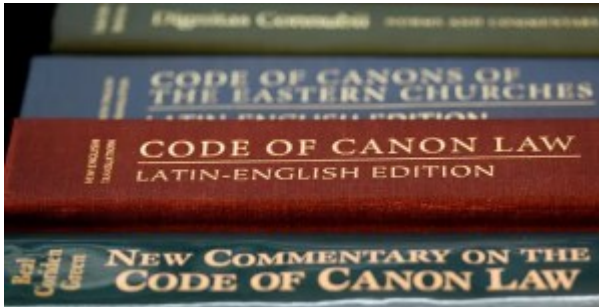


# History of the Papacy Chapter VI. The Canon Law



Continued from [Chapter V. Foundation and Extent of the Supremacy.](#)

It would be bad enough that a system of the character we have described should exist in the world, and that there should be a numerous class of men all animated by its spirit, and sworn to carry into effect its principles. But this is not the worst of it. The system has been converted into a code. It exists, not as a body of maxims or principles, though in that shape its influence would have been great: it exists as a body of laws, by which every Romish ecclesiastic is bound to act, and which he is appointed to administer. This is termed CANON LAW. The canon law is the slow growth of a multitude of ages. It reminds us of those coral islands in the great Pacific, the terror of the mariner, which myriads and myriads of insects laboured to raise from the bottom to the surface of the ocean. One race of these little builders took up the work where another race had left it; and thus the mass grew unseen in the dark and sullen deep, whether calm or storm prevailed on the surface. In like fashion, monks and popes innumerable, working in the depth of the dark ages, with the ceaseless and noiseless diligence, though not quite so innocently as the little artificers to which we have referred, produced at last the hideous formation known as the canon law. This code, then, is not the product of one large mind, like the Code Justinian or the Code Napoleon, but of innumerable minds, all working intently and laboriously through successive ages on this one object. The canon law is made up of the constitutions or canons of councils, the decrees of popes, and the traditions which have at any time received the pontifical sanction. As questions arose they were adjudicated upon; new emergencies produced new decisions; at last it came to pass that there was scarce a point of possible occurrence on which infallibility had not pronounced. The machinery of the canon law, then, as may be easily imagined, has reached its highest possible perfection and its widest possible application. The statute-book of Rome, combining amazing flexibility with enormous power, like the most wonderful of all modern inventions, can regulate with equal ease the affairs of a kingdom and of a family. Like the elephant's trunk, it can crush an empire in its folds, or conduct the course of a petty intrigue,—fling a monarch from his throne, or plant the stake for the heretic. Like a net of steel forged by the Vulcan of the Vatican and his cunning artificers, the canon law encloses the whole of Catholic Christendom. A short discussion of this subject may not be without its interest at present, seeing Dr. Wiseman had the candour to tell us, that

it is his intention to enclose Great Britain in this net, provided he meets with no obstruction, which he scarce thinks we will be so unreasonable as to offer. Seeing, then, it will not be Dr. Wiseman's fault if we have not a nearer acquaintance with canon law than we can boast at present, it may be worth while examining its structure, and endeavouring to ascertain our probable condition, once within this enclosure. Not that we intend to hold up to view all its monstrosities; the canon law is the entire Papacy viewed as a system of government: we can refer to but the more prominent points which bear upon the subject we are now discussing,—the supremacy; and these are precisely the points which have the closest connection with our own condition, should the agent of the pontiff in London be able to carry his intent into effect, and introduce the canon law, "the real and complete code of the Church," as he terms it. Here we shall do little more than quote the leading provisions of the code from the authorized books of Rome, leaving the canon law to commend itself to British notions of toleration and justice.

The false decretals of Isidore, already referred to, offered a worthy foundation for this fabric of unbearable tyranny. We pass, as not meriting particular notice, the earlier and minor compilations of Rheginon of Prum in the tenth century, Buchardus of Worms in the eleventh, and St. Ivo of Chartres in the twelfth. The first great collection of canons and decretals which the world was privileged to see was made by Gratian, a monk of Bologna, who about 1150 published his work entitled *Decretum Gratiani*. Pope Eugenius III. approved his work, which immediately became the highest authority in the western Church. The rapid growth of the papal tyranny soon superseded the *Decretum Gratiani*. Succeeding popes flung their decretals upon the world with a prodigality with which the diligence of compilers who gathered them up, and formed them into new codes, toiled to keep pace. Innocent III. and Honorius III. issued numerous rescripts and decrees, which Gregory IX. commissioned Raymond of Pennafort to collect and publish. This the Dominican did in 1234; and Gregory, in order to perfect this collection of infallible decisions, supplemented it with a goodly addition of his own. This is the more essential part of the canon law, and contains a copious system of jurisprudence, as well as rules for the government of the Church. But infallibility had not exhausted itself with these labours. Boniface VIII. in 1298 added a sixth part, which he named the *Sext*. A fresh batch of decretals was issued by Clement V. in 1313, under the title of *Clementines*. John XXII. in 1340 added the *Extravagantes*, so called because they extragate, or straddle, outside the others. Succeeding pontiffs, down to Sixtus IV., added their extravagating articles, which came under the name of *Extravagantes Communes*. The government of the world was in some danger of being stopped by the very abundance of infallible law; and since the end of the fifteenth century nothing has been formally added to this already enormous code. We cannot say that this fabric of commingled assumption and fraud is finished even yet: it stands like the great Dom of Cologne, with the crane atop, ready to receive a new tier whenever infallibility shall begin again to build, or rather to arrange the materials it has been producing during the past four centuries. While Rome exists, the canon law must continue to grow. Infallibility will always be speaking; and every new deliverance of the oracle is another statute added to canon law. The growth of all other bodies is regulated by great natural laws. The tower of Babel itself, had its builders been

permitted to go on with it, must have stopped at the point where the attractive forces of earth and of the other planets balance each other; but where is the canon law to end?[\[1\]](#) "This general supremacy," says Hallam, "effected by the Roman Church over mankind in the twelfth and thirteenth centuries, derived material support from the promulgation of the canon law. The superiority of ecclesiastical to temporal power, or at least the absolute independence of the former, may be considered as a sort of key-note which regulates every passage in the canon law. It is expressly declared, that subjects owe no allegiance to an excommunicated lord, if after admonition he is not reconciled to the Church. And the rubric prefixed to the declaration of Frederick II.'s deposition in the Council of Lyons asserts that the Pope may dethrone the Emperor for lawful causes."[\[2\]](#) "Legislation quailed," says Gavazzi,[\[3\]](#) "before the new-born code of clerical command, which, in the slang of the dark ages, was called canon law. The principle which pollutes every page of this nefarious imposture is, that every human right, claim, property, franchise, or feeling, at variance with the predominance of the popedom, was *ipso facto* inimical to heaven and the God of eternal justice. In virtue of this preposterous prerogative, universal manhood became a priest's footstool; this planet a huge game-preserve for the Pope's individual shooting." We repeat, it is this law which Dr. Wiseman avows to be one main object of the papal aggression to introduce. Its establishment in Britain implies the utter prostration of all other authority. We have seen how it came into being. The next question is, What is it? Let us first hear the canon law on the subject of the spiritual and civil jurisdictions, and let us take note how it places the world under the dominion of one all-absorbing power,—a power which is not temporal certainly, neither is it purely spiritual, but which, for want of a better phrase, we may term pontifical.

"The constitutions of princes are not superior to ecclesiastical constitutions, but subordinate to them."[\[4\]](#)

"The law of the emperors cannot dissolve the ecclesiastical law."[\[5\]](#)

"Constitutions (civil, we presume) cannot contravene good manners and the decrees of the Roman prelates."[\[6\]](#)

"Whatever belongs to priests cannot be usurped by kings."[\[7\]](#)

"The tribunals of kings are subjected to the power of priests."[\[8\]](#)

"All the ordinances of the apostolic seat are to be inviolably observed."[\[9\]](#)

"The yoke which the holy chair imposes must be borne, although it may seem unbearable."[\[10\]](#)

"The decretal epistles are to be ranked along with canonical scripture."[\[11\]](#)

"The temporal power can neither loose nor bind the Pope."[\[12\]](#)

"It does not belong to the Emperor to judge the actions of the Pope."[\[13\]](#)

"The Emperor ought to obey, not command, the Pope."[\[14\]](#)

Such is a specimen of the powers vested in the Pope by the canon law. It makes him the absolute master of kings, and places in his grasp all law and authority, so that he can annul and establish whatever he pleases. It is instructive also to observe, that this power he possesses through the spiritual supremacy; and, as confirmatory of what we have already stated respecting the *direct* and *indirect* temporal supremacy, that the two in their issues are identical, we may quote the following remarks of Reiffenstuel, in his textbook on the canon law, published at Rome in 1831:—"The supreme pontiff, or Pope, by virtue of the power immediately granted to him, can, in matters spiritual, and concerning the salvation of souls and the right government of the Church, make ecclesiastical constitutions for the whole Christian world. . . . It must be confessed, notwithstanding, that the Pope, as vicar of Christ on earth, and universal pastor of his sheep, has indirectly (or in respect of the spiritual power granted to him by God, in order to the good government of the whole Church) a certain supreme power, for the good estate of the Church, if it be necessary, OF JUDGING AND DISPOSING OF ALL THE TEMPORAL GOODS OF ALL CHRISTIANS."[\[15\]](#) But we pursue our quotations.

"We ordain that kings, and bishops, and nobles, who shall permit the decrees of the Bishop of Rome in anything to be violated, shall be accursed, and be for ever guilty before God as transgressors against the Catholic faith."[\[16\]](#)

"The Bishop of Rome may excommunicate emperors and princes, depose them from their states, and assail their subjects from their oath of obedience to them."[\[17\]](#)

"The Bishop of Rome may be judged of none but of God only."[\[18\]](#)

"If the Pope should become neglectful of his own salvation, and of that of other men, and so lost to all good that he draw down with himself innumerable people by heaps into hell, and plunge them with himself into eternal torments, yet no mortal man may presume to reprehend him, forasmuch as he is judge of all, and is judged of no one."[\[19\]](#)

This surely is license enough; and should the pontiff complain that his limits are still too narrow, we should be glad to know how they could possibly be made larger. But let us hear the canon law on the power of the Pope to annul oaths, and release subjects from their allegiance.

"The Bishop of Rome has power to absolve from allegiance, obligation, bond of service, promise, and compact, the provinces, cities, and armies of kings that rebel against him, and also to loose their vassals and feudatories."[\[20\]](#)

"The pontifical authority absolves some from their oath of allegiance."[\[21\]](#)

"The bond of allegiance to an excommunicated man does not bind those who have come under it."[\[22\]](#)

"An oath sworn against the good of the Church does not bind; because that is not an oath, but a perjury rather, which is taken against the Church's interests."[\[23\]](#)

We may glance next at the doctrine of the canon law on the subject of clerical immunities.

"It is not lawful for laymen to impose taxes or subsidies upon the clergy. If laics encroach upon cleric immunities, they are, after admonition, to be excommunicated. But in times of great necessity, the clergy may grant assistance to the State, with permission of the Bishop of Rome." [\[24\]](#)

"It is not lawful for a layman to sit in judgment upon a clergyman. Secular judges who dare, in the exercise of a damnable presumption, to compel priests to pay their debts, are to be restrained by spiritual censures." [\[25\]](#)

"The man who takes the money of the Church is as guilty as he who commits homicide. He who seizes upon the lands of the Church is excommunicated, and must restore four-fold." [\[26\]](#)

"The wealth of dioceses and abbacies must in nowise be alienated. It is not lawful for even the Pope himself to alienate the lands of the Church." [\[27\]](#)

Should the Romish priesthood ever come to be a twentieth of the male population of Britain, as is well nigh the case in Italy and Spain, it is not difficult to imagine the comfortable state of society which must ensue with so numerous a body withdrawn from useful labour, exempt from public burdens, paying their debts only when they please, committing all sorts of wickedness uncontrolled by the ordinary tribunals, and plying vigorously the ghostly machinery of the confessional and purgatory to convey the nation's property into the treasury of their Church; and once there, there for ever. It is useless henceforth, unless to feed "holy men,"—the term by which Rome designates her consecrated bands of idle, ignorant, sorning monks, and vagabondising friars and priests. No wonder that Dr. Wiseman is so anxious to introduce the canon law, which brings with it so many sweets to the clergy.

There is but one other point on which we shall touch: What says the canon law respecting heresy? In the judgment of Rome we are heretics; and therefore it cannot but be interesting to enquire how we are likely to be dealt with should the canon law ever be established in Britain, and what means the agents of the Vatican would adopt to purge our realm from the taint of our heresy. There is no mistaking the means, whatever may be thought of them. The Church has two swords; and, in the case of heresy, the vigorous use of both, but especially the temporal, is strictly enjoined.

In the decretals of Gregory IX., a heretic is defined to be a man "who, in whatever way, or by whatever vain argument, is led away and dissents from the orthodox faith and Catholic religion which is professed by the Church of Rome." [\[28\]](#) The circumstance of baptism and initiation into the Christian faith distinguishes the heretic from the infidel and the Jew. The fitting remedies for the cure of this evil are, according to the canon law, the following:—

It is commanded that archbishops and bishops, either personally, or by their archdeacons or other fit persons, go through and visit their dioceses once or twice every year, and inquire for heretics, and persons suspected of heresy.

Princes, or other supreme power in the commonwealth, are to be admonished and required to purge their dominions from the filth of heresy.

This goodly work of purgation is to be conducted in the following manner:—

I. Excommunication. This sentence is to be pronounced not only on notorious heretics, and those suspected of heresy, but also on those who harbour, defend, or assist them, or who converse familiarly with them, or trade with them, or hold communion of any sort with them.

II. Proscription from all offices, ecclesiastical or civil,—from all public duties and private rights.

III. Confiscation of all their goods.

IV. The last punishment is DEATH; sometimes by the sword,—more commonly by fire.[\[29\]](#)

Pope Honorius II., in his Decretals, speaks in a precisely similar style. Under the head *De Hereticis* we find him enumerating a variety of dissentients from Rome, and thus disposing of them:—“And all heretics, of both sexes and of every name, we damn to perpetual infamy; we declare hostility against them; we account them accursed, and their goods confiscated; nor can they ever enjoy their property, or their children succeed to their inheritance; inasmuch as they grievously offend against the Eternal as well as the temporal king.” The decree goes on to declare, that as regards princes who have been required and admonished by the Church, and have neglected to purge their kingdoms from heretical pravity a year after admonition, their lands may be taken possession of by any Catholic power who shall undertake the labour of purging them from heresy.[\[30\]](#)

We shall close these extracts from the code of Rome’s jurisprudence with one tremendous canon.

“Temporal princes shall be reminded and exhorted, and, if need be, *compelled* by spiritual censures, to discharge every one of their functions; and that, as they would be accounted faithful, so, for the defence of the faith, they *publicly make oath that they will endeavour, bona fide, with all their might, to extirpate from their territories all heretics marked by the Church; so that when any one is about to assume any authority, whether of a permanent kind or only temporary, he shall be held bound to confirm his title by this oath. And if a temporal prince, being required and admonished by the Church, shall neglect to purge his kingdom from this heretical pravity, the metropolitan and other provincial bishops shall bind him in the fetters of excommunication; and if he obstinately refuse to make satisfaction within the year, it shall be notified to the supreme pontiff, that then he may declare his subjects absolved from their allegiance, and bestow their lands upon good Catholics, who, the heretics being exterminated, may possess them unchallenged, and preserve them in the purity of the faith.*”[\[31\]](#)

“Those are not to be accounted homicides who, fired with zeal for Mother Church, may have killed excommunicated persons.”[\[32\]](#)



We shall add to the above the episcopal oath of allegiance to the Pope. That oath contemplates the pontiff in both his characters of a temporal monarch and a spiritual sovereign; and, of consequence, the fealty to which the swearer binds himself is of the same complex character. It is taken not only by archbishops and bishops, but by all who receive any dignity of the Pope; in short, by the whole ruling hierarchy of the monarchy of Rome. It is "not only," says the learned annotator Catalani, "a profession of canonical obedience, but an *oath of fealty*, not unlike that which vassals took to their direct lord." We quote the oath only down to the famous clause enjoining the persecution of heretics:—

*"I. N., elect of the church of N., from henceforward will be faithful and obedient to St. Peter the apostle, and to the holy Roman Church, and to our Lord the Lord N. Pope N., and to his successors, canonically coming in. I will neither advise, consent, or do anything that they may lose life or member, or that their persons may be seized, or hands anywise laid upon them, or any injuries offered to them, under any pretence whatsoever. The counsel which they shall intrust me withal, by themselves, their messengers, or letters, I will not knowingly reveal to any to their prejudice. I will help them to defend and keep the Roman Papacy, and the royalties of St. Peter, saving my order, against all men. The legate of the apostolic see, going and coming, I will honourably treat and help in his necessities. The rights, honours, privileges, and authority of the holy Roman Church, of our lord the Pope, and his foresaid successors, I will endeavour to preserve, defend, increase, and advance. I will not be in any council, action, or treaty, in which shall be plotted against our said lord, and the said Roman Church, anything to the hurt or prejudice of their persons, right, honour, state, or power; and if I shall know any such thing to be treated or agitated by any whatsoever, I will hinder it to my power; and, as soon as I can, will signify it to our said lord, or to some other, by whom it may come to his knowledge. The rules of the holy fathers, the apostolic decrees, ordinances, or disposals, reservations, provisions, and mandates, I will observe with all my might, and cause to be observed by others. Heretics, schismatics, and rebels to our said lord, or his foresaid successors, I will to my power persecute and oppose."*[\[33\]](#)

Such is a sample of Rome's infallible code. The canon law cannot cease to be venerated while hypocrisy and tyranny bear any value among men. It is by this law that Rome would govern the world, would the world let her; and it is by this law that she is desirous especially to govern Britain. This explains what Rome understands by a spiritual jurisdiction. She disclaims the temporal supremacy, and professes to reign only by *direction*; but we can now understand what a direction, acting according to canon law, and working through the machinery of the confessional, would speedily land us in. The moment the canon law is set up, the laws of Britain are overthrown, and the rights and liberties which they confer would henceforth be among the things that were. The government of the realm would become priestly, and the secular jurisdiction would be a mere appanage of the sacerdotal. Red hats and cowls would fill the offices of state and the halls of legislation, and would enact those marvels of political wisdom for which Spain and Italy are so justly renowned. A favoured class, combining the laziness of Turks with the rapacity

of Algerines, would speedily spring up; and, to enable them to live in idleness, or in something worse, the "tale of bricks" would be doubled to the people. Malefactors of every class, instead of crossing the Atlantic, as now, would simply tie the Franciscan's rope round their middle, or throw the friar's cloak over their consecrated shoulders. The Bible would disappear as the most pestiferous of books, and the good old cause of ignorance would triumph. A purification of our island on a grand scale, from three centuries of heresy, would straightway be undertaken. As Protestants (the worst of all heretics) our lives would be of equal value with those of the wolf or the tiger; and it would be not less a virtue to destroy us, only the mode of despatch might not be so quick and merciful. The wolf would be shot down at once; the Protestant would be permitted to edify the Catholic by the prolongation of his dying agonies. Our Queen would have a twelvemonth's notice to make her peace with Rome, or abide the consequences. Should she disdain becoming a vassal of the Roman see, a crusade would be preached against her dominions, and every soldier in the army of the Holy League would be recompensed with the promise of paradise, and of as much of the wealth of heretical Albion as he could appropriate. These consequences would follow the introduction of the canon law, as certainly as darkness follows the setting of the sun.

But these effects would not be realized in a day. This tremendous tyranny would overtake the realm as night overtakes the earth. First, the Roman Catholics in Britain would be habituated to the government of this code; and it is to them only that Dr. Wiseman, making a virtue of necessity, proposes meanwhile to extend it. Having formed a colony governed by the code of Rome in the heart of a nation under the code of Britain, the agent of the Vatican would be able thus to inaugurate his system.. His *imperium in imperio*, once fairly set up, would be daily extending by conversions. A Jesuit's school here, a nunnery and cathedral there, would enlarge the sphere of the canon law, and fasten silently but tenaciously its manacles upon the community. Give Rome darkness enough, and she can do anything,—govern by canon law, with equal ease, a family or the globe. We must look fairly at the case. Let us suppose that this law is put in operation in Britain, though confined at first to members of the Romish Church. Well, then, we have a colony in the heart of the country actually released from their allegiance to the sovereign. They are the subjects of canon law, and that teaches unmistakeably the supremacy of the pontiff, and holds as null all authority that interferes with his; and especially does it ignore the authority of heretical sovereigns. Should these persons continue to obey the civil laws, they would do so simply because there is an army in the country. Their real rulers would be the priesthood, whom they dared not disobey, under peril of their eternal salvation. All their duties as citizens must be performed according to ghostly direction. Their votes at the poll must be given for the priest's nominee. They must speak and vote in Parliament for the interests of Rome, not of England. In the witness-box they must swear *to* or *against* the fact, as the interests of the Church may require. And as a false oath is no perjury, so killing is no murder, according to canon law, when heresy and heretics are to be purged out. Thus, every duty, from that of conducting a parliamentary opposition down to heading a street brawl, must be done with a view to the account to be rendered in the confessional. Allegiance to the Pope must



override all other duties, spiritual and temporal. Popery, a deceiver to others, is a tyrant to its own.

Should we, then, permit the introduction of the canon law, the Greek who opened the gates to the Trojan horse will henceforward pass for a wise and honest man. We must not have our understandings insulted by being told that this law is meliorated. It is the code of an infallible Church, and not one jot or tittle of it can ever be changed. Rome and the canon law must stand or perish together. Besides, it is only twenty years since it was republished in Rome, under the very eye of the Pope, without one single blasphemy or atrocity lopped off. Nor must we listen to the assurance that the laws of Britain will protect us from the canon law. We may have perfect confidence in the strength of our fortress, though we do not permit the enemy to plant a battery beneath its walls. But the trust is false;—the law of Britain will not be a sufficient protection in the long run. Dr. Wiseman demands permission to erect a hierarchy in order that he may govern the members of his Church in England by canon law. We refuse to grant him leave, and the doctor raises the cry of persecution, and prefers a charge of intolerance, because we will not permit him to give full development to the code of his Church,—a code, be it remembered, which teaches that the Pope can annul the constitutions of princes,—that it is damnable presumption in a lay judge to compel an ecclesiastic to pay his debts,—and that it is no crime to swear a false oath against a heretic, or even to kill him, if the massacre of his character or his person can in anywise benefit the Church. The doctor, we say, even now raises the cry of persecution against us, because we will not permit him to put this code into effect by erecting the hierarchy; and many Protestants profess to see not a little force in his reasoning. But suppose we should grant leave to erect the hierarchy, and so help Dr. Wiseman to put the canon law into working gear; what would be his next demand? Why, that we should subject the laws of England to instant revision, so as to conform them to the canon law. “You allowed me,” would the doctor say, “to introduce the canon law, and yet you forbid me to give it full development. Here it is perpetually checked and fettered by your enactments. I demand that these shall be rescinded in all points where they clash with canon law. You virtually pledged yourselves to this when you sanctioned the hierarchy. Why did you allow me to introduce this law, if you will not suffer me to work it? I insist on your implementing your pledge, otherwise I shall brand you as persecutors.” The Protestants who gave way in the former instance will find it hard to make good their resistance here. In this manner point after point will be carried, and a despotism worse than that of Turkey, and growing by moments, will be established in the heart of this free country. All lets and hindrances in its path will crumble into dust before the insidious and persistent attacks of this conspiracy. Its agents will act with the celerity and combination of an army, while the leaders will remain invisible. It will attack in a form in which it cannot be repelled. It will use the Constitution to undermine the Constitution. It will basely take advantage of the privileges which liberty bestows, to overthrow liberty: and it will never rest content till the mighty Dagon of co-mingled blasphemy and tyranny known as canon law is enthroned above the ruins of British liberty and justice, and the neck of prince and peasant is bent in ignominious vassalage.

Were Lucifer to turn legislator, and indite a code of jurisprudence for the government of mankind, he would find the work done already to his hand in the canon law. Surveying the labours of his renowned servants with a smile of grim complacency,—sorely puzzled what to alter, where to amend, or how to enlarge with advantage,—unwilling to run the risk of doing worse what his predecessors had done better,—he would wisely forgo all thoughts of legislative and literary fame, and be content to let well alone. Instead of wasting the midnight oil over a new work, he would confine his labours to the more useful, if less ambitious, task of writing a recommendatory preface to the canon law.

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[1] This account of the canon law is compiled from the *Horae Juridicae Subsecevae* of Butler, pp. 145-184; Lond. 1807. “The modern period,” observes Butler, “of the canon law begins with the Council of Pisa, and extends to the present time.” Its principal parts are the canons of modern oecumenical councils, especially Trent, the various transactions and concordats between sovereigns and the see of Rome, the bulls of popes, and the rules of the Roman Chancery. [\[Back\]](#)

[2] Hallam’s *History of the Middle Ages*, vol. ii. pp. 2-4. [\[Back\]](#)

[3] Gavazzi, *Oration* vi. [\[Back\]](#)

[4] *Corpus Juris Canonici*, *Decreti*, pars i. distinct. x. [\[Back\]](#)

[5] *Idem*, *Decreti*, pars i. distinct. x. can. i. [\[Back\]](#)

[6] *Idem*, *Decreti*, pars i. distinct. x. can. iv. [\[Back\]](#)

[7] *Idem*, *Decreti*, pars i. distinct. x. can. v. [\[Back\]](#)

[8] *Idem*, *Decreti*, pars i. distinct. x. can. vi. [\[Back\]](#)

[9] *Idem*, *Decreti*, pars i. distinct. xix. can. ii. [\[Back\]](#)

[10] *Corpus Juris Canonici*, *Decreti*, pars i. distinct. xix. can. iii. [\[Back\]](#)

[11] *Idem*, *Decreti*, pars i. distinct. xix. can. vi. [\[Back\]](#)

[12] *Idem*, *Decreti*, pars i. distinct. xcvi. can. vii. [\[Back\]](#)

[13] *Idem*, *Decreti*, pars i. distinct. xcvi. can. viii. [\[Back\]](#)

[14] *Idem*, *Decreti*, pars i. distinct. xcvi. can. xi. [\[Back\]](#)

[15] Quoted from M’Caul’s “What is the Canon Law?” [\[Back\]](#)

[16] *Decreti*, pars ii. causa xxv. quest. i. can. xi. [\[Back\]](#)

[17] *Decreti*, pars i, distinct. xcvi. can. x., and *Decreti*, pars ii. causa xv. quest. vi. can. iii. iv. v. [\[Back\]](#)

[18] Decreti, pars ii. causa iii. quest. vi. can. ix. [\[Back\]](#)

[19] Decreti, pars i. distinct. xl. can. vi. [\[Back\]](#)

[20] Clementin. lib. ii. tit. i. cap. ii. [\[Back\]](#)

[21] Decreti, pars ii. causa xv. quest. vi. can. iii. [\[Back\]](#)

[22] Decreti, pars ii. causa xv. quest. vi. can. iv. [\[Back\]](#)

[23] Decret. Gregorii, lib. ii. tit. xxiv. cap. xxvii. [\[Back\]](#)

[24] Decret. Gregorii, lib. iii. tit. xlix. cap. iv. and vii. [\[Back\]](#)

[25] Decret. Gregorii, lib. ii. tit. ii. cap. i. ii. vi, and Sexti Decret. lib. ii. tit. ii. cap. ii. [\[Back\]](#)

[26] Decreti, pars ii. causa xii. quest, ii. can. i. iv. vii. [\[Back\]](#)

[27] Decreti, pars ii. causa xii. quest. ii, can. xii. xix. xi. [\[Back\]](#)

[28] Decret. Gregorii IX. lib. v, . tit. vii. De Hereticis. [\[Back\]](#)

[29] The above Decretals respecting heresy are quoted from the JUS CANONICUM; Digestum et Enucleatum juxta Ordinem Librorum et Titulorum qui in Decretalibus Epistolis Gregorii IX. P. M. Georgii Adami Struvi, pp. 359-363: Lipsiae et Jenae, 1688. [\[Back\]](#)

[30] Quinta Compilatio Epistolarum Decretalium Honorii III. P. M. Innocentii Cironii, Juris Utriusque Professoris, Canonici ac Ecclesiae, et Academiae Tolosanae Cancellarii, Comp. v. tit. iv. cap. i. p. 200; Tolosae, 1645. [\[Back\]](#)

[31] Decret. Gregorii, lib. v. tit. vii. cap. xiii. [\[Back\]](#)

[32] Decreti, pars ii. causa xxiii. quaest v. can. xlvii. [\[Back\]](#)

[33] "Haereticos, schismaticos, et rebelles eidem domino nostro, vel successoribus praedictis, pro posse persequar et impugnabo." This form of the oath is quoted from Barrow, who takes it from the Roman Pontifical. The oath, in its more ancient form, as enacted by Gregory VII., is extant in the Gregorian Decretals. Since his time it has been considerably enlarged and made more stringent,—illustrative of the encroaching spirit of the popes. (See Decret. Gregorii, lib. ii. tit. xxiv.)

We subjoin (Ex Bullario Laertii Cherubini; Romae 1638) the more remarkable clauses of the bull in Coenae Domini, annually published at Rome on Maunday Thursday, in order, as we are informed in the preface, "to exercise the spiritual sword of ecclesiastical discipline and wholesome weapons of justice by the ministry of the supreme apostolate, to the glory of God and salvation of souls."

"1. We excommunicate and anathematize, in the name of God Almighty, Father, Son, and Holy Ghost, and by the authority of the blessed apostles Peter and

Paul, and by our own, all Hussites, Wicliphists, Lutherans, Zuinglians, Calvinists, Hugonets, Anabaptists, Trinitarians, and apostates from the Christian faith, and all other heretics, by whatsoever name they are called, and of whatsoever sect they be; as also their adherents, receivers, favourers, and generally any defenders of them; together with all who, without our authority, or that of the apostolic see, knowingly read, keep, print, or anywise, for any cause whatsoever, publicly or privately, on any pretext or colour, defend their books containing heresy or treating of religion; as also schismatics, and those who withdraw themselves or recede obstinately from the obedience of us, or the Bishop of Rome for the time being.

"2. Further, we excommunicate and anathematize all and singular, of whatsoever station, degree, or condition they be; and interdict all universities, colleges, and chapters, by whatsoever name they are called; who appeal from the orders or decrees of us, or the pope of Rome for the time being, to a future general council; and those by whose aid and favour the appeal was made.

"15. Also those who, under pretence of their office, or at the instance of any party, or of any others, draw, or cause and procure to be drawn, directly or indirectly, upon any pretext whatsoever, ecclesiastical persons, chapters, convents, colleges of any churches, before them to their tribunal, audience, Chancery, council, or parliament, against the rules of the canon law; as also those who, for any cause, or under any pretext, or by pretence of any custom or privilege, or any other way, shall make, enact, and publish any statutes, orders, constitutions, pragmatics, or any other decrees in general or in particular; or shall use them when made and enacted; whereby the ecclesiastical liberty is violated, or anyways injured or depressed, or by any other means restrained, or whereby the rights of us and of the said see, and of any other churches, are any way, directly or indirectly, tacitly or expressly, prejudged.

"16. Also those who, upon this account, directly or indirectly hinder archbishops, bishops, and other superior and inferior prelates and all other ordinary ecclesiastical judges whatsoever, by any means, either by imprisoning or molesting their agents, proctors, domestics, kindred on both sides, or by any other way, from exerting their ecclesiastical jurisdiction against any persons whatsoever, according as the canons and sacred ecclesiastical constitutions and decrees of general councils, and especially that of Trent, do appoint; as also those who, after the sentence and decrees of the ordinaries themselves, or of those delegated by them, or by any other means, eluding the judgment of the ecclesiastical court, have recourse to chanceries or other secular courts, and procure thence prohibitions, and even penal mandates, to be decreed against the said ordinaries and delegates, and executed against them; also those who make and execute these decrees, or who give aid, counsel, countenance, or favour to them.

"17. Also those who usurp any jurisdictions, fruits, revenues, and emoluments belonging to us and the apostolic see, and any ecclesiastical persons upon account of any churches, monasteries, or other ecclesiastical benefices; or who, upon any occasion or cause, sequester the said revenues without the

express leave of the Bishop of Rome, or others having lawful power to do it.”

This curse, annually pronounced at Rome, includes the whole realm of Britain, those few excepted who own the jurisdiction of the Roman see. All we in this land are cursed,—so far as the pontiff can,—trebly cursed, in this bull, published annually in presence of the Pope and the Cardinals. Our great crime is, that we obey not canon law. In violation of that law, we print, publish, and read books which contain heresy or treat of religion and therefore we are cursed. In violation of canon law, we hold amenable to the civil tribunals, all persons, not excepting the clergy of Rome, and therefore we are cursed again. We possess and use, in not a few instances, lands and inheritances which once belonged to the Romish Church in Britain, and which that Church claims as still belonging to her, and therefore we are cursed a third time. We hinder archbishops and other prelates from “exerting their ecclesiastical jurisdiction against any persons whatsoever,” according to the canons, and especially those of Trent, and so we are cursed a fourth time. All classes, from the throne downwards, are included in almost all the curses of this maledictory roll. [\[Back\]](#)

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