine power over the temporal affairs of nations, exercised by Innocent III., and now re-asserted by Pius IX.? In this particular case it went to the extent of claiming plenary jurisdiction over the entire domestic policy of the kingdom, by denying to the king any power to grant additional liberties to the English people without the consent of the pope! It assumed that King John, without the consent of the nation, could make England a fief to the pope, and lay its crown at his feet, but could do no act tending to give the people the right to be consulted about the laws by which they were to be governed! It attempted to legitimate the highest crime which a king can commit—the treacherous surrender of his crown—by covering it up under the divine

sanction, as if God had designed that the papacy should be built up by the sacrifice of all truth, justice, and honor! It was such an act of deep and indelible infamy as time cannot wipe out.

And why are we, in this age, justified in so considering it? Not merely because the precedent thus established has furnished a rule of action for other popes, in their attempts to subordinate all nations and peoples to themselves, but for other reasons which will readily occur to a thoughtful mind.

Magna Carta shines as a bright light in history. It was the beginning of that great uprising of the English people which enabled them to take the lead among the advancing nations. It is the corner-stone of all popular government as it now exists; and but for it, kingly and papal absolutism might be today holding its universal carnival. And yet we are told by an infallible pope that such an act, so glorious in all its consequences, was "in contempt of the Holy See!" Why? Because it tended "to the degradation of royalty," by putting into the hands of the people rights which they derived from God and nature!

John, thus released from the obligation of his oath by the dispensing power of the pope, set on foot an army of foreigners to punish the barons and ravage the country. The barons defied the thunders of the pope and the armies of the king. The latter had no higher object than plunder, and the effect was that the country was reduced to a most deplorable condition—the private property of the barons being seized and appropriated by foreign mercenaries. The pope excommunicated the barons, merely because they were unwilling to be made slaves, and not for any violation of their religious faith. He ordered Langton, his legate, to publish the bull of excommunication in England to intimidate the barons. But Langton, though faithful to his religion, had not forgotten that he was an Englishman; and he refused to perform the degrading and disgraceful act. And for this act of devotion to his native country he was suspended by the pope from the Archbishopric of Canterbury, which was designed to stamp him with the indelible mark of disgrace. (\*)

\* *The Catholic World*, in an article on "The Spirit of Protestantism," makes an enumeration of the "beneficent results" which have been "directly and indirectly the work of the Catholic Church." Among other things, such as the Crusades and the discovery of America by Columbus, it points with exulting pride "to Archbishop Langton framing Magna Carta!!!—" *The Catholic World*, December, 1872, vol. xvi., p. 290. Lingard, referring to the refusal of Langton to publish the bull, and his suspension in consequence, says that he visited Rome, but failed to "mollify the pontiff, or recover the exercise of his authority."—*History of England*, by Lingard, vol. ii., p. 182. Some papal writers set down Magna Carta itself to the credit of the Church, because the barons were Roman Catholics! Much that passes for history is made in that way.

The bull, however, was published, but the barons again defied it, because they were not particularly named in it. The pope, to remove this objection, issued another, excommunicating them by name, and putting their lands, as well as the city of London—which took the side of the barons—under interdict.

Again they refused obedience, declaring, in the spirit of true Englishmen, that "it was not the pope's business to meddle with temporal affairs, seeing that St. Peter had received from Christ none but spiritual power: for which reason it was neither just nor right that Christians should suffer themselves to be swayed by the ambition and avarice of popes." (Rapin, vol. iii., p. 233.)

They were Roman Catholics in religious faith, strongly attached to their Church and the traditions of its early purity and greatness, but were unwilling to surrender the independence of their country to either a treacherous king or a domineering pope. They were resolved that they would not become the mere slaves to the temporal power which Innocent III. claimed the divine right to exercise over them. And they were determined to stand by and to restore the liberties which they considered the birthright of the English people. They did this with a courage which has endeared to every lover of popular liberty the memory of these hardy but unlettered old barons, who defied not only the king, but one of the most powerful and ambitious of the popes. Their firm adherence to their demand for freedom kept the principles of English liberty alive in the minds of the people, who had never yet forgotten their ancient Christianity or the teachings of their Saxon ancestors. These principles survived every shock they received, and enabled the people to bear themselves up under every load of oppression with which kings and popes endeavored to crush them.

Pope Innocent III. and King John have passed away. Of the former, it is related by a Roman Catholic pen that, after death, he was seen in a vision by St. Lutgarde, a nun, to whom he said that "he could not enter heaven until the day of the last judgment, and after having suffered tortures incomprehensible by the human mind," on account of the monstrous enormity of his crimes. (Cormenin, vol. i., p. 464. ) The world's greatest bard, in almost the last words put into the mouth of the latter, makes him say,

"Within me is a hell; and there the poison  
Is, as a fiend, confined to tyrannize  
On unreprievable, condemned blood."

Yet the principles of Magna Carta have lived, grown, and expanded, and will continue to live, grow, and expand until all the chains of absolutism shall have been broken, and there shall be no bands upon either the limbs or minds of men.

During the subsequent reign of Henry III.—one of the most disgraceful in English history—the liberties of the people were almost entirely destroyed. The popes, by the appointment of Italian ecclesiastics, had created in England an army of foreign priests, who were exclusively devoted to Rome, who had no sympathies in common with the English people, and who, scattered all over the country, impoverished it by their enormous exactions of money. (\*)

\* The pope, at one time, nominated three hundred Italian priests to vacant benefices in England. And so numerous did these foreigners become, that their annual income extorted from the people amounted to seventy thousand marks—over \$230,000—while the revenue of the crown, levied for the support of the Government,

scarcely exceeded one-third of that sum!—RAPIN, vol. iii., pp. 349–398.

The king, obeying the pope, also made an effort to annul the Great Charter, although he had solemnly promised, at the beginning of his reign, to observe it. He excused himself for this attempt to violate his promise, upon the ground that he was a minor when it was made! The pope and the king “mutually stood by one another whenever the business was to extort money” from the people. (Rapin, vol. iii., p. 305.)

The pope made every possible effort to alienate the affections of the king from his English subjects, by causing him to call still more foreigners devoted to the papacy to assist him in conducting public affairs. (Hume, vol. ii., p. 16.) And when Parliament complained of this, the Bishop of Winchester, speaking for the pope, rebuked them upon the ground that it was an encroachment upon the royal prerogative! (Rapin, vol. iii., p. 324.) Nearly all the money of the kingdom was remitted to Rome. (*Ibid.*, p. 367.) And the pope acquired such power over Henry that, under threat of excommunication, he obtained a renewal of the concession of John, that the crown should remain in vassalage to the Holy See. (*Ibid.*, p. 371.)

The English bishops, stimulated by the pope, claimed jurisdiction over *civil* affairs, upon the pretense that there was hardly any case but what *religion* was concerned with (*Ibid.*, pp. 374, 457.)—the logical result of the papal demand that the pope shall be regarded as *infallible* upon all questions of *morals* as well as of faith. The king obtained innumerable subsidies upon promises which he violated as soon as he received the money; in all of which his perfidious conduct was approved by the pope, who was always ready to grant him a dispensation for the violation of his most solemn engagements, when their mutual interests were thereby advanced. (*Ibid.*, p. 403.)

The popes considered England as a conquered country, its kings their vassals, and its people as having no rights of any value whatsoever when they came in conflict with the demands of the papacy. (*Ibid.*, p. 454.) They entertained appeals in almost every matter of controversy, and the people were compelled to spend immense sums of money in traveling to Rome to solicit their favor. (*Ibid.* ) They converted Peter-pence into a tribute to the chair of Peter, and practiced the most rigorous measures for its collection. (*Ibid.*, p. 457.) They organized a compact body of ecclesiastics, trained to obedience and submission, who, in disregard of the laws of the kingdom, took the side of the popes against the people, as if they were the absolute and only sovereigns of the country. (Rapin, vol. iii., p. 457.) They demanded that the civil courts should have no jurisdiction to try and condemn ecclesiastics, even for the most enormous crimes! (*Ibid.*, p. 458.\*)

\* More than a *hundred murders* were committed by *ecclesiastics* during the reign of Henry II., in which the parties were not even punished by degradation. The clergy had absolute power over their own body, and no appeal was allowed from their decisions. A layman forfeited his life by the crime of murder, but an ecclesiastic went unpunished. This was called one of the immunities of the clergy! A clergyman committed a murder in 1163, and, being tried by an ecclesiastical court, was sentenced merely to lose his benefice and be confined in a monastery! The king



complained that he ought to be tried as laymen in the civil courts, but the clergy objected. The king remained firm, and it was finally agreed, among other things, that this should thereafter be done. But when the pope was informed of this, he refused his sanction, and denounced it as "prejudicial to the Church, and destructive of her privileges!"—RAPIN, vol. iii., pp. 21–26.

The process of excommunication was entirely perverted from its original meaning, and made to serve the temporal uses of the pope, upon trivial no less than upon grave occasions, being employed to punish trifling acts of disobedience, to raise money, and for almost every imaginable purpose but the advancement of the Gospel. It would be impossible to enumerate, indeed, within a compass less than a volume, the outrages and enormities practiced in England during this gloomy period by kings and popes, who considered the assertion of any single popular right as a crime which God had appointed them to punish! The power, oppressions, and vices of the papacy had nearly reached their culminating point, and the pure religion of Christ and his apostles, which was designed to purify and refine the heart and soul of man, was entirely subordinated to temporal and selfish ends, and made to play the ignoble part of ministering to the worldly ambition of the popes and their prostituted army of ecclesiastics.

The barons would have been unworthy the name of Englishmen if they had not resisted these encroachments upon the rights and liberties of the people, with whose interests and happiness their own had now become inseparably identified. The reciprocal hatred which had once existed between the Anglo-Saxons and the Normans had, like that between the native Britons and the Saxons, given way before the sense of common injuries and the threatened loss of their common liberties.

To the stubborn tenacity with which the Anglo-Saxons adhered to their Teutonic principles the country was indebted for this. They had gradually worn away the Norman prejudices, and had retained their own language, and enough of their ancient laws and customs to furnish an ultimate barrier against the encroachment of kings and popes—their common and implacable enemies. The barons realizing this, firmly maintained their ground on the side of the people, and resolved upon grappling royalty itself by the throat, if its hold upon the country could not otherwise be broken. The struggle was one which called for an exhibition of the highest and noblest qualities of English character. The ancient liberties were to be snatched from the grasp of royal and papal imperialism, and given back again to the people from whom they had been wrenched by usurpation, to be sacredly preserved, as belonging of right to every Englishman, and as the foundation of the world's future progress.

The firmness and resolution of the barons constrained the king to grant important concessions. Twenty-four commissioners were appointed— one half by the king, the other by the barons—to provide redress for the public grievances. (Rapin, vol. iii., p. 431.) These provided for the confirmation of the Great Charter, and the introduction, for the first time, of the representatives of the Commons—that is, of the people—into Parliament; (*Ibid.*, p. 433.) a measure, imperfect as it then was, which was based upon

the natural and inalienable right of the people to give or withhold their assent to all laws by which it is proposed to govern them. The Parliament, thus brought under popular influence, approved what had been done by the commissioners, and provided for the execution of the articles they had drawn up.

Beneficial results immediately followed. They were first seen in the expulsion from the country of the army of foreigners, who, by the joint policy of the kings and the popes, had been imported to fill the offices, consume the wealth of the people, and keep them in bondage to the papal power. (*Ibid.*, p. 435.) This accomplished, the barons formed another alliance, and swore to maintain their liberties with their lives and fortunes. (Rapin, vol. iii., p. 435.) The city of London joined the alliance.

The king, however, in the mean time, fearing the loss of his royal prerogatives, and the consequent elevation of the people, appealed to the pope to absolve him from the oath he had taken to abide by his compact with the barons! This absolution was readily granted by Pope Alexander IV.; but, as he died before any effective measures had been consummated, it was confirmed by Pope Urban IV., (*Ibid.*, P. 443.) who was as little scrupulous upon this subject as any of his predecessors. Thus supported by the Church, the king announced to Parliament that he would not observe his oath, and took immediate steps to recover the prerogatives he had lost by surrender to the barons. The barons were unyielding, and they and the king both prepared for civil war. To avoid this, however, if possible, the barons petitioned the king to adopt conciliatory measures, which he finally consented to do., to an extent satisfactory to them.

But the king soon broke his promise again—as he could easily do at any time, by the help of the pope—and the parties again made preparations for war. The king at last began active hostilities by surprising Dover Castle, which was in the hands of the barons. (*Ibid.*, p. 453.) Before any decisive result was reached, however, it was agreed to refer the matter to the King of France as arbiter—a measure which reflects more credit upon the peaceful disposition of the barons than it does upon their sagacity. As might have been expected, the French king fully sustained his royal brother of England, having precisely the same motive for keeping the people in subjection, and being equally under the influence of the pope. He decided that the provisions of the twenty-four commissioners were null and void, that the king should be restored to his former power, that he should appoint all the great officers of the crown, and that foreigners should be as capable of holding offices in England as the English themselves! (*Ibid.*, p. 454.) Consent to this on the part of the barons would have buried English liberty in its grave forever. Therefore, civil war became inevitable.

At the beginning of it, fortune seemed to favor the cause of the king, but he was finally taken prisoner; when the barons drew up a new plan of government for the extension and security of their liberties. By this plan conservators were appointed in each county to preserve the privileges of the people, and these were required to nominate knights to sit in Parliament as the representatives of their shires, thus laying the foundation for popular legislative representation. The Parliament elected pursuant to this plan

adopted important measures of reform for the promotion of the public welfare, and greatly reduced the prerogatives of the king.

While the Government was thus conducted, it made a nearer approach to the popular form than any other that had existed in England after the popes had obtained a foothold there, and embodied many of the Teutonic principles brought there by the Saxons. The king, however, having subsequently obtained his liberty, the barons suffered a severe defeat, which changed the whole aspect of affairs. After this, the barons were persecuted "a thousand ways," and made to "endure many hardships," says the historian. (Rapin, vol. iii., p. 473.) Their estates were confiscated. The city of London was required to deliver up her magistrates, and pay large sums of money. The king conferred the estates of the barons upon his favorites, and left no means untried to punish them for their resistance to his authority.

Pope Clement IV., to convince the people that the barons had forfeited their claim to his protection and secured to themselves the certainty of eternal perdition, because they had struggled to regain the ancient liberties of the country, sent over a legate with a bull of excommunication against them and all their adherents, dead or alive! (*Ibid.*, p. 474.)' And thus, with only their "lives and limbs" saved, these defenders of human freedom against the encroachments of kingly and pontifical absolutism were compelled to lay down their arms, and go back among the people, to keep alive in their minds the principles for which they had risked so much. And they were kept alive—cherished in the hearts of the English people, until the time came for their final triumph.

We can scarcely realize now, in the midst of our own prosperity, how much we owe to these firm and courageous old heroes, who, for nearly half a century, held out against both kings and popes. But for them, the ancient liberties of England would have been lost, and the world would have been kept in the midnight of the Middle Ages. But for them, the reign of King John would have been redeemed by no such event as the establishment of the Great Charter to save it from the disgrace of treachery and imbecility. And but for them, the present civil and religious freedom of England and the United States might have had no such foundation as has enabled it, thus far, to defy assault, and stand firm against encroachment.

Truth and candor require that full justice should be done to these old Roman Catholic barons, who obeyed God and their own consciences, rather than corrupt popes and ecclesiastics. They loved their religion, but they loved freedom also; and for loving freedom they were cursed, anathematized, and despoiled by the Church of Rome! They did not believe the pope to be infallible, and for this they were consigned to eternal torment in the world to come!

But the barons made so bold a stand against imperialism, that, from the time of this memorable contest to the birth of Protestantism in England, no king dared again arouse the popular indignation by an armed assault upon the defenders of the Great Charter. The fear of the people began to manifest itself in their conduct and policy. They conceded only what they could not withhold, and, together with the popes, employed art and intrigue to

accomplish, by indirection, what they dared not attempt again to obtain by force.

Edward I. confirmed the Charter at the beginning of his reign, in order to conciliate popular favor; and although he had pretended to do it "of his own accord," he soon asked the pope to absolve him from his promise, religion and the Church being used solely to advance the temporal ends of kings and popes. The pope absolved him, of course, not merely because of his hostility to the Charter on account of its enfranchisement of the people, but because, as it is said, the king made him "a present of gold plate!" (Rapin, vol. iv., pp. 99–113.)

Edward II. pledged himself to Parliament that its provisions should be faithfully kept, and when he sought to escape the fulfillment of his promise, the barons seized him, and held him to his word. Yet he recognized himself as the vassal of the pope, and suffered him to interfere in the temporal affairs of his kingdom. This the pope did by sending a legate to England with a papal commission to make peace between that country and Scotland, to excommunicate both kings, and place both countries under interdict if they refused obedience! (Rapin, vol. iv., p. 152.) –thus assuming that all the prerogatives of both crowns belonged to him *as the vicar of Christ*! Edward III., in order to obtain a subsidy from Parliament, again confirmed the Charter, (*Ibid.*, p. 242.) and indicated a wish to curtail the authority of the pope, by subsequently repeating this act of confirmation, and by consenting to the statute of Provisors to prohibit the popes from disposing of benefices in England. (*Ibid.*, p. 255.) This statute, however, was not effective against the machinations of the popes, and, although several times repeated under subsequent kings, its terms had to be enlarged by the statute of Praemunire before any good was accomplished by it. (\*)

\* The statute of Provisors provided that no ecclesiastical living should be accepted from the pope, and that nothing should be sent to him out of the kingdom. By that of Praemunire all bulls, excommunications, etc., against the king, crown, or realm, proceeding from Rome, were prohibited.

Everything done by these kings was by way of concession to the people, on account of fear—showing that they were apprehensive that their royal rights were held by a precarious tenure, and that the people only awaited a favorable opportunity to assert their ancient liberties. During all the subsequent reigns between that time and the accession of Henry VIII., these liberties were suspended, but not forgotten: if there had been no other method of preservation, they would have been traditionally preserved in the English mind. The one hundred and thirty years embraced in that period were distinguished by many events of the most important character to England and the world. The fortunes of the people seemed sometimes to be almost overwhelmed by the combined oppression of kings and popes; but their cause was never at any time entirely lost.

Providence will shape our ends, "rough-hew them how we will;" and when the popes, as the head of the Church, grasped a temporal sword, and stained it with the blood of pious Christians, for no other offense than the worship of

God according to their own consciences, they called down the wrath of Heaven upon their own heads, and aided in building up a party of reform in the Church. As early as the reign of Richard II. incipient steps were taken in this work of reform—showing that the Roman Catholic Church never was without pious and devout Christians among its members. The measures then inaugurated ultimately gave birth to Protestantism—slowly, it is true, but surely. Although, in 1381, an act was passed, in obedience to Rome, authorizing the imprisonment of heretics by the bishops, (Rapin, vol. iv., p. 394.) yet the House of Commons forced a repeal of it during the next year. (*Ibid.*, p. 397.) The passage of such an act, however, shows that Rome was ready to place her heel of iron upon the necks of any who dared consult their own consciences upon questions of religious faith. She would repeat these measures today if she again possessed the power, and, therefore, they teach us a valuable and most instructive lesson.

This inauguration of religious persecution was designed for the suppression of the Lollards, or followers of John Wycliffe, who published his reform doctrines in the year 1377, during the reign of Edward III. These new doctrines had so spread among the people in a few years, that, while Richard II. was carrying on his war in Ireland, the Archbishop of York and the Bishop of London were compelled to entreat him to return, and look after the cause of religion. The immediate cause of their alarm was, that at a late Parliament the Lollards had suggested the necessity for reform in the Church! (*Ibid.*, p. 424.) The king returned, seized upon one of the Lollards, compelled him to abjure the new doctrines, and threatened him with death if he again professed them! (*Ibid.*, pp. 424, 425.)

Now a new and powerful element began its work—one which the people readily saw would enable them to achieve their ultimate freedom. There was yet no law to punish heresy; and, therefore, Wycliffe was unmolested, and his followers among the people increased with wonderful rapidity. Even his death did not dishearten them; and as early as the year 1389 they began to separate from the Roman Catholic Church, and to appoint their own priests (Rapin, vol. iv., p. 472.)—thus beginning the Reformation.

So rapidly did they increase, that Rome had to bring forth the most fearful engines of her power to suppress their free thought, and chain down their limbs. The reign of Henry IV. was soon signalized by the enactment of a law “for the burning of heretics ” (*Ibid.*, vol. v., p. 33; Froude’s “Hist. of England,” vol. i., p. 95.)—a most Christian(!) and truly Roman mode of disposing of the Lollards. Under this act, William Sawtre, a Lollard, was immediately convicted by an ecclesiastical court, and burned to death! (Rapin, vol. v., p. 33. )—thus becoming the first English martyr, after the monks of Bangor, to the cause of religious liberty. Then Rome rejoiced, and the cruel and bloody work of persecution began. The fires were kindled which were to consume hundreds more of the best of England’s sons—of men whose only crime was that they dared assert that God had given to every man the right to worship him according to the dictates of his own conscience!

Thomas Badby, another Lollard, was burned in 1410. When offered his life if he would recant, he refused, and suffered death with heroic courage. (*Ibid.*, p. 74.)

During the reign of Henry V. the Romish clergy held a convocation to decide upon measures necessary to check the progress of the doctrines of Wycliffe; which resulted in the king's being advised by the Archbishop of Canterbury "that fire and fagot were the only means of extirpating heresy!" (*Ibid.*, pp. 92, 93.) This was the doctrine of Rome, announced by its highest ecclesiastic in England! But the king was slow to adopt it, as the new doctrines were spreading so rapidly as to excite his fears of the people. He, however, advanced toward it as near as he thought he could safely do, by issuing a proclamation prohibiting the Lollards from holding meetings, and the people from being present at their preaching! But the Lollards held their meetings, notwithstanding the proclamation, and at one of them, held at St. Giles's Fields, near London, it was represented that twenty thousand were present, supposed to be under Sir John Oldcastle, who had been previously convicted of heresy, and would have been burned if he had not escaped.

Being unable to suppress these peaceful assemblages of the people, the clergy adopted another method for their extermination, by persuading the king to believe that the Lollards had a design upon his life, and were conspiring against the Government—a method which it required the corrupt followers of the papacy to invent. The king yielded to their importunities, summoned a body of armed men, closed the gates of London, for fear the people there would go out to help the Lollards, surprised about eighty peaceful and praying Christians at midnight, cruelly murdered twenty of them, and made prisoners of the other sixty, some of whom were forthwith executed, and the remainder set at liberty. (Rapin, vol. v., pp. 100–103.)

During the reign of Edward IV. the clergy regained much of their lost power, and again began to press more heavily and severely upon the people. In 1462 an act was passed, under dictation from Rome, providing that they should only be tried in the ecclesiastical courts, and should not be held responsible for crimes before the civil tribunals. The king also released them from the operation of the statutes of Provisors and Praemunire. (*Ibid.*, vol. vi., p. 17.) But all these measures, while they added to the power of the Romish clergy in England, also increased their corruptions. These were so openly and unblushingly practiced as to put in striking contrast their conduct with that of the reforming Christians; and by this means the numbers of the latter continually increased, especially among those who had so long struggled to maintain the Great Charter and the ancient liberties. And thus these popular elements were consolidated into a power which persecution could not destroy, but which was destined to be preserved until it became strong enough to control the policy of the English nation, and influence the whole civilized world.

The finger of Providence was wonderfully displayed in the events which immediately preceded and followed this beginning of the Reformation, under the inspiration of the new doctrines announced by Wycliffe; in so exhibiting to the world the ambition and corruption of the papacy as to demonstrate the necessity for the restoration of the ancient liberties in England, in order that the English people, by the aid of their cultivated reason, might discover the true teachings of the apostolic Christians, and restore Christianity to the purity it enjoyed before Constantine tempted the bishops

of Rome to mingle in the temporal concerns of princes.

It was but a little while before when Pope Urban V. was shut up for "whole days" in the palace of the Vatican with the infamous Joanna of Naples, and rewarded this "crowned courtesan" for her favors by presenting her with "the golden rose" at the public ceremony of its blessing. (Cormenin, vol. ii., p. 71.)

It was during the pontificate of Gregory XI. that Wycliffe attacked the ultramontane doctrines. One of the first acts of this pope was to issue a bull against Barnabo—one of the hated Visconti, who had caused the arrest of the Bishop of Milan—denouncing him because he had refused his subjects permission to go to Rome "to purchase indulgences, benefices, and absolutions." (*Ibid.*, p. 73.) And when Barnabo made overtures of peace to him, he refused them, saying, "No, no; it is useless for me to see them; I will spare them from perjury, and will save their souls in spite of themselves, by causing them to be interred alive if they fall into my hands." He directed the Vaudois to be exterminated by armed troops and by his infernal Inquisitors. He wrote to the Bishop of London to put Wycliffe "to the torture," and rejoiced as the devouring flames consumed the bodies of thousands of Christians whom he called heretics. (*Ibid.*, p. 75.)

The fourteenth century closed with three popes, each excommunicating the others; and the fifteenth began with two—one of whom caused the other to be poisoned! (*Ibid.*, p. 93.) For more than a quarter of a century there were popes and antipopes—some at Rome, others at Avignon in France, at the same time—who denounced each other, to the scandal of all Christendom, until pure-minded Christians all over Europe blushed for shame.

Gregory XII. was pope at Rome, while Benedict XIII. was also pope at Avignon. The "sacred college" of cardinals, assembled at Rome, said of Gregory that he was an "accursed pope," because he desired to murder several of them. They called him "the coward, the drunkard, and the knave; the man of blood, the illustrious robber, the schismatic, the heretic, the precursor of Antichrist!" who had "mounted the chair of the apostle like a thief, to set fire to the four corners of the house of God, and to pull down its columns!" And of Benedict they said that he was "a worthy co-partner" of Gregory "in his work of violence and iniquity." (Cormenin, vol. ii., pp. 95, 96.) They also charged Gregory with an "incestuous amour with his own sister!" and called his chamberlains the purveyors of his "hideous lubricity!" And the Council of Pisa confirmed the iniquity of both these infallible (!) popes, deposed both of them from their sacerdotal functions, and elected another, who took the name of Alexander V.

In the sentence of the council it is declared "that these two infamous men are guilty of enormous iniquities and excesses!" (*Ibid.*, p. 97.) Alexander V. died of poison, when John XXIII. "broke the pontifical gate with a golden axe," (*Ibid.*, p. 100.) and was crowned as pope at Rome. The Ecumenical Council of Constance soon met, and *deposed* John, declaring that he was "the oppressor of the poor, the persecutor of the just, the support of knaves, the idol of simoniacs, the slave of the flesh, a sink of vices, a man destitute of every virtue, a mirror of infamy, a devil incarnate." Fifty-four articles

enumerating his crimes were publicly read, and "twenty other secret ones" were not read, " so frightful were the crimes which they announced." (*Ibid.*, p. 108.)

This council, after acquiring for itself an undesirable notoriety by condemning John Huss for heresy, elected a new pope, Martin V. Pope Gregory XII. finally submitted to the decree of deposition, and so did John XXIII., who retired to a fortress. But there still remained two successors of Peter—Martin V. and Benedict XIII. The latter lived as pope in Valencia for about ten years, and after his death his cardinals elected Clement VIII. as his successor; but he was finally induced to abdicate in favor of Martin V., and thus to put an end to the corrupt and degrading quarrels about the papal sovereignty at Rome which had made all the parties concerned, for half a century, contemptible in the eyes of the world.

No wonder that God so directed his providences that the lovers of true Christianity, within the pale of the Roman Catholic Church, should see these and other kindred enormities of the papacy. This old Church, hallowed by an existence of nearly fifteen hundred years, yet retained within her fold many thousands of devoted and pious Christians, who had escaped the contamination of the corruption which had so long prevailed among the leading hierarchy. How their hearts must have bled when they saw her led away by these debasing influences of the papal system, so far from the apostolic counsels she had once followed! How sad they must have been when, looking back through the last thousand years, they beheld her gradually descending from her high eminence down into corruptions at which pagan Rome would have blushed, and soiling her sacred and once unspotted robes with the slime and filth of worldly politics! And how natural it was for them, acting in consistency with their understanding of religious duty, to begin the work of reformation, and to desire the eradication of these abuses, and the extraction of the poison that was coursing through her veins, slowly, but steadily, consuming her strength. Many of them must have felt as one of that Church, referring to times subsequent to those of which we are now writing, expressed himself when he said:

"The fifteenth century, however, surpassed all the preceding ages in corruption; the churches became the resorts of robbers, sodomites, and assassins; popes, cardinals, bishops, and mere clerks exercised brigandage forcibly in the provinces, and employed, as was most convenient, poison, the sword, and fire, to free themselves from their enemies, and despoil their victims. The Inquisition lent its horrible ministry to popes and kings. In France, Spain, Italy, Germany, and England, it embraced in its thousand arms the victims of the cupidity of tyrants, and put them to the most frightful tortures. The country was covered with legions of priests and monks, who devoured the substance of the people, and carried off to their impure retreats young girls and handsome youths, whom they again cast out, disgraced and dishonored. The cities became the theaters of orgies and Saturnalia, and the palaces of bishops were filled with equipages for the chase, packs of dogs, troops of courtesans, minions, jugglers, and buffoons." (Cormenin, vol. ii., p. 91.)

The reader cannot fail to have observed the causes which led to the



melancholy condition of affairs, both in State and Church, shown by the foregoing detail. There was no want of patriotism on the part of the English people, or of true piety on the part of the laity of the Church. These were struggling in every way they could to establish reform and make it effectual in both State and Church. The wrongs inflicted upon them were not necessary to the Church, or sanctioned by any of her earliest teachings. They were inherent in the papal system, arose out of the temporal power, and grew in enormity as that power increased. The doctrine of passive obedience and submission to authority, applied to the affairs of the State, prohibited the citizen from making any complaint against the conduct of the king and Government, under penalty of severe punishment. The same doctrine, applied to the affairs of the Church, prohibited the layman, however conscientious, from expressing any disapprobation of the conduct of pope or priest, under penalty of excommunication. In the one case the act was held to be a crime against the State, in the other a sin against God! To say of a king that he was a tyrant, was treason against the State; to say of a pope or a priest that he had committed murder, or adultery, or any other crime, was treason against God! This was the teaching of the False Decretals;(\*) and to cover it up as a part of the doctrinal belief of the Church, the popes have assumed that they act on earth in the place of God, that all their power is derived directly from God, and therefore that they are infallible and cannot err!

\* It has already been shown that even the celebrated Council of Trent decreed that a minister of the Church forfeits none of his authority by any sin, however enormous!

When Constantine, addressing "a company of bishops," said to them, in the presence of Eusebius, "You are bishops whose jurisdiction is within the Church," he intended to limit their power, and to deny them any authority over temporal affairs. But when he continued in these words: "I also am a bishop, ordained by God to overlook whatever is external to the Church," ("Life of Constantine," by Eusebius, London, 1845, p. 193.) he asserted the divine right of kings. And when the popes, in order to gather all this external power into their own hands, built up the wonderful machinery of the papacy, and obtained the consent of kings to receive temporal crowns at their hands, they made the doctrine of Constantine a part of the religious faith of the Roman Church, so that they, as the only infallible representatives of God on earth, should become the dispensers of crowns, the regulators of the internal affairs of nations, the authors of universal law, and, consequently, the irresponsible sovereigns of the world.

With Innocent III. the crown of England was held by divine right; and as God had entrusted the Pope of Rome with the sole authority to decide what was permitted or forbidden by his law, therefore he had a divine right higher than that of the king, by the authority of which he was entitled to say who should, and who should not, wear the crown. And as he was infallible and could not err, whensoever and howsoever he decided the question, passive obedience and submission to his decision became a religious duty to the faithful; and whosoever dared to question the correctness of his decision, or challenge the legitimacy of his authority, became *ipso jure* a heretic, and

liable to be cut off from the Church, and from all Christian association, by the terrible sword of excommunication!

This was the great and comprehensive power that absorbed all other powers. It held the kings in obedience to the popes, and they plotted together, in every form of intrigue, to make their united power so compact and unassailable that it should press with death-like weight upon the people, both in Church and State, that they might remain unconscious of their degradation; or where one appeared, bolder than the rest, to fling defiance in their faces, he should be silenced by excommunication, if possible; but if not, by the rack, the dungeon, or the fagot.

We shall have occasion hereafter to see how this doctrine of the divine temporal authority and infallibility of the popes deals with the obligations of the most solemn oaths and promises, when the pope regards them as opposed to the welfare of the Church; but the readiness with which the popes released the English kings from their oaths to execute the principles of Magna Carta is too suggestive, in this connection, to be passed by without comment. It will readily be perceived that if these infallible popes acted in conformity with the law of the Church, then, by that same law, no faith whatever can be kept with heretics!

Undoubtedly the power to release from the obligation of an oath is held to be an incident to the power to absolve from the consequences of sin. In order to justify its exercise the oath must be to do something violative of the law of God and against the interests of the Church, in which case it would be considered void; or something which, lawful in itself, would, if done, lead to one or the other of these consequences, in which case it would be binding without the exercise of the dispensing power. Upon which of these grounds the popes based their action in releasing the English kings from their obligations in reference to Magna Carta is of no consequence, any further than as their conduct served to illustrate, practically, the application of a doctrine regulated by a law of the Church.

Viewed in either light, the result is the same. For example: whether they considered Magna Carta to be violative of the law of God, or against the interests of the Church, and therefore unlawful; or that if its principles were carried out in England, either or both of these consequences would ensue, their opposition to it was based upon their divine right to judge of these things; and their power to dispense the kings from the observance of their oaths was the necessary and logical consequence. That, in point of fact, they did consider it to be violative of the divine right of kings, because it conferred upon the people the right to participate in the affairs of government, is, beyond all question, true. And, being so considered, it was made a matter of religious faith that the principles of the Great Charter should not be executed in England. And why of religious faith? For the manifest reason that as the divine right necessarily included the right of kings to govern the people, and the right of the popes to govern the kings, therefore it was an essential part of the doctrine, and consequently of the law, of the Church.

Now, if the reader will examine the Charter he will see how it violated this

doctrine of divine right, and wherein it was in opposition to the doctrine and law of the Church, as understood by the infallible popes of that day. In so far as it conferred any rights upon the people, its principles may be thus briefly summed up: it prohibited unlawful amercements (fines), distresses, or punishments; it gave the right to the owner of personal property to dispose of it by will; it established the right of dower; it gave uniformity to weights and measures; it forbade the alienation of lands in moitmain (A legal arrangement in which a property owner such as an ecclesiastical institution is barred from transferring or selling its property. ); it provided against undue delays in the administration of justice, for assizes and circuits for the trial of causes, for the trial of every accused freeman by jury; and that no man's life, liberty, or property should be taken from him, except by the judgment of his peers and the law of the land.

In so far as it affected the king, it merely restrained his royal prerogative of preemption and purveyance, by which he had been allowed, by means of purveyors, to take whatever property of the citizen he needed, without his consent, and at whatever price he saw fit to pay, and to impress the carriages and horses of a subject to do his business. And, in order to show that these old barons felt keenly a sense of justice themselves, and had a just appreciation of it in others, it contained this memorable sentence: "We will sell to no man, we will not deny or delay to any man, right or justice."

Wherein, by all this, did the king surrender anything that ought, in right and justice, to belong to the crown? One would suppose that if the citizens of a country are entitled to any sort of freedom, or to have any share at all in the management of affairs, some provisions of this kind are indispensable. And yet we find those kings of England who were the mere creatures and tools of the pope resolved upon denying them to the people; and the popes, under pretense of being divinely required to do so, releasing them from their solemn oaths to observe them.

The plain and obvious meaning of all which is, that, according to the law of the papacy as it was then understood and acted on by infallible popes, the people of England were not entitled to have any share in the affairs of their own government, for the reason that, if they did, the power of the papacy would be weakened and the law of God violated! And such was the inevitable and logical result of the doctrine of divine right as understood and announced by Innocent III., and such remains today its inevitable and logical result as understood and re-announced by Pius IX. What was the law of the papacy then is its law yet. Admit the law to exist, and its consequences cannot be escaped—they inevitably follow, as effect follows cause. Streams do not more certainly find their way to the sea than it follows, from the recognition of the divine right of kings and popes, that they become the sovereign masters of the world, and all mankind their slaves.

Continued in [The Papacy And The Civil Power – Chapter XVI. Henry VIII. Part 1.](#)