THE PAPACY.

Fourth Letter to the Herald from a Roman Prelate.

THEOLOGY, JURISPRUDENCE, HISTORY.

The Wisdom of Trent—The Vatican in Contrast.

LEO XIII. AND INFALLIBILITY.

Shall the Decree of the Vatican Council Last?

ROME, May 6, 1878.

TO THE EDITOR OF THE HERALD:—

The Pontifical Court possesses men of distinction who spend their lifetime in the study of religious science. The high offices with which they are invested in the central administration of the Catholic Church make it a duty and a necessity for them to improve their knowledge. As a man, however, cannot become a walking cyclopædia and thoroughly conversant with all branches of religious science, each one must first acquire the fundamental principles and then devote himself afterwards to some particular study.

THE CHURCH AND THE PLATONIC SCHOOL.

Before entering on theology, properly speaking, the theologian must necessarily prepare himself by a sound philosophical course. Among schools of Greek and Roman antiquity the Church has shown a decided preference for the school of Socrates. Followers of Aristotle in the classification of the sciences, in method and dialectics, the holy fathers and Catholic doctors have preserved, while correcting and completing them, the sublime theories of Plato.

THEOLOGY AND JURISPRUDENCE.

Principles of justice lodged in the mind and conscience of man, natural law, positive law, civil legislation, ecclesiastical laws—all these are the province of the jurisconsult. Certain axioms he borrows from theology, it is true, but in turn he acquires a control over theological science in regard to positive acts of the Church and the extrinsic character of dogmatic decrees. In my last letter I spoke of the services rendered by ancient schools to the science of theology by forbidding all attacks on opinions controverted and held as free. In the same way theology and jurisprudence form two distinct schools, each having its traditional opinions, and one serving as a restraint upon the other. The faculty of civil law and of medicine in the old Catholic universities likewise held peculiar opinions, yet perfectly orthodox and free. From discussion springs light. At the Council of Trent the theologians proposed to define as articles of faith at one time the question of the residence of bishops; at another the grades of the ecclesiastical hierarchy; again, the jurisdiction of bishops. All these attempts failed, however, because of the opposition of the jurisconsults, who were in their turn resisted on certain matters by the theological schools.

THE LIGHT OF HISTORY.

Historical science has its part to perform, lighting up with its rays the paths of jurisprudence and theology, forming the breastwork that saves from the abyss, coming in as the safe guide that guards against wild speculation, ratifying scientific conclusions and giving a final approbation to truth.

ROMAN LEARNING CAN BE RELIED ON!

Pontifical Rome to-day cultivates all branches of religious science. This is a paramount duty, a necessity of calling, with those concerned in the important administration of Catholic interests.

I consult theologians, jurisconsults and historians. I seek to know their ideas on the infallibility of the Pope and on the Vatican Council of 1870 which offered this infallibility question to the Catholic world as a new dogma and as an article of faith. The ideas of the learned men of Pontifical Rome cannot be said to be seditious nor rash, nor will they be questioned. I but echo their sentiments, commencing by the theologians.

OPINION OF THEOLOGIANS CONCERNING THE VATICAN COUNCIL AND THE INFALLIBILITY OF THE POPE.

Does the decree published on the 18th of July, 1870, in the fourth session of the Vatican Council, offer the necessary precision? In what way has the doctrine really been modified?

WHAT DOES EX CATHEDRA MEAN?

The Council defined that the Pope is infallible when he speaks *ex cathedra*. When does the Pope speak *ex cathedra*?

The reply is, when he speaks as universal teacher of the faithful. Now, when does he speak as universal teacher of the faithful? No answer. The Council of the Vatican does not solve the difficulty. It therefore allows the different opinions current among theologians and jurisconsults concerning the conditions of the definition *ex cathedra* to stand as they were before the definition. Is the armor weak in this spot?

There are at least five or six different systems concerning the essential conditions of an *ex cathedra* definition.

BOSSUET'S IDEA OF INFALLIBILITY.

Bossuet himself, in the "Defensio Declarationis," grants to the ultramontanes the infallibility of the Pope, speaking *ex cathedra*, providing, says he, that by this word be meant that the Pope has previously consulted the teaching of the bishops and that he gave his decision in accordance with this teaching. Here is the text of the learned prelate:—"*Certum firmumque si velint, habeatur pontificem pro cathedra docentem esse infallibilem, at cum dubitari possit an pro cathedra dixerit, ultima nota ac tessera pontificis ex cathedra docentis. * * * Sit pontifex ex officio interpres ecclesiæ,*" &c.

Is Bossuet's opinion directly affected by the decision of the Vatican Council? The Council of the Vatican decides that dogmatic judgments of the Pope are in themselves irreformable without the consent of the Church, which consent is subsequent to and produced after definition. In the first place, however, is it certain that by the word "church" is meant bishops, whose prerogative it is to be supposed is not included in acts which do not expressly mention them.

FATHER HILARY'S WORK APPROVED.

A theologian from Catholic Switzerland proposes another difficulty. He observes that the clause of the phrase cited above is but the corollary of the preceding phrase, on account of the word *ideoque* uniting the two parts of speech. Now, remarks this able theologian, the consequence drawn from a definition is not the definition itself. The judgment of the Council does not correctly fall upon the corollary of the definition. This is what Father Hilary claims in a book furnished with all kinds of official approbation—*viz.*, of theologians of the Capuchin Order, of the Provincial of the Swiss Province, of the General of the Order resident at Rome—in a word, of Mgr. Marilley, Bishop of Fribourg. Assuredly Father Hilary in his interpretation cannot be accused of heresy.

A THEOLOGIAN AND HIS WORK.

A theologian of Northern Italy published some years ago, with the formal approbation of the Archbishop of Turin, a work entitled "Un Equivoco sull' Infallibilità." He advances the opinion that the Vatican Council takes absolutely no account of the personal infallibility of the Pope—that in reality the Vatican Council adopted and defined the doctrines of Bossuet.

It such be the case are we not at liberty to ask what was the question of doctrine, not of faith, before the Council and by the Council defined as an article of faith? What change has taken place in theological science, and in what does the new dogma consist?

FENELON AND PERSONAL INFALLIBILITY.

Fénélon was not a Gallican. Among his manuscripts has been found a Latin treatise, "De Auctoriate Romani Pontificis," published for the first time in 1822.

Fénélon openly discards personal and private infallibility, sustaining, however, infallibility in matters of dogmatic judgments *ex cathedra*. This compels him to adopt a system concerning the conditions of the *ex cathedra* definition. In his opinion there is no constitution *ex cathedra*, except when the Pope expressly condemns a doctrine as heretical, thereby cutting off from the communion of the Church any one opposing the definition. The Holy See being the centre of orthodoxy, says Fénélon, it cannot be supposed that Providence, who has promised to be with His Church until the end of time, would allow the head of that Church to cut off from her communion any one who is really orthodox. In that case the Holy See would no longer be the centre of orthodoxy, but on the other hand and contrary to the divine promises, the rallying point of error.

The pontifical judgment must, therefore, be positive and irrevocable. History proves that God has never allowed the dogmatic definitions of the Holy See to be erroneous, when its formal decrees in regard to heresy were rendered in solemn constitutions, with penalties affixed, cutting off from communion of the Church those who rejected the dogmatic decision.

Fénélon evidently supposes the irrevocable constitutions of which he speaks to be real laws, general laws, because they are immediately directed to the entire Church, *universæ Christi fidelibus*. He also evidently supposes these constitutions to be promulgated in legal form.

ST. ALPHONSUS LIGUORI AND INFALLIBILITY.

St. Alphonsus Liguori upheld against the Jansenists the infallibility of pontifical decisions *ex cathedra*. By this he does not understand private letters, special briefs. Doctrinal encyclicals, allocutions and Latin letters were unknown in the time of St. Alphonsus. The apostolic constitutions, whose champion he became against the Jansenists, were real, general laws, promulgated in due form.

THE VATICAN WOULD HAVE DONE WELL TO FOLLOW FENELON.

Would to God that the Vatican Council had followed out the system of Fénélon and taken it as a basis for dogmatic definition! It would thereby have advanced the cause of theological science and destroyed forever the sophism which maintains that extraordinary constitutions, to which the Pope requires immediate obedience, under penalty of being cut off from the Church, remain in suspense until the assent of the dispersed episcopate is given and made manifest. This is the weak side of Gallicanism. The Jansenists used it as a plea for rebellion; they halted, waiting for the assent of the bishops of the universe. Fénélon pointed out the danger. Considering the assistance, God has promised the Holy See we cannot suppose that it can fall into error when, proceeding in the plenitude of power, it renders a solemn definition, the penalty of whose violation consists in cutting off from the communion of the Church.

THE VATICAN COUNCIL NOT PRECISE.

The Vatican Council could have rendered a definition in the sense we have described. The boldness displayed by the Jansenists in making use of certain Gallican doctrines certainly deserved express condemnation. The Vatican Council unfortunately did not exhibit the talent it might have exhibited in forming its definition with that degree of precision required to formulate clearly a point of doctrine intended to rank as dogma. There is no valid reason why a doctrinal decree, rendered in due positive form, should remain in suspense until ratified. The ultramontanes made the mistake they blamed in the Gallicans.

GENERAL COUNCILS AND THE POPE'S APPROVAL.

A general council convened by the Pope and presided over by his legates renders a dogmatic decision, to which bishops and legates agree. The decree is published in public session and no one waits for the Pope's ratification. Provincial councils can publish their decisions only after they have been submitted to the Holy See. *A fortiori*, does it seem necessary to have the Pope's previous approval when there is question of solemnly promulgating dogmatic definitions of ecumenical councils. History, however, proves that general councils have promulgated their dogmatic acts without waiting the Papal sanction, and not only promulgated them but put them into execution.

NICE, EPHESUS, CHALCEDON.

The Council of Nice did not wait the approval of Pope St. Sylvester to condemn the Arian bishops. In the second General Council Theodosius the Great gave out immediately the constitution relating to the Macedonians. The same thing took place at Ephesus and Chalcedon. Long before the Holy See's ratification of the dogmatic decrees became known the penalties for its violation had been executed. The Council of Constance did not wait the election of Pope Martin V. to proceed against John Huss and Jerome of Prague.

ECUMENICAL COUNCILS AND PAPAL LEGATES.

Do ecumenical councils presided over by legates of the Holy See possess infallibility on account of divine assistance? Are their dogmatic decisions irreformable previous to their sanction by the Holy See, as represented by the legates? Is one obliged to give assent of faith to a creed, to definitions of general councils, which have not yet received the formal approval of the Holy See?

ULTRAMONTANE DOCTRINE.

Modern ultramontanes say that mere outward submission is required so long as the Holy See has not approved, thereby applying to a general council the same system the Gallicans have advocated against pontifical constitutions. Does not outward submission imply dogmatic belief?

TESTIMONY OF HISTORY.

History gives the lie to all these different paradoxes. No dogmatic decision of any general council can be mentioned which was ever annulled by the Holy See. On the other hand, no dogmatic bull, solemnly promulgated as a general law in the fulness of pontifical power and with penalties attached has ever been signalized as containing doctrinal error. Thus it is that the dogmatic power of general councils and the prerogatives of the Holy See blend harmoniously. In the fifth century Pope St. Celestine, after a brief examination of the doctrine, condemned Nestorianism. The Council of Ephesus did the rest. In 1519 Leo X. condemned certain propositions of Luther, and though he certainly made no mistake in pointing them out, yet the dogmatic bull he issued is far from reflecting the clear light displayed by the doctrinal expositions and dogmatic canons of the Council of Trent.

OPINION OF JURISCONSULTS ON THE VATICAN COUNCIL AND THE LEGAL CHARACTER OF ITS ACTS.

The doctrinal definitions of general councils are irreformable when the proceedings of these councils have been carried out according to the rules laid down for councils *conciliariter*. This formula is an old one, for Martin V., in 1418, used it in regard to the acts of the Council of Constance; he ratified all that the Council had done *conciliariter*—that is, in general, public or formal sessions; he did not ratify, however, the work of private committees or of different nationalities. The Pope, therefore, approved of the deposition of John XXIII. and of Benedict XIII. as well as the full power the Council arrogated to itself, with a view to end the great schism.

VISCONTI, THE CARDINAL OF LORRAINE AND CHARLES BORROMEO.

At the Council of Trent there was an interchange of thought between eminent men concerning the respective rights of the Council and the Roman Pontiff. The prelate Visconti, Nuncio of His Holiness Pius IV., at the Council of Trent had a very important conversation with the Cardinal of Lorraine, Archbishop of Rheims. Of this conversation he gave an account to St. Charles Borromeo, who was at that time Secretary of State of his uncle, Pius IV. Visconti's correspondence was published in the *Miscellanea*, edited by the learned Mansi, Archbishop of Lucca, in 1762 (t. 3, p. 474). Although the Cardinal had studied at the Sorbonne, in Paris, an institution which carefully preserved the maxims of the Council of Constance, yet he recognizes the Pope's right to indirectly annul the dogmatic decrees of a general council by declaring the proceedings of the Council irregular, by declaring that the Council has not acted *conciliariter* in accordance with traditionary rules. I give you Visconti's letter, dated June 27, 1563:—"The Cardinal of Lorraine, speaking of the authority of the Pope and of the Council, says that to make princes more submissive to the Holy See it might be useful at this time to come to some understanding in regard to the power of the Pope and that of general councils. He had given his opinion to the legates, he had promised to convey it in writing to Monsignor the Cardinal Morone, to whom he wrote in substance as follows:—When the Council is convoked by the Pope and his legates preside at it His Holiness is obliged, under penalty of anathema, to obey the decrees of the Council in regard to matters of faith concerning which the Council cannot be deceived. This eminent prelate declared that his opinion thus delivered was the same as that of the Sorbonne, and that decrees of this kind, in matters of faith, would be received without further formality in France and Spain, even though they were not confirmed by the Pope. The Pope could, however, as supreme judge annul them by declaring the proceedings of the Council irregular. The canons of faith, he added, do not require the Pope's ratification, unless rules made in regard to morals, about which (the Council being liable to err) the Pope's ratification was necessary. The Pope could, however, dispense in this last instance, if he saw fit, for the good of the Church. He related that in thus communicating his opinion to the legates he found them of the same opinion, with the exception of Cardinal Simonetti, who entertained a different opinion in relation to the Pope's approval. On this account, I presume, he has informed Your Eminence what he thought when Lorraine made this proposal."

LEO XIII. AND HIS POWER.

Leo XIII., successor of the Prince of the Apostles, invested with full pontifical jurisdiction, can therefore declare irregular the proceedings of a council not held in conformity with traditionary rules. Up to this time no use has ever been made of the decree of the Vatican Council concerning the Pope's infallibility.

PIUS IX. AND THE PILGRIMS.

During the last eight years of his life Pius IX. made a great many discourses, but he never published any dogmatic act, and the most of these discourses were made to pilgrims visiting Rome. These doctrinal discourses are of recent date, for they began in 1870, after the Piedmontese took possession of Rome. It is very strange that Pius IX. confined himself to simple discourses since the day the Vatican Council gave the decision concerning infallibility. The sense and importance of the decree may be judged from what has already been stated. I again repeat that Pius IX., who was declared infallible by the Vatican Council, never, from the day of the definition, published any dogmatic act nor anything that enlightened people are apt to consider as such. In fine, during the last eight years of the Pontificate of Pius IX. no doctrinal encyclical, no consistorial allocution, no briefs, no Latin letter and no Syllabus relative to doctrine have been published. All that is extant are the discourses of Pius to the good ladies of Rome and to the visiting pilgrims.

THE POPE NOT INFALLIBLE IN HIS SPEECHES.

Now ultramontane and Gallican theologians agree that the Pope is in no way infallible in his discourses. Every official document ought necessarily to be written. All Roman theology denies the Pope to be infallible in his discourses, private or public.

FATHER PERRONE'S AUTHORITY.

Perrone, a good authority in regard to the Roman teaching of the last fifty years, inveighs against those who accuse Catholics of believing the Pope infallible in his public or private discourses. *Fallunturprorsde vehementer qui censent a nobis adstrui pontificiæ infallibilitatem sive in factis personalibus, sive in privatis aut publicis ejus dictis, sive in decretis et rescriptis alisve hujusmodi.* The discourses pronounced by Pius IX. since the 20th of September, 1870, cannot be said to be public, but simply semi-public. Since the Pope is not at all infallible in his public discourses what are we to conclude of conversations that were merely semi-public.

WRONG INTERPRETATION.

Numbers of people with limited knowledge of the principles of science, but more or less in good faith, have wished to consider as dogmatic constitutions the laws discourses delivered by the Pope in presence of a few visitors. They take a like view of his Latin letters, his special briefs, his consistorial allocutions and of the encyclicals. As these documents were not promulgated in legal form, not being addressed to the faithful at large, it is impossible to consider them as real laws.

PIUS IX. AND HIS NEGLECT IN PROMULGATING LAWS.

The Pontificate of Pius IX. is singularly strange in regard to the official promulgation of acts. In the reign of this Pope we not only find a number of acts whose special features render them disputable for promulgation, but acts that should have been promulgated to be of any legal account and which have been entirely forgotten. As an example, independent of the bull *ineffabilis* of December 8, 1854, and of which I spoke in my last letter, I can mention the brief of November 27, 1869, prescribing the rule for the Vatican Council then almost on the eve of opening.

BRIEF ANNOUNCING THE VATICAN COUNCIL.

This brief was not promulgated. It was privately communicated to the bishops. Giving notice, however, differs essentially from promulgation. It should have been promulgated in the first public session of the Vatican Council. Publication in public session of a council is indeed a legal means of promulgating laws. It is one of the two kinds of promulgation which I have pointed out as being officially admitted in regard to pontifical laws:—viz., posting on the doors of churches and publication in the public sessions of councils.

WISDOM OF TRENT.

The Council of Trent avoided any such mistake. In that body we find a number of canonists and enlightened jurisconsults. Paul III. and Pius IV. had published briefs concerning rules to be followed by the Council of Trent. For instance, bishops who were absent could not be represented and vote by proxy; there was also a brief concerning the rank or priority of seat in the Council. These briefs were communicated to the bishops in general congregations, but as it was well known at that time that a general congregation is not the proper place nor the proper legal means for official promulgation, care was taken at the first public and formal session to officially promulgate the above mentioned briefs.

AMBASSADORS' CREDENTIALS.

A like method was adopted in regard to the credential letters of ambassadors. The ambassadors of the different governments were solemnly received in the first general congregation that assembled after their arrival at Trent, and the reading of their letters was duly made in presence of the Council. Thenceforth they were admitted to the general congregations and assisted at them. This, however, did not officially accredit the ambassadors to the Council, but at the first public session due proclamation was made from the pulpit of the letters of the ambassadors, thus giving these the same prominence as to all other official documents.

IRREGULAR PROCEEDINGS—WANT OF DUE FORMALITY.

The Council of the Vatican in 1870 did not show the farsightedness of the illustrious body assembled at Trent. The brief relating to the ruling of the Council was communicated to the bishops in preparatory congregations, and not otherwise. We have two unexceptionable proofs of this fact—first, the allocution of Pius IX. to the bishops in the pro-synodal meeting of December 2, 1869; second, the advice (*informatio*) of the Secretary of the Council, given to the bishops on the 6th of the same month. It signifies expressly that the rule for the Council was distributed to the bishops in the pro-synodal meeting of the 2d of December, *Juxta num. 5 brevis Apostolici diei 27 Novembris, quod dei 2 hujus mensis patribus concilii in congregatione prasynodali distributum est.* The fact is, therefore, clearly established. In the first public session, held December 8, 1869, the bull of the convocation of the Council was indeed published, but unfortunately no one ever thought of the necessity of legally promulgating the Pontifical brief prescribing the rule to be followed by the Council; and yet this brief was the pivot on which turned all the operations of this ecumenical assembly. The brief forbidding the Vatican Council to continue its labors during the interregnum is in a similar condition, for the directors of the Council forgot to publish it. From this it follows that these two briefs, lacking that formality necessary for promulgation, have never acquired legal and official importance. Although I do not wish to insist on the legal consequences of this fact, yet it may be useful to add a word.

LAWYER-LIKE COMPARISON.

Let us suppose that a civil court gives a judgment authorizing a creditor to seize the property of a debtor. The judgment is rendered in due form, the court is competent—this is all right—the judgment, however, is not properly served by a deputy of the court; it is not made known and promulgated in legal form. If the property is seized under such a judgment which was never properly served, will the seizure be valid? Evidently not. It makes no difference whether the debtor privately received verbal or written communication of the judgment condemning him; such private notification cannot take the place of service of judgment by the court's officer.

BISHOPS QUIETLY IGNORED AT THE VATICAN.

This is precisely what took place at the Vatican Council. The rule made by Pius IX. interfered in more than one way with the freedom of the bishops. The *signitum*, the exclusion of theologians, the method of argument, the formation of committees and any amount of restrictions expressed in the rule in question—all these are innovations, proceedings unknown in the olden time and to any councils that have been held up to our day. The bishops cried out in vain against this embarrassing state of things. It was of no use. A supplementary rule aggravating the position was the sole answer to their protests. The freedom of the bishops assembled at the Vatican Council was therefore sequestrated by a judgment not legally served. The judgment was the brief—imposing the rule. Now this brief, not having been promulgated according to law, is in the identical condition of a decision of a court that is not delivered by a deputy. The same conclusion holds good for the brief suspending the sittings of the Council in case of an interregnum, and preventing the fathers from proceeding to the election of the Pope's successor.

A COUNCIL MAY CONTINUE WITHOUT THE POPE.

Before the publication of this brief the Council was at liberty to continue its labors, even in the event of the Pope's death. In reality no Council ever postponed its sittings on account of the death of the Roman Pontiff. The sixth General Council is a striking example of this fact. The Council was held at Constantinople. Pope St. Agatho died, and notwithstanding this the Council continued its sessions, though the interregnum lasted nearly ten months, and the last sessions were held under Leo II., Agatho's successor. The Council of Constance lasted four full years. Virtually the Papal throne was vacant most of this time, since there were three anti-popes, and the doubtful existence of the real Pope virtually implies a vacancy. The election of Martin V. took place toward the end of the Council. The principal definitions of the Council of Constance, and chiefly in relation to the errors of Huss and Wycliffe, were given out during the interregnum. Julius II. died during the fifth Council of Lateran. No one imagined the Pope's death sufficient cause to interrupt the Council, which might have continued its sessions. When, therefore, the Vatican Council began, in December, 1869, the bishops assembled *conciliariter* could, according to all traditional rules, continue their labors, even in the case of the Pope's death—at any rate, no law stood in the way formally opposing this freedom of action. In case the election of a new Pope induced a schism the Council was the proper tribunal to settle the matter. There was no law extant preventing the legally convoked Council from reserving to itself the right of electing a new Pope.

BULL OF PAUL III. ON THE SUCCESSION.

Paul III. issued a bull reserving to the cardinals the choice of his successor in case he died at Rome or in any other city, even in the neighborhood of Trent. The object aimed at was to prevent any conflict between the College of Cardinals and the Council of Trent, for a schism possibly might occur in case the Council and the cardinals undertook separately to elect a successor. Paul III., however, made no ruling in case he died at Trent or while presiding over the Council, as he intended to do in person. It is not, therefore, true to say that absolutely and under every possible supposition the bull of Paul III. deprives a legally convoked council from proceeding to the election of a new Pope. Even supposing that every possible feature of the case falls under the interdict, the bull of the Pope simply refers to Trent, is merely circumstantial in its tone, and is not supposed to take in all future time. The bull of Paul III. does not say that general councils may never participate in the election of the Roman Pontiff; that they may not, in case of a vacancy of the papal throne, proceed to the choice of a new pope; that they may not change the mode of election or furnish instruction on that subject to the cardinals. The conclusion is the same as in the preceding case.

PIUS IX. ABROGATES THE LAW OF ELECTION BY GENERAL COUNCIL.

When the Vatican Council met in 1869 it enjoyed the privilege of intervening in the election of a new Pope. This privilege was useful in many respects; in case of a conflict of authority or a schism it was a thing necessary, for the supreme authority of an ecumenical council is the only means of establishing peace and unity. This privilege, which tradition grants to general councils, Pius IX. saw fit to revoke and entirely destroy. He issued the brief already mentioned. This brief is a judgment, a law, a decision. Was the law properly promulgated, and in an authentic manner? Was the judgment served according to legal forms? It was not even thought of. The document was extrajudicially communicated to the bishops—nothing more. The pontifical brief was not posted on the basilicas nor published in the sessions of the Council. Of what legal value, therefore, can this brief be? The answer flows logically from the principles I have so far laid down.

TEACHING OF HISTORY.

Leo XIII. must know that the fate of councils varies, and that the rank they occupy depends a good deal on the importance posterity attaches to them, together with the value given them by orthodox jurisconsults recognized as authority on the question.

ECUMENICAL COUNCILS AND POSTERITY.

More than once popes have intended to hold councils, really to all intents general; posterity, however, does not look upon some such councils as ecumenical. Religious annals prove this. Here are a few examples:—

TEN COUNCILS NOT HELD AS ECUMENICAL.

First—The Council of Sardica, in 343, convoked by the Holy See and presided over by the Pontifical legates, seems to have all the necessary conditions of a general council; theologians, however, agree to exclude it from the list.

Second—The second General Council and first held at Constantinople in 381, united the patriarchs and bishops of the East. The legates of the Holy See did not assist, neither did any Western bishop, with the exception of the Bishop of Thessalonica. This Council became ecumenical by acquiescence of the popes nearly a century after. The fifth General Council and second of Constantinople, in 553, shared a like fate.

Third—During the twelve first centuries the popes were accustomed to call a council to assemble at Rome every year on the anniversary of their elevation to the Pontifical throne. None of these are ecumenical.

Fourth—Not satisfied with holding the annual council, which represented the Latin patriarchate of the West, St. Gregory VII., in 1083, announced a General Council, ordaining that two bishops from each province be sent to it. (*Ut Generalis Synodus Congregetur.*) The invitation sent out by the Pope seems to refer to the Council of Lateran, held November 20, 1083. Notwithstanding the Pope's desire and intention the Council of 1083 is not considered ecumenical.

Fifth—The Council of Clermont, in 1096, which proclaimed the first crusade, comes under the same head. Urban II. in several letters says, "Our General Council of Clermont." Again he says, "The General Council which we have held at Clermont." Notwithstanding all this the Council is not classed among general councils. Every one knows that the Council of Lateran, held in 1123, is the first General Council held in the West.

Sixth—The Council held by Calixtus II., in 1123, is generally looked upon, as I have just said, as a general council. Unfortunately the acts of the Council have been lost. Its decrees were not inserted in the official code, and it is necessarily considered as null and void.

Seventh—The second Council of Lateran, held in 1139, by Innocent II., is in the same condition as the first. Its acts can no longer be found; the decrees were filed in Gratian's collection, which is not official. The third and fourth councils of Lateran, in 1179 and 1215; the two councils of Lyons, in 1245 and 1274, and the Council of Vienna, in Dauphiny, in 1312, are found in the official codes of the Church; an official edition of these was published in Rome, in the sixteenth century, under Gregory XIII. They are therefore authoritative before ecclesiastical courts and in public or private discussions.

Eighth—The Council of Pisa and that of Constance were never officially published, consequently they cannot be considered as binding in law.

Ninth—The Council of Florence was, of all others, general, for it united the Latin, Greek, Armenian and Coptic elements. The decree of the union is one of the most important monuments of history. Is it not surprising that the Holy See has never taken pains to publish an authentic and legal edition of the acts and decrees of the Council of Florence? Did not the definition in regard to the primacy of the Pope deserve to rank in the official codes?

Tenth—Finally, the fifth Council of Lateran was opened and continued by Julius II. and Leo X., who formally intended to hold a real general council. The official edition of the decrees was published at Rome in 1521. Notwithstanding the wish of the two popes and the official edition that appeared, before the end of the century even Roman jurisconsults began to doubt the ecumenical character of the fifth General Council of Lateran. This is a list of ten councils which at one time were considered general, but which, by a strange combination of things, have lost this rank in the minds of popes, jurisconsults and theologians.

SHALL THE VATICAN COUNCIL FOLLOW IN THE WAKE OF THE FOREGOING?

Shall the Vatican Council of 1870 be added to the list of councils fallen into disuse? I shall not presume to decide the question. Most cordially I leave it to Leo XIII. and to the enlightened jurisconsults of today and future time. I ask this question, however, of those versed in law in Europe and America: Would a constitutional law in a condition similar to that of the decree of the Vatican Council on the question of the Pope's infallibility—would such a law, I ask—be considered a fundamental article of law in the Commonwealth?

A ROMAN PRELATE.

LONDON NOTES.

THE PARLIAMENTARY DIVISION ON THE INDIAN TROOPS QUESTION—MINNIE HAUCK AT THE PRINCE OF WALES' DINNER—MISS THURSBY AND HENRY IRVING.

LONDON, May 25, 1878.

The great debate and division on the Indian Troops question ended, as of course every one expected, in a large majority for the government. The final speeches were delivered in presence of a very large house—almost the whole of the Commons, in fact. Before the division very strong "whips," or reminders, were issued to both parties. The conservative whip's appeal ran as follows:—

(Certain and important division.)—On Thursday, May 23, the debate upon Lord Hartington's resolution with reference to the forces of the Crown will certainly be concluded. Your presence is most urgently requested, as the division is of vital importance.

W. KEPPEL.

The liberals were summoned to the contest by the following notice:—

(Most important. Certain division.)—Your attendance is most earnestly and most urgently requested in the House of Commons on Thursday, May 23, on Lord Hartington's resolution respecting the military forces of the Crown, when a division of the greatest importance will certainly be taken.

W. P. ADAM.

The concluding words of both whips were four times underscored.

SOCIETY TALK.

The Prince and Princess of Wales gave a grand dinner last night to their august relatives, the Crown Prince and Princess of Germany. It was an interesting meeting—the future King-Emperor and Queen-Empress of Great Britain, Ireland and India, as host and hostess of the future Kaiser and Kaiserina of Germany. The greater of the land were present, among them Lord Beaconsfield, the Premier, and Lord Napier, the Commander-in-Chief, in the event of war. After dinner a selection of music was performed, comprising the glorious address to the Evening Star, from Tannhaüser, which was sung (alas! in Italian, and under the disguise of "O tu bell' astro incantator") by Signor Rota, and an air from "Dinorah" by Mlle. Tremelli, the lady gifted with the marvellous contralto voice, who came unheralded to London and carried the town by storm.

The soprano chosen for the royal concert was Mlle. Hauck, who sang in four out of the ten pieces which composed the programme.

MISS THURSBY.

Miss Thursby has made her first appearance in London, and the *Academy* speaks of her in terms of the warmest praise and appreciation. "She more than satisfied all reasonable expectations. She has a high soprano voice of considerable power and sympathetic quality. She sings with genuine feeling and with an unaffected style, which at once commended her to all lovers of pure music. She chose for her début Mozart's concert aria, 'Mia Speranza Adorata,' and the well known 'Jours de Mon Enfance,' from Herold's 'Pré aux Clercs.' Her success was unmistakable, and we gladly welcome in her a valuable addition to the ranks of our soprano singers."

"THE IRON CHEST."

The most interesting of the theatrical announcements is that Henry Irving will shortly be seen in a new character, Sir Edward Mortimer, in "The Iron Chest." "This announcement," says the *Theatre*, "has served to direct attention to what has been unjustly termed one of the finest characters in the whole range of English fiction. The play is an adaptation of Godwin's 'Caleb Williams;' its hero, Sir Edward Mortimer, is substantially the high-minded but unhappy Falkland. The dramatic effectiveness of the character, as drawn in the novel, was not overlooked; and George Colman, then known to fame only by 'The Mountaineers,' adapted the story to the stage under the title of 'The Iron Chest.' The play was first produced at Drury Lane in 1796, with music by Storace. It did not succeed, partly because it was a heterogeneous mixture of tragedy and comedy and opera, but principally, it seems, because Kemble, who had undertaken to represent Sir Edward Mortimer, was too ill to do justice to either himself or the character. The play, however, did not disappear from the stage, thanks to the grace and earnestness with which Elliston played Sir Edward Mortimer. But it was not until Edmund Kean added the character to his repertory that the piece can be said to have obtained a firm hold of the stage. In this part Kean was unrivalled, but Macready and Osbaldiston, while unable to weaken the impression which his had produced, impersonated the character with considerable skill and effect.

IRVINGIANA.

The great and fashionable actor has again been invited to visit America, but it is said that he has positively refused the invitation, and will play in the provinces during the fall season.

TENNYSON ON IRVING.

One of the dramatic papers says that the poet laureate, among other competent judges of art, is very pleased with Mr. Long's portrait of Mr. Irving as the Duke of Gloucester in the Royal Academy. "The expression," remarked Tennyson, "is very happily caught. Where, I wonder, did Irving get that distinctively plantagenet look?"

TERRIBLY BEATEN.

When Mr. John Grigg, manager of Strong's dry goods emporium in Grand street, left the store late on Saturday night for his home in Harlem, he did not dream of the misfortune which would befall him ere he reached his destination. Mr. Grigg fell asleep in the car and alleges he did not awake until the conductor aroused him at Harlem Bridge. He then left the car and walked toward the river in a confused state of mind. While in this condition two men approached and demanded his watch. Mr. Grigg made no reply, whereupon the others knocked him down and tried to snatch his watch. Mr. Grigg resisted and the highwaymen beat him in a shocking manner about the face and body with a blunt instrument. They then prepared to run off, but Officer Albert Reed suddenly turned the corner, and taking in the situation ordered a halt. Assistance arrived and the trio were taken to the 126th street police station. Grigg in an insensible condition. Dr. Steinert, on examining the latter, found that his left eye was half torn from the socket and that he had received other injuries. Grigg's wounds were dressed and he soon after regained consciousness. The prisoners described themselves as follows:—Benjamin Brown, aged thirty, occupation waiter in a Houston street restaurant, and Francis Livingstone, aged twenty-nine, occupation trapeze performer in Harry Hill's Theatre.

In the Harlem Police Court yesterday the latter told Judge Flammer a different story. According to their statement they had met Mr. Grigg in a Third avenue car; that he had there grossly insulted them, and had continued his tongue lashing after leaving the car. The assault had been committed in self-defence and not from motives of robbery. Judge Flammer was somewhat mystified by the conflicting statements, as Mr. Grigg strenuously denied all previous acquaintance with the prisoners, whose genteel bearing, however, seemed to carry an impress of truth. The Judge finally adjourned the examination, and directed Officer Reed, in the meanwhile, to hunt up the conductor and driver of the car in which the three men had ridden to Harlem.

TRAPPED BY A BOY.

Philip Pearson when standing before the bar in the Jefferson Market Police Court yesterday was identified as an old offender, who, in company with an associate, has long been victimizing quiet families and laying plans for pillage in sequestered neighborhoods. He cut his last caper in the residence of Mrs. Harriet L. Beck, at No. 7 East Twelfth street, where he called to inquire after furnished rooms. He manifested great delight at being shown the apartments, and in the excess of his joy he hurried away after the gentleman he said was to room with him, and presently returned with a stranger, to whom he requested Mrs. Beck to show the rooms. While she was up stairs Pearson forced open the doors of the back parlor, burst into a wardrobe there and took out a couple of dresses, worth $50, which he packed for removal. It chanced, however, that a youthful scion of the Beck family was in the house, and, with a small boy's curiosity, watched the stranger's movements. He came up stairs to tell his mother that their new lodger was helping himself to her dresses, and the gentleman she was showing round, scenting the danger, speeded down stairs, burst into the back yard and cleared the fence in a trice. Pearson was not so fortunate. He was met at the door, all smiles and polite inquiries, and relieved of his booty and liberty at the same time. Judge Smith committed him to prison till such time as he can tell a jury what he knows about furnished rooms.

THE COMING CONGRESS.

Supreme Moment of a Long Problem.

HOW IT GREW TO MATURITY

Compact Between Russia and Germany.

1856 AND ITS REVANCHE.

A Possible Chapter of Accidents Yet To Be Written.

MR. LAYARD'S NEW FRIEND.

LONDON, May 30, 1878.

On July 29, 1830, a Parisian lad comfortably established himself on the left bank of the Seine with a first rate double barrelled gun, borrowed for the circumstance from the shop window of a fashionable maker, and was actively firing at the balcony of the Louvre, on the opposite side of the river. He seemed to have less practice than good will, however, for he missed every shot. A "swell" who was loitering thereabout, and who had been for a few minutes witnessing these feeble essays with a critical eye (the legend hints that he was an American tourist), and who was apparently disgusted at the unskilfulness of the insurgent, at last approached him and said:—"I wonder how you can miss your shot with such a gun, and such a mark before you! Let me show you the principles of the art." He seized the gun, took aim carefully at a gigantic Swiss guard who was in full view in Charles the Ninth's window, burning away his last cartridge, and fired. The poor fellow fell, shot through the heart, and the "swell" returned the gun to the bewildered lad. "You had better keep it, *citoyen*," exclaimed the latter, with genuine admiration; "such a capital shot as you are!" "No, thank you," exclaimed the other; "these are not my opinions. I did it only for the sake of the art."

THE CLIMAX OF AN ERA.

Something of the supreme and ferocious scepticism thus testified would be necessary to allow of a fair appreciation of the historical period which is about to culminate in that portentous, although it may hardly be expected decisive event, the coming Congress. So many problems which stir up the passions of men or which divide people are mixed up with it, its elements are so multiple and so heterogeneous, its causes so remote and its possible consequences so far reaching and at the same time some of its factors are so minute that, to consider it properly it is almost indispensable to divest one's self, so to say, from one's time, one's country, one's preferences and even one's private information. Don't we hear, for example, that even in Russia and at the court of the Czar, there are two distinct currents of opinion as well as in England? Are there not again in the English Cabinet two parties, the one bent on war at any price and led by the Prime Minister, with the support of Viscount Cranbrook (Mr. Gathorne Hardy), the other inclined to compromise and guided by the Marquis of Salisbury and Sir Stafford Northcote? Such distinctions are of little avail at the present moment. There are hours in history in which such elements are drowned in the general run of events, and everything seems to indicate that we have just come to one of those milestones of the age of "blood and iron."

THE ROOT OF THE QUESTION

The Eastern crisis, under its present shape, may be said to have been reopened on the field of battle of Sadowa. There it was at least that the question provisionally closed by the Treaty of Paris, came again to light after a slumber of precisely ten years and at the same time that it passed from its "Turkish" to its "Austrian" phase. During those ten years, it need hardly be said, the ev