DOLLINGER'S DECLARATION.

The Right of Questioning the Decrees of the Ecumenical Council.

IS THE POPE INFALLIBLE?

DOLLINGER'S DECLARATION.

His Protest Against the Infallibility of the Pope.

EXTENT OF THE PAPAL POWER.

He Asserts the Right of Questioning the Decrees of the Ecumenical Council.

THE BISHOP OF MUNICH'S REPLY.

"He Who Will Not Hear the Church Let Him Be Unto Thee as a Heathen and a Publican."

Dr. Dollinger Sustained by the University of Munich.

The following is the letter addressed by Dr. Dollinger, Dean of the Chapter of Vienna, to the Archbishop of Munich and Freising, in explanation of his position with respect to the decree of Papal infallibility:—

Your Excellency has asked me in two letters to explain my position with respect to the Roman decrees of July 18, 1870, which have been published by you.

It has transpired in the circle of your Cathedral Chapter that it is your intention to proceed against me with such penal measures as are used only against such priests as have been guilty of gross moral crimes, and even but seldom against these. This is to occur if I do not, within a certain period, submit myself to the two new articles of faith, as to the universal (*episcopal*) power and infallibility of the Pope.

I learn at the same time that a council meeting of German bishops is to take place shortly at Fulda.

In the year 1848, when a meeting of all the German bishops was held at Würzburg, the honor of an invitation was extended to myself, and I took part in the proceedings. Your Excellency might perhaps arrange that I might be allowed in the meeting which is about to take place, not this time to take part in the proceedings, but to have an audience for a few hours.

For I am prepared to prove before this meeting the following theses, which are of decisive importance for the present situation of the German Church, as well as for my personal position:—

First—The new Articles of Faith are based upon the texts in the Holy Scriptures, St. Matt. xvi., 18, and St. John xxi., 17, and, as far as infallibility is concerned, upon the text, St. Luke xxii., 32, with which the same, biblically considered, must stand or fall. But we are bound by a solemn oath, which I myself have sworn to accept and to explain the Holy Scriptures not otherwise than according to the unanimous consent of the fathers. The fathers of the Church have all, without exception, explained the texts in questions as bearing a totally different meaning to the new decrees, and especially in the text St. Luke xxii., 32, have found no shadow of an infallibility given to the Pope. Therefore, were I to accept with the decrees this explanation, without which every biblical basis to the same is wanting, I should commit a perjury. And, as I have said, I am prepared to prove this to the bishops in council.

In the pastoral episcopal pastorals and notices which have lately appeared, the assertion has been made, that historical proof sought, that the new doctrine now proceeding from Rome as to the universal power of the Pope over every single Christian, and as to the Papal infallibility in decisions in the Church on matters of faith from the beginning, through all ages, has been generally, or at least nearly generally, believed and taught. I am ready to prove that this assertion is based upon an entire misconception of the traditions of the Church for the first thousand years, and upon an entire distortion of her history. It is in direct contradiction to the plainest facts and testimonies.

I am ready to prove that the bishops of the Latin countries, Spain, Italy, South America, France, who formed the immense majority at Rome, were, with their clergy, already led astray by the classbooks from which they took their ideas during their seminary education; since the proofs given in these books are for the most part false, invented or falsified, and that they have, in the first two principal and favorite works of modern theological schools and classbooks, "The Moral Philosophy of S. Alphonsus Liguori" (and especially as regards the treatise contained therein concerning the Pope), and with "The Theology of the Jesuit Perone;" further, with the writings of the Archbishops of Cardoni and of Bishop Ghilardi, which were distributed in Rome during the Council, and, finally, with "The Theology of the Viennese Theologian Schwetz."

Fourth—I appeal to the fact, which I am ready to prove in public, that few General Councils and several Popes have contradicted the different decrees issued by other Popes and Councils, repeatedly confirmed by the Popes, the question as to the extent of the Pope's power, and as to his infallibility, and that the decrees of the 18th of July, 1870, are in the most glaring contradiction to these resolutions, and, therefore, cannot possibly be considered as binding.

Fifth—I believe that I shall be able to prove that the new decrees are simply incompatible with the constitutions of the States of Europe, and especially with that of Bavaria; and that I find it impossible for me, who am bound by oath to this constitution, which I have lately sworn on my admission to the Chamber of the Councillors of State, to accept the new decrees, and, as their necessary consequence, the Bull "Unam Sanctam" and "Cum ex Apostolatus Officio," the Syllabus of Pius IX., with so many other Papal declarations and laws, which are now as law and of infallible decisions, and are in irreconcilable antagonism to the laws of the country. I appeal on this subject to the opinion given by the legal faculty in Munich, and am ready to abide by the arbitration of any German legal faculty which your Excellency may be pleased to name.

I only ask two conditions for the conference which I have proposed or rather prayed for—the first, that my assertions, together with my counter assertions, shall be recorded, with a view to their subsequent publication; the second, that a man of scientific culture, to be chosen by me, shall be allowed to take part at the expense of the State.

Should this be unattainable before the German bishops in Fulda, I venture most respectfully to proffer another request, that it may please your Excellency to form out of the members of your Cathedral Chapter a committee, before which I may plead my cause in the way above mentioned. Several of the most amiable gentlemen are doctors, and were formerly professors of theology, and at the same time my former scholars. I may hope that it would be more agreeable to them to treat with me in quiet argument, to confute me, if possible, with reasons and facts, than to draw up, upon the seat of judgment, criminal sentences against me, and to submit the same to your Excellency to be fulminated, as the saying is. If your Excellency will consent to preside at this conference, and will condescend to correct any errors into which I may have fallen in the citation and explanation of testimonies and facts, I shall count it as a great honor, and the cause of truth can only profit thereby. And when you place before me the prospect of the exercise of your pastoral power, I may still hope that you will prefer to employ in the first place towards me the finest, most noble, most benevolent and most Christ-like attribute in this power—namely, the teacher's office. Should I be convinced by testimonials and facts, I engage myself publicly and in writing to retract everything in this matter and to confute myself. In any case the results must be advantageous to the Church and the peace of spirits. For it is not myself alone who am concerned; thousands of the clergy, hundreds of thousands of the laity think as I do, and find it impossible to accept the new articles of faith.

Up to this day not a single one, even of those who have signed a declaration of submission, has said to me that he is really convinced of the truth of these theses. All my friends and acquaintances confirm me in this experience; "not a single person believes in it," is what I hear day by day from all sides. A conference such as I have proposed, and the publication of the proceedings, will in any case afford that deeper insight which so many long for.

Perhaps your Excellency will refer me to the Pastoral issued recently by yourself, as a source from which I can draw without instruction and correction of my opinions; but I must confess that it has had no such effect upon me, and I am ready to prove that there is a long list of misunderstood, distorted, mutilated, or invented testimonies, which, taken together with the suppression of the most important facts and counterproofs, form a most unreal picture of the true tradition. It is certain that the person to whom your Excellency intrusted this task did not intent these falsifications, but has borrowed them in good faith from others (Cardoni, for instance), but were it the centre to defend his work at the proposed conference, he would find me ready to prove my assertion in a few hours, or, should I not succeed in doing so, to make public apology to him. I would only ask for one condition in consideration of the importance of the matter—viz., that the government be requested to allow a statesman, learned in historical and ecclesiastical matters, to attend the conference. As the case is one of the highest importance for all governments, it may be assumed that this request would not be refused.

There is no want of precedents in the past history of the Church, which show that my proposal is in accordance with the principles as well as with the practice of the Church. In the year 451, a conference of 286 Catholic and 279 Donatist bishops held three sessions under the presidency of the imperial officer of State, Marcellinus, and the disputed doctrine was decided upon which the latter contested in the Catholic bishops. In the year 1433, Bohemian Calixtines appeared at the Council of Basel, and a decree which had been issued eighteen years before by the Synod of Constance, as to the Communion in one kind, was now subjected to new discussion and examination, the result being a compromise (also acknowledged by the Papal chair) which was a most important and fundamental concession to the Bohemians, and one differing widely from the older decree. A still greater similarity with the transaction proposed by myself is to be found in the conference, so celebrated in French history, between the Bishop Du Perron, of Evreux, and the Protestant statesman and scholar, Du Plessis-Mornay, which took place in the year 1600, at Fontainebleau, under the auspices of King Henry IV. Here it was a question as to the proof that Mornay had falsified or incorrectly quoted a considerable number of authorities in his book upon the Eucharist. Henry himself presided, and the most eminent men of both churches were present as witnesses. The conference was interrupted after a few days, and after a number of Mornay's quotations had been examined, by the confusion of the latter, but caused, nevertheless, a remarkably favorable effect for the Catholic cause in the excited minds of that period.

Most venerable Archbishop, I leave entirely to your own judgment which form you will give to a conference so much desired by myself, and certainly so welcome to multitudes of German Catholics, and what persons you will invite to attend or oppose to me; in your diocese there is certainly no lack of professional theologians who will be glad to accept your invitation. The practice of the Church proves that if question of faith is just as much an affair of the laity as of the clergy, and that the former may take part in the scientific investigation and establishment of the tradition—a fact which all the popes and theologians have acknowledged. And in this case, which is a matter for historical proof, I am gladly ready to submit to the verdict of the most eminent historians of the German nation, and of the Catholic faith. Such men as Höfler, Reumont, Höfler, Arneth, Kampschulte, Cornelius, Janssen, Wegele, Aschbach, may judge whether my proofs be literally and historically right or not.

Your Excellency was pleased formerly to honor my book on the First Ages of the Church Apostolical with your approval, and it was generally considered among German Catholics to be a true picture of the time of foundation. Should the Ultramontane party let it pass without censure that the new decrees contain the truth, then I have not to reproach of having entirely misrepresented the history of the Apostles. That entire section of my book which concerns the constitution of the earlier Church, my description of the relation in which Paul and the other Apostles stood to Peter—all is fundamentally wrong, and I ought to condemn my own book, and confess that I have neither understood Luke's acts of the Apostles nor their own Epistles.

The new doctrine of the Vatican invests the Pope with entire plenary power (*totam plenitudinem potestatis*) over the whole Church, as well as over every single layman, priest or bishop; a power which is to represent at the same time the truly episcopal, and again the specifically Papal power—which is to include in itself everything concerning faith, morals, duty, discipline, which shall reach every one from the monarch to the day laborer, and can punish, command and forbid him. The wording is so carefully arranged that no other position and authority remains for the bishops than that of Papal commissaries or delegates. And in this manner, as every one acquainted with Church history and with the Fathers will confess, the episcopacy of the early Church is essentially dissolved and an apostolical institution to which, according to the judgment of the fathers, the highest importance and authority in the Church is due, is subtilized to a bodiless shadow.

For no one will think it possible that there should exist two bishops in the same diocese, one of whom is at the same time Pope, the other being simply a bishop—and a Papal vicar or diocesan commissary is not a bishop, is no successor of the apostles; he may, through the powers conceded to him from Rome, be very mighty so long as his principal allows him to rule, just in the same way as a Jesuit or mendicant friar to whom the Pope has granted abundance of privileges also possesses great power; and I well know that such an extension of their powers has been held out in prospect to the bishops in Rome; that they have been told, "The more irresistible is the Pope the stronger shall ye be, for the rays of the abundance of his power shall fall also on you." The bishops of the minority have penetrated the delusion of these promises; they understood clearly, as the "Analytical Synopsis" shows, that as soon as the universal episcopacy of the Pope should be established they might indeed continue to be dignitaries of the Church, but no longer true bishops. You yourself, venerable sir, took part in the deputation which made such urgent counter representations to the Pope on the 15th of July, 1870—representations which Bishop Von Ketteler (Mayence) sought to emphasize by prostration! We know that these representations were fruitless. The sole consolation given to the bishops mourning the loss of their ecclesiastical dignity was confined to the declaration in the decree that the Episcopal power is an "ordinary" one—(*i. e., a potestas ordinaria subdelegabilis*, as the Romish canonists are accustomed to express it), and that the Pope considers it to be his duty to support them, this being vouched by a mutilated saying of Gregory the Great, by a passage which, if it, with others, had been quoted in its entirety, would indeed have proved to the world that this Pope of the seventh century put away from himself with the deepest horror such a universal episcopacy as has now been established, considering it a blasphemous usurpation.

Nor has there been any lack of prayers, representations and warnings before and during the Council. You yourself, venerable sir, took part in the same by your signature. The bishops of the minority have declared in an address to the Pope, on the 12th of January, signed by yourself, that "the declarations and acts of the Fathers of the Church, the true documents of history, the Catholic educational system itself, presented the most serious difficulties in opposition to the proclamation of the doctrine of infallibility." They were, as they themselves said, afraid even to discuss these difficulties, and prayed the Pope to relieve them from the necessity of such a discussion—*i. e.*, to relinquish his doctrine of infallibility. But when the Pope insisted that the Council should occupy itself therewith, the German bishops demanded on the 11th of March exhaustive conferences on the question of infallibility, to be conducted by deputations chosen from both sides. These were not granted, and they had to content themselves with speeches in the Aula, where any regular discussion was an impossibility.

As to the indispensability and urgent need of such conferences I would only quote here one instance. A considerable number of Italian bishops demanded in a since published address that Papal infallibility should be raised to a dogma of faith, because two men, both Italians and both the pride of their nation—Thomas Aquinas and Alphonsus Liguori, these shining lights of the Church—has thus taught. Now, it was well known and proved by me, as well as by Gratry, that Thomas had been deceived by a long series of invented testimonies, as, indeed, he bases his teaching in this instance almost exclusively upon such falsifications and never upon genuine passages of the Fathers or Councils. And as to Liguori, a single glance at his writings is sufficient to convince any practiced theologian that his dealings with falsified passages are still worse than those of Thomas. My exposure of the fraud to which the latter had succumbed had created great sensation in Rome. The author of a pamphlet published there, and directed against myself, says that a great cry had been raised on the subject round about him. It ought, therefore, to have been indispensably necessary to examine closely into the matter. It is true that such an examination, carefully and thoroughly begun, would have led very far; it would have resulted in the proof that the theory of Papal infallibility had been introduced into the Church solely by a series of calculated inventions and falsifications, and had then been spread and maintained by force, by the suppression of older teaching and by the many means and artifices which are at the disposal of the ruling power.

All exertions, representations and petitions, then, were fruitless; nothing was conceded, and yet the example of the so-often quoted Council of Florence was before their eyes, when the assertion of the Greeks, that falsified passages of the Fathers were laid before them, led to examinations and discussions lasting many months and carried on with the greatest care. It is assuredly known to your Excellency that the most careful and ripe consideration of tradition has invariably been required of any true Ecumenical Council about to lay dogmatic resolutions. How great the contrast in this respect between Trent and that which occurred in Rome in 1870! Certainly the treatise of Archbishop Cardoni, which was accepted at once by the preparatory committee, and which was to be considered by the assembled Bishops as a proof, could not have supported examination for one single hour.

In the whole history of the Church I only know of one General Council in which, as in this last, those in power prevented any thorough discussion of the tradition, and this was the Second of Ephesus, in the year 449; there, in the so-called Synod of Thieves (Räubersynode), this was done by force and by tumultuous tyranny. In the Vatican Council the order of proceeding imposed on the assembly, the Papal Committee, and the will of the majority, suffered no regular and critical examination to be made. Such an examination would assuredly have brought to light many awkward and unpleasant matters, but it would have preserved the Church from a state of confusion which must appear pitiable to yourself. If you notwithstanding assert that the Vatican assembly was entirely free, you take the word "free" in a sense which theological circles do not generally attach to it. A council is only then theologically free when free examination and discussion of all objections and difficulties has taken place, when exceptions have been admitted and examined in accordance with the rules for ascertaining the tradition. That not even the most modest beginning was made in this direction—that, indeed, the immense majority of the bishops from Latin countries wanted either to sit or the power to distinguish truth from falsehood, rigor from weakness, is proved by the pamphlets which appeared in Italy and were distributed in Rome—for instance, those of the Dominican Bishop of Mondoi, Ghilardi; and further, by the fact that hundreds of these bishops could without blushing rest their case upon the unassailable authority of Alphonsus Liguori.

It is well known that the Jesuits, when they had conceived the plan of establishing Papal absolutism in Church and State, in education and administration, as a dogma, invented the so-called "Sacrificio dell' intelletto," and assured their adherents and disciples—yes, even persuaded many, and among them many bishops—that the most beautiful act of adoration of the Almighty and the most noble Christian heroism consisted in this—that a man, renouncing his own spiritual light of self-gained understanding and discernment, should throw himself with blind faith into the arms of our unerring Papal magistracy, as the sole sure source of religious knowledge. And this religious order has indeed had great success in raising in the eyes of numbers intellectual indolence to the dignity of a religious sacrifice full of merit, and has even moved men, whose culture would have enabled them to enter upon an historical examination, to abandon the same. But as far as we may judge from their pastorals the German bishops have not yet descended to this point of delusion. They still consider to human knowledge, to human search and discretion, a right to exist and a sphere of activity. They themselves appeal to history, as does the pastoral which has appeared under your name.

In a pastoral letter which has just been sent to me Bishop Lothar Kübel, of Rottenburg, on page 9, "Does the Pope receive new revelations? Can he create new articles of faith? Certainly not. He can only declare that a doctrine is contained in the Holy Scriptures and in tradition, therefore, is revealed by God, and must be believed of all." I do not doubt that your Excellency and all other German bishops are fully agreed with these words. But the question is, then, in the present confused state of the Church simply a historical one, which is to be treated and decided upon according to the means in our power, and to the rules which are applicable to every historic search, to every discovery of past facts—that is to say, of such as belong to history. There are in this case no special or secret sources of which the Popes alone have the right or power to avail themselves. Both Pope and bishops must in this case necessarily, if I may use the expression, place themselves under the common law—*i. e.*, if their resolutions are to endure they must adopt that course; must initiate that examination of witnesses with the requisite sifting and critical proof of evidence which alone, in the judgment of all men of capacity in historical matters, is able to give us truth and certainty. There were, therefore, and remain yet, two questions to be answered in accordance with this course. Firstly, is it the truth that the history of Christ's promise to Peter were understood from the beginning through all centuries in the whole Church in the sense which is now given to them—namely, that of an infallibility and boundless universal power granted thereby to the Popes? Secondly, is it true that the ecclesiastical tradition of all time in the writings of the Fathers and the facts of history prove the general acknowledgment of this double right of the Pope?

If these questions must be answered in the negative it is not permissible to appeal, as Bishop von Kübel and others do, to the assistance of the Holy Ghost, as promised to the Pope, and to the obedience of faith due on this account to him; for what we are to examine into historically is just whether this assistance has been promised to him. And where has this been done? Not in the Council, for there, as Cardoni's principal treatise proves, even falsifications were not shunned, and an entirely unreal picture of tradition has been given and a suppression of the most striking facts and counter testimonies. And it is precisely this which I am ready to prove.

And here I beg your Excellency to consider that the doctrine which we are now to adopt forms by its own nature, and by the declaration of the Pope himself, by the confession of all infallibists, a fundamental article of faith—that it is a question of the *regula fidei*, of the rule which must decide what is to be believed and what is not. In future every Catholic Christian could only answer the query why he believes this or that as follows:—"I believe or deny it because the infallible Pope has commanded me to believe or to deny it." Nor can this first principle of faith, as the Holy Scriptures necessarily should most clearly show, ever have been doubtful in the Church—it must at every date and among every people have governed the whole Church like a brightly shining star—must have been placed in the front of all instruction; and we wait for an explanation how it is to be cleared up that only after 1,830 years the Church has started the idea of making an article of faith of a doctrine which the Pope calls, in a letter addressed to your Excellency on the 28th of October, "*quam maxime certe pernecessaria Catholicae fidei ac doctrinae.*" How can it have been possible that the Popes should have, during centuries past, exempted whole countries, whole schools of theology from belief in this "fundamental article of faith?" And, may I add, how is it that your Excellency yourself strove so long and so persistently against the enunciation of this dogma? Because it was not opportune you say. But can it ever have been "inopportune" to give to believers the key of the whole temple of faith, to announce to them the fundamental article on which all the rest depend? We stand all of us giddy before a chasm which opened before us on the 18th of July last.

He who wishes to measure the immense range of these resolutions may be urgently recommended to compare thoroughly the third chapter of the decrees in Council with the fourth, and to realize for himself what a system of universal government and spiritual dictation stands here before us. It is the plenary power over the whole Church as over each separate member, such as the Popes have claimed for themselves since Gregory VII., such as is pronounced in the numerous bulls since the bull "Unam sanctam," which is from henceforth to be believed and acknowledged in his life by every Catholic. This power is boundless, incalculable; it can, as Innocent III. said, strike at sin everywhere; can punish every man, allows of no appeal, is sovereign and arbitrary, for, according to Bonifacius VIII., the Pope "carries all rights in the shrine of his bosom." As he has now become infallible he can in one moment, with one little word "orbi" (that is, that he addresses himself to the whole Church), make every thesis, every doctrine, every demand an unerring and irrefragible article of faith. Against him there can be maintained no right, no personal or corporate freedom; or, as the canonists say, the tribunal of God and that of the Pope are one and the same. This system bears its Romish origin on its forehead, and will never be able to penetrate in Germanic countries. As a Christian, as a theologian, as a historian, as a citizen I cannot accept this doctrine. Not as a Christian; for it is irreconcilable with the spirit of the Gospel and with the plain words of Christ and of the Apostles; it purposes just that establishment of the kingdom of this world which Christ rejected; it claims the rule over all communions which Peter forbids to all and to himself. Not as a theologian; for the whole tradition of the Church is in irreconcilable opposition to it. Not as a historian can I accept it; for as such I know that the persistent endeavor to realize this theory of a kingdom of the world has cost Europe rivers of blood, has confounded and degraded whole countries, has shaken the beautiful organic architecture of the elder Church, and has begotten, fed and sustained the worst abuses in the Church.

Finally, as a citizen, I must put it away from me, because by the claims on the submission of States and monarchs, and of the whole political order under the Papal Power, and by the exceptional position which it claims for the clergy, it lays the foundation of endless, ruinous dispute between State and Church, between clergy and laity. For I cannot conceal from myself that this doctrine, the results of which were the ruin of the old German kingdom, would, if governing the Catholic part of the German nation, at once lay the seed of incurable decay in the new kingdom which has just been built up.

Accept, &c.,

I. VON DOLLINGER.

MUNICH, March 28, 1871.

Pastoral Letter of the Archbishop of Munich to His Archdiocese in Answer to Dr. Dollinger's Declaration Against the Infallibility of the Pope—Dr. Dollinger Placed Without the Pale of the Church.

The following letter has been addressed by the Archbishop of Munich to the priests and flock of his diocese:—

Gregorius, by the grace of God and the Holy Apostolic See, Archbishop of Munich, Prelate of the Household and Councilor to his Holiness, &c., to the venerable clergy and archdiocese, salvation and blessing in the Lord:—

Dr. von Dollinger, Dean of the Chapter and Professor of Theology, addressed to us, on March 29, a declaration stating his position to the Ecumenical Council and its resolutions, which he, at the same time, handed to the Augsburg *Allgemeine Zeitung* for publication. It was accordingly published in the extra supplement of said paper of March 31. This open declaration compels us, the venerable clergy and the faithful of our archdiocese, to publicly and emphatically draw attention to the principal errors contained in this deplorable document and to place its author without the pale of the Roman Catholic Church, in case he should persist in those heresies. The author demands,

First—That he should be permitted to prove in an assembly of bishops and theologists that the decrees of faith of the fourth sitting of the Ecumenical Council were neither contained in the Holy Scriptures, as understood by the fathers of the Church, nor in the writings handed down according to their true history; that the latter have, in fact, been falsified by forged or mutilated documents, and that these same documents are in flagrant contradiction with the more ancient ecclesiastical decisions. But the author has overlooked that there is no question before us which is not yet to be decided, and therefore carefully to be examined. The question has already been decided. A general Council, legally convened, voluntarily assembled and directed by the Head of the Church, has, after careful examination, explained, formulated and defined this article of faith. Every Catholic Christian knows at present what the Church prescribes to believe. The Church which Jesus Christ has promised to the end of the world cannot bid us believe anything else than the revelation of God Himself. Whoever, therefore, opposes the declaration of the Church opposes God. "He who will not hear the Church let him be unto thee as a heathen and a publican."—Matthew, xviii., 17.

Second—The author asserts that a purely historical question was here only in the case, which could solely be resolved by the same means and rules as apply to the research of any other historical fact. By this means the Church is placed under historical examination. The decisions of the Church are submitted to the judgment of the last historical writer, her divinely ordained office to instruct is set aside and all the Catholic truths placed under controversy. Let science take up the Catholic teachings of faith and examine them by all human means and they will stand proof against all contradiction. Let the science of infidelity revolt against God and His revelation, against the Church and her decree of faith, it will never be able to shake the rock upon which the Lord has built His Church.

Third—The author declares that the decrees of July 18, 1870, are in contradiction with the constitutions of European States, but particularly with that of Bavaria; that this article of belief has wrought the ruin of the old German empire and would, if prevailing with the Roman Catholic portion of the German nation, plant the germs of a lingering and incurable malady into the constitution of the new German empire. Against this erroneous theory and baleful accusation we protest with a loud voice and declare it an unfounded charge against the Catholic Church, her Head, her Bishops and all her members, who will never cease "to render unto Cæsar that which is Cæsar's and unto God that which is God's."

Dearest members of the diocese, the views and judgments alleged in this document, of which we have only pointed out to you the most notable ones, have since the convocation of the Ecumenical Council been circulated in many books and newspapers; it must be confessed with sorrow that this document has given the highest probability to the long entertained sad supposition that the author of this declaration in the spiritual head of the whole movement against the Ecumenical Council which has caused so much confusion in the minds and consciences of Christians. The equally numerous writings disproving this heresy found, alas! no ear with those circles hostile to the Church. Now, however, the open opposition of a man, who has hitherto deservedly filled high positions in the Church and State, has given the matter the aspect of a formal revolt against the Catholic Church.

Dear brethren, we are well conscious of our duties as chief pastor of the diocese, and have therefore not delayed in addressing to you these grave and warning pastoral words, and in taking the now necessary measures. The further steps which we shall be obliged to take will be in no less degree governed by a single view to the dangers threatening the Church in Germany and love to the erring brother. "We shall not break the bruised reed or quench the smoking flax."—Matthew, xii., 20. We shall, however, be bound to protect our dear flock from error and temptation. To the venerable priests of our archdiocese we exclaim, with Paul, "Oh, Timothy, keep that which is committed to thy trust, avoiding profane and vain babblings and oppositions of science falsely so called." Timothy, vi., 20. Pray, however, my dearest brethren, for the salvation of the author, jeopardized by that unfortunate declaration; pray for the Holy Church, particularly in our dear German and Bavarian Fatherland; pray for your sorrowful pastor, who blesses you in the name of the Father, the Son and the Holy Ghost. Amen.

The present pastoral letter is to be communicated from the pulpit according to the wants of the faithful.

†GREGORIUS, Archbishop of Munich.

MUNICH, Easter Sunday of the year 1871.

The Professors of the Munich University to Dr. Dollinger—The Doctrine of Infallibility Strongly Denounced—Dr. Dollinger Represented as a Champion of Outraged Truth.

The greater number of the Catholic professors of the Munich University—forty-four out of sixty-two—have presented the following address to Dr. Dollinger. It reads as follows:—

In accordance with the other high schools of Germany we protested most emphatically against the resolutions which the Pope and the majority of the so-called Ecumenical Council attempted to force upon Catholic Christianity on July 18, last year. Since then the work of force inaugurated in Rome has been continued, and at a time when the German nation conquered on the battle fields the first place among the nations of the globe the bishops of the German nation assumed the task of oppressing the consciences. In the service of unchristian tyranny they have brought confusion and distress into many honest hearts. Their object is to persecute the firm believers of their faith and to enchain us all as much as it is in their power in the irons of absolutism, which is meant to replace the functions of reason and right, the traditions and Holy Scriptures. Whither will this beginning lead? What will become of the Catholic world and the Fatherland when it is no longer permitted within the pale of the Church to unite science, culture (*Bildung*), sincerity of heart and liberty of conscience with religiousness? In these times of danger, when all exterior pillars of support are breaking, it behooves the high school, to continue to hold fast, with God's help, unbreakable plank of outraged truth. Upon you above all, reverend sir, have the eyes of the nation been directed. You have fulfilled the general expectation, by your declaration of March 28 you have given a pledge of the salutary development; you have upheld the right of free scientific examination, and inserted a page of the highest historical importance in the annals of the Munich University. You had to decide between a humiliating submission, without regard to right and truth, as demanded of you, and a difficult, but indispensable duty, and you have chosen the right path. Perseveres the struggle, reverend sir. Defend yourself with the shining shield of science, and may it be a shield of destruction to all those who corrupt Christianity. At this crisis of our Christian destinies we remember the question of the courageous Gratry, "Is God in need of your lie?" (*Bedarf Gott einer Lüge?*) and we and thousands of true hearts bear with us answer like you, reverend sir, with a clear and decided "No!"

SOLACE FOR THE SICK.

Presentation of Relieves to Bellevue Hospital—Warden Brennan's Appeal to the Public for Assistance in Making Pleasant the Home of the Suffering.

It has long been a cause of regret to well wishers of the city public institutions that so little interest has been manifested by the public in making the homes of the sick cheerful and bright by the presence of pretty articles, pleasant to look upon. Warden Brennan, of Bellevue Hospital, has seen this want for some time past, and is now exerting himself to supply the hospital under his charge with the desired objects. A generous lady recently presented Bellevue Hospital with a number of beautiful lithographs, and, inspired by this action, the Commissioners of Charities and Correction have sent to Mr. Brennan 200 lithographs and chromos with which to relieve the dullness of the hospital wards. In so large a building as Bellevue Hospital the number of pictures alone alluded to must seem very small; and while there can be no doubt about the advantage of ornamenting the wards with pictures, the question arises whence they are to come. It would seem that the supply of these articles as hospital furniture ought to be at once provided; for every one who has spent any time in a hospital knows the tedium and monotony of the life. Warden Brennan hopes that before long the public will supply him with such a number of pictures as will be sufficient for every ward in Bellevue. It is not expected that the gifts will in any one case be large; even one picture will be received gladly. Those who have been under the kind-hearted Warden's care at Bellevue should remember their own time in the hospital and prove their estimation of the services rendered them by making some present in response to the Warden's appeal of the description here referred to. The charitable purpose of making pleasant the home of the sick will no doubt cause many to respond to Warden Brennan's appeal.

JERSEY CITY FINANCES.

The First National bank of Jersey City concluded negotiations yesterday for the purchase from the city of twenty year bonds to the amount of one million of dollars at par, with accrued interest from the first of May next. This justifies what was stated in yesterday's HERALD of the Board of Finance, who are gradually extricating the city from the financial embarrassments into which the manipulators of the bonds in the late Board of Alderman had plunged it. The very last official act of Mr. Bumsted as chairman of the Committee on Finance was the sale of a large amount of bonds at a rate lower than that at which several banks would be willing to take them. This was done without the knowledge of the members of the committee and on Mr. Bumsted's sole responsibility. The Board of Aldermen passed a resolution calling on him to render an account of the transaction, but he evaded the question by resigning, as the new charter had passed in the meantime, and, according to its provisions, he, as a member of the Board of Works, could not hold any other office. To this day he has not rendered to the representatives of the people any account of this transaction, which has provoked a universal complaint throughout the city. His failure to secure the chairmanship of the Board of Works deprived him of a seat in the Board of Finance. His successful rival, Mr. Gillett, and Mayor O'Neill—who is a member of the latter Board—are mainly entitled to the credit of repairing the mischief of the past. This is one, at least, of the benefits arising from the result of the election last fall.

BRAZIL.

Regrets at the Resignation of the United States Minister—Chief Mate of the Bark Cricket Washed Overboard—The Yellow Fever at Buenos Ayres—The United States Squadron.

RIO JANEIRO, March 25, 1871.

The Brazil and United States mail steamer South America leaves this port for New York to-morrow morning, at ten o'clock, and I am disposed to send a mere mention of such items as may be matters of interest, for Rio affords just now not much gleaning which may be of value to the HERALD readers at home.

By the South America, which came in here on the 19th inst., we learned of the near resignation of our late Minister, Mr. Henry T. Blow, of Missouri, and of the improbability of his returning to Brazil. This is no light cause of regret, not only on the part of the American residents, but many foreign and native families as well; for the course pursued by Mr. Blow won him the confidence and esteem of all with whom he came in contact, while the friends of his peculiarly charming and hospitable family embrace all those who have had the pleasure of meeting them. Much anxiety is manifested to know who his successor may be, very many expressing the wish that the post might be filled by Mr. Munroe, the late consul, whose residence here is remembered with pleasure by both official and private families and individuals.

The bark Cricket, Captain James Kean, of and from Baltimore, arrived here safely on the afternoon of Wednesday, the 22d inst. The Cricket left Baltimore on the morning of the 6th of February, and on the 15th encountered a gale in the Gulf stream. Just before four o'clock on the morning of the 16th Mr. Preston, the first officer, came on deck. The vessel had the gale and a heavy sea on her quarter, and was shipping much water. Mr. Preston, in order to avoid the water on the deck, stepped up on to the house aft and threw his arm around the spanker boom. He had hardly done this when a heavy sea swept the vessel's quarter deck and took Mr. Preston with it, sweeping him beyond the possibility of succor. At the same time it swept away two men who were lashed to the wheel, but they saved themselves from going overboard. Mr. Preston was from Baltimore, was a young man of much promise, had the esteem of his employers, was personally beloved by his captain, and will be sincerely mourned by all who knew him at home or abroad.

The English mail steamer Oneida came into this port yesterday, from Montevideo, and reports a frightful prevalence of yellow fever at Buenos Ayres. The epidemic has come upon the city quite suddenly, and rages fearfully, the deaths one day amounting to over two hundred. Business is almost entirely suspended, and more than ten thousand persons have left the city, and all by any means can get away are leaving. A thirty days' quarantine at Montevideo on everything arriving from Buenos Ayres is almost equivalent to a severance of the latter city from the rest of the world. At present the city of Montevideo is free from the fever. The American Admiral, with his ship, is lying off Montevideo; the United States man-of-war Wasp also. The Portsmouth, Captain Semmes, is up the northern coast.

This city, having only a few mild cases of yellow fever, may be considered free from it. There are a few cases of typhus and typhoid fevers, but there have been only a very few deaths. The city generally is in a healthy condition, though it remains still quite warm.

ATTEMPTED BURGLARIES.

The Advantages of Burglar Alarms—A Warning to Housebreakers Generally.

On Saturday morning, about two o'clock, Mr. Henry M. Heiser, residing on the corner of Ninety-second street and Eighth avenue, was violently aroused from sleep by the ringing of a "burglar alarm," which was fastened to the window looking from his back basement into the yard. Knowing full well that a burglar was either then in the house or endeavoring to get in, and being also aware of the precise spot where to find the thief, his son and himself rushed down stairs, with revolvers all ready for use. Mr. Heiser, Sr., led the way, and was the first to open the door of the back basement. As soon as he did so he thrust-in his arm which held the pistol, when a voice instantly cried out, in a tone of resignation, "Don't shoot; I give up." Both gentlemen then advanced and secured their prisoner, who gave his name as Patrick Foley.

They had now to find a policeman into whose custody the burglar could be given; but in this simple matter they had a much greater difficulty than they apprehended they would. They hallooed and called out "Police!" and "Watch!" until they were hoarse; but no policeman came, at least not from the direction they expected. When they had almost given up in despair of getting one, however, two officers came running toward them through the Central Park. These were officers Pettit and Hitchcock, of the Twenty-third precinct police, who had heard the call for assistance in Fifth avenue, a distance of nearly three-quarters of a mile. The question might pertinently be here asked, Were all the police of the Thirty-first precinct, in which the residence of Mr. Heiser is, asleep at that hour of the night, and if not, where were they?

Yesterday the prisoner was arraigned at the Yorkville Police Court by the before mentioned officers, and gave his reason for attempting to rob Mr. Heiser to be that he had been out of employment for several months past, and that he had nothing to eat. He was locked up without bail. In his possession when arrested were found a brace and bit, a bottle of vitriol and a candle. He looks more like a laboring man than a thief; but the quality of a book, the old adage says, cannot be always judged from its cover.

ATTEMPT TO ROB A DRY GOODS STORE.

John H. Young, alias Matthew Young, was yesterday brought before Justice Bixby, at the Yorkville Police Court, charged with having been found in the dry goods store of Godirey Gottschalk, No. 504 West Fifty-first street, on Saturday morning about one o'clock, with the intention, of course, it was presumed, of robbing it. He was held to answer without bail. This Young seems to be a desperately bad character, if the report given of him by the police be true. Some months since he was arrested and brought to the above court on a charge of highway robbery; but the complainant not appearing against him he was discharged. About a week subsequent to this he was again wanted, he having cut a man's cheek open with a knife; but this time he escaped by fleeing to Hartford. This time, however, he has been caught "dead to rights," as the police say, and he will certainly go up. He is but fifteen years of age.

ABDUCTION OR WHAT?

A Queer Case in Jersey—Curious Charge Against Railroad Employes.

Last Wednesday, among the passengers who got on board a train on the New Jersey Railroad at Rahway, was a Newark wine merchant, named John B. Vonah, and a young girl about fifteen years of age. The engineer of the train, prior to its leaving the Rahway depot, saw the two on the platform, and Vonah apparently urging the girl to get aboard. Shortly after, while the train was speeding towards Newark, an unknown lady created considerable excitement by calling hastily for the conductor, the gentlemanly Bragg. He came, and the woman declared that this man, Vonah, was acting in a most ungentlemanly way towards his girl companion. On the arrival of the train at Newark Vonah was handed over to a policeman. In a scuffle on board the train he claimed to have been relieved of his wallet, containing $100, but by whom he could not say. He was held for some time at the depot under guard, but was subsequently released. In the meantime the girl, whose home is at West Newark, and not Rahway, disappeared in the crowd. Now comes the sequel. Yesterday afternoon, on a warrant issued by Justice Dean, of Newark at the instigation of Mr. Vonah, conductor Bragg, his engineer, the baggage master and the policemen were severally arrested by detective Haggerty, but immediately released by giving their parole to be in Newark on Monday morning, at Justice Dean's office. The charge against them is assault and battery. Mr. Bragg, who is one of the quietest and least quarrelsome of men, declares himself totally at a loss to comprehend the matter. The impression prevails that Vonah was attempting to abduct the girl. The affair is, however, so thoroughly mixed that it is sc