

## INTRODUCTION.

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THE documents in the present volume fall naturally into three groups.

I. The English narratives, or private memoranda of the deputation of the four priests to Rome and their proceedings there, during the nine months from Feb. 14 to Oct. 28, 1602, serve as a general introduction to what follows. In the first of these narratives, or "A Chart of our Affairs," John Mush writes in the name of the four, referring to himself in the third person, though he occasionally lapses into the first person singular (p. 18 *sq.*). The second and anonymous narrative, interesting from the account given of the Appellants' visit to the nuncio in Flanders and their stay in Paris on the way to Rome, may have been written by Bluet, but more probably by Francis Barneby, whose place in the deputation was afterwards taken by Dr. Cecil. Of Barneby Bagshaw wrote (p. 184) that he "in truth did more than we all in Flanders and was able to relate as much as Mr. Bluet could have done and perhaps more."

II. The *Brevis Relatio* is a record of a more formal and official character. The narrative with which it begins is fuller and more important than that of Mush in regard to the audiences of the Pope and the French ambassador; and it is supplemented by the several petitions, memorials, and other documents to which reference is made in the text. It is not improbably from the pen of Dr. Cecil, whose academical degree entitled him to take the first place among

the delegates. It appears that the French ambassador had desired the Appellants to let him see, and to deposit with him, copies of all papers put in by them in the case (p. 45). This injunction may not have been literally carried out day by day. But the *Brevis Relatio* bears evidence of having been prepared for submission to some French dignitary as a record of the proceedings. It is a copy made by an Italian clerk in three sections, and these sections seem to have been delivered together, or at least were so docquetted on Nov. 4: that is, some days after the date of the Appellants' departure from Rome. On the last page of the narrative proper there will be noticed the interpolation of a few words, and the erasure of others with the note *Jay rayé les lignes cy dessus*. Three pages further on there is another note in the same hand: *Premier cahier du discours de ce qui cest passé en l'affaire des prestres anglois fait a Rome le 4<sup>e</sup> Novembre 1602*. A similar note occurs p. 120, *second cahier* etc., with the same date; and at the conclusion of the record (p. 151), *troisième et dernier cahier*, etc.\* The *Brevis Relatio* is probably the Record to which the Appellants refer when taking counsel's opinion as to the legal force of certain clauses in the Brief of Oct. 5., viz. "Utrum prohibemur publicare processum hujus negotii et eum in posterum typis mandare." The Dean of the Rota, to whom the questions are addressed, answers: "Ex publicatione processus . . . nihil boni consequi possunt sacerdotes," etc., and the process, being accordingly not published, may have come back into the priests' hands and thence possibly into the possession of the Bishop of London, reaching a final resting-place in the Inner Temple.

The documents included in the *Brevis Relatio* are arranged without any regard to subject or chronological order. They are, moreover, by no means complete. The paper of *Gravamina* against the Archpriest was excluded on account of its great bulk (p. 57), and because in substance it had been already sufficiently

\* This French hand appears once more in the endorsement of a separate document, the questions submitted to M. Seraphin (p. 209).

published in the printed books. Some of Parsons's reports to the Pope on the private characters and vices of the Appellants—papers which the Pope would not even allow the four priests to see—are naturally not here. One such paper is printed by Tierney (iii. clix), who also prints two other Memorials on the controversy (*ib.* clxii-iv) drawn up by Parsons and presented in the name of the Archpriest's procurators to the Cardinals Arrigoni and Borghese. A more regrettable loss is the full text of the Sentence of the Inquisition, which was in Tierney's hands, though he printed no more than a few lines of it.

III. The third group contains the remainder of the miscellaneous papers in the Petyt Collection relating to this subject. The long Expostulation addressed to Blackwell is a little earlier in date than the rest, for it was written about July or August 1601,<sup>a</sup> before the four priests left England. The letters of Dr. Gifford and Dr. Ely, men of undoubted orthodoxy and learning, are notable for the very forcible expression of their anti-Jesuit sentiments. The one detests "those violent and bloody spirits who continuously and unnaturally practise against their prince and country"; and the other denounces "those unnatural bastards that do attend to nought else but conquests and invasions." Very curious is the private correspondence between the Appellants in Paris with their friends in London and in Rome, in which we find Dr. Bagshaw, vain of his strange intimacy with a Protestant bishop, writing to Watson, "I would my Lord of London were now and then by when we have talk of him with some bishops and nobles here" (p. 185), while on the other hand, Dr. Percy at Rome is referring to a brother priest, Father Parsons, in venomous language: "O vox serpentina, cum ille nunquam Christum sed quæ sua sunt tantum quæsit!" (p. 239). We get glimpses, too, once more of prison life

<sup>a</sup> In the Introduction to vol. i. (p. xxi), I stated that they began their journey about the end of September. They were at least reported on the 16th as ready to start immediately (Tierney, iii. p. cxlviii). It appears, however, from the Second Narrative (*infra*, p. 29) that they did not leave London for Dover until about Nov. 4.

in England. The remnants of the old Wisbech factions, now in Framlingham castle, are jealous of laymen encroaching upon their clerical privileges. They petition the Privy Council for relief; and demand of the unfortunate and bewildered Archpriest more plentiful or equitable distribution of alms. The news of the Brief of October elicits from Garnet a letter to his brethren dignified and conciliatory in tone, though coloured perhaps in the eyes of the Appellants with an irritating assumption of superior virtue; while from Anthony Heborne comes an equally characteristic but petulant refusal to comply with the Archpriest's request that he should publish the brief in the Clink. Yet what an insight into the hard conditions of the hunted missionary's life, that the most suitable place for the legal publication of a papal brief should be the inside of a London gaol! If the Church of the early Roman days has been fairly styled the Church of the Catacombs, the Church of the Elizabethan Catholics may be as truly called the Church of the English Prisons.

The series appropriately closes with a letter of Sir Robert Cecil "wherein he swears," and by the two specimens of a protestation of allegiance offered on the part of certain priests.

The motives of the Protestant Queen in setting free four priests whose lives were forfeited or in jeopardy for their allegiance to Rome, and providing them with passports that they might the more easily proceed to lay their clerical grievances at the feet of the Pope, "Clement in deed as well as in name," may be variously interpreted. It cannot be assumed, however, that she was actuated solely by the design of sowing the seeds of fresh discord between the missionaries. She and her council were apparently in search of some trustworthy test to distinguish loyal and disloyal priests, and she probably hoped, as James I. at one time after her hoped, that the Pope might be induced to prohibit under censures any attempts at insurrection.

The plan was Bluet's, and therefore the old man, not the most wise or best tempered of the Appellants, could not be excluded from the deputation. He, however, was by no means ashamed of

his dealings with the Queen. It is to his candid and graphic account, presented to the two Cardinals in charge of the case, that we owe our knowledge of the details of this curious episode.\* Dr. Cecil was a more accommodating person, clever and plausible. He had been chaplain or secretary to Cardinal Allen, and a friend of Father Parsons, whose letters and secrets he betrayed to Lord Burghley. His knowledge of languages and diplomatic ability no doubt made him a valuable acquisition to the Appellants, to whom his discreditable adventures under the *alias* of Snowdon were very likely unknown. But how he came to join the deputation at Paris to the exclusion of Barneby is not explained. Mush, the leader of the Northern clergy, a missionary of experience and repute, was a man of more genuine worth. Champney, the youngest of the four, was a scholar who was to make his mark as a controversialist on Anglican Orders, and to become a doctor of the Sorbonne and vice-president of Douai College. These men denied, with evident truth, that they had received a penny from the Queen, or had any commission from her. Yet they were something more than "banished" priests. For it was well understood that for a banished priest to return to England the penalty was death, whereas Bluet at least seems to have been on parole to come back to his gaoler with a report of his proceedings; and Barneby also was soon, willingly or unwillingly, in England again and in prison.

Unfortunately, the object of the deputation and the important points in dispute were at the time, and have been to this day, obscured by the irrelevant issues raised by party spirit and passion. Charges were brought by the one side against the other regardless of proof or probability. Nothing seems too base or treacherous to be believed of a Jesuit, by certain Appellants. Parsons, on the other hand, was not the kind of controversialist who aims at discovering and grappling with the strongest point in his adversaries' position. As with the two deputies in 1599, so now with

\* Printed in English, *Cal. S. P.*, Dom. Eliz. colxxxiii. 70, and in the original Latin in *Jesuits and Seculars*, p. 153.

the four in 1602, his tactics were rather to "poison the wells," to damage the priests' characters, to misrepresent their motives and prevent their obtaining a hearing.

How nearly he succeeded in this is evident. The Pope regarded them with anger and suspicion. He had heard they were disturbers of the peace, heretics, deniers of his powers to depose princes, spies in the pay of Elizabeth. "As to toleration it would do harm. What letters, what commission (he asked) did they bring from the Queen?"

That they obtained a fair hearing was due, it seems, entirely to the intervention of the French ambassador acting under instructions from Henri IV. A noteworthy condition of his help was that the priests should not say a word in public or private against the Queen or Government of England (p. 45). When once the Pope was made to understand that there was something to say for the Appellants, the change in his tone was remarkable. He declared that justice should be done, brushed aside the mutual recriminations and personalities, and treated the Appellants throughout with singular patience, moderation and kindness. Parsons—for the Archpriest's procurators were mere puppets—still endeavoured to prejudice the cause of the Appellants by identifying their demands with the extravagances of William Watson. It would be as fair to make the English Jesuits as a body responsible for the explosive schemes of their friends and adherents, Catesby and Guy Fawkes.

The gist of the Appellants' case may be found in the six short petitions formulated on March 6 (p. 103). They asked for a decision on the charge of schism and disobedience brought against them by Blackwell and the Jesuit theologians, the charge "which had been the cause of so many scandals." They asked that negotiations should be entered into with the view of lightening the pressure of the penal laws, or of securing some measure of toleration. They petitioned for episcopal government. They begged that those who had "impiously plotted against the state" might be removed from the colleges of Douai and Rome; that all priests, religious and secular, should be prohibited from intermeddling with

political matters calculated to provoke the Government to more rigorous persecution ; and that, finally, all Catholics, lay or clerical, should be put under an obligation to reveal any designs they should know of, directed against the Queen and State.

There was surely nothing seditious, unorthodox or scandalous in such demands as these. On the political side there was indeed reasonable ground for viewing the intrigues, in which Parsons took a principal part, as the provocative cause of the increase of persecution, and for desiring to diminish the Jesuits' power of doing mischief. Parsons had embarked upon his long career of conspiracy in 1581, in the teeth of his pledges and the commands of his superiors.<sup>a</sup> He had still later, in spite of the more stringent decrees of his Order in 1593, published his "Conference on the succession," and written his revolutionary "Memorial for the Reformation";<sup>b</sup> and, again, in 1598, with characteristic audacity, but unusual want of foresight, he had announced to a brother Jesuit and countryman, and afterwards proposed to the Pope, "that he might crack his head over it for a little while," the insane project of having the Infanta of Spain placed on the throne of England with a Roman Cardinal for her consort!

It may not be surprising that the priests failed to secure the guarantees they wished for in the matter of politics. The Spanish influence was too strong. But it should not be surprising also that, in view of this failure, the Queen took no steps towards toleration. One, it may be her main, object in facilitating the appeal had been so far unsuccessful. Hence the disappointing Proclamation of November 5.

In the matter of Blackwell's misgovernment it was proved that he had exceeded his powers, and had acted tyrannically. It was not altogether unreasonable that the Appellants should ask for his removal, or for the abolition of his office. Yet it was hardly to be

<sup>a</sup> See an article in the *Edinburgh Review* of April 1898, entitled "English Jesuits and Scottish Intrigues, 1581-2."

<sup>b</sup> A copy of which he presented to the Infanta in June 1601.

expected that the Pope, in the circumstances, would yield so far. Failing to obtain bishops, and failing to find acceptance for a plan to neutralise the authority of the Archpriest by the institution of several local and co-ordinate archpriests, the Appellants bent all their efforts towards withdrawing their Superior from the dominant influence of the Jesuits. In this, as has been said, they were entirely successful.

Here it would seem that these introductory remarks should come to an end. But in view of certain criticisms made by Father Gerard in an article in *The Month* entitled "The Archpriest Controversy" (Jan. 1897) the point just referred to appears to need more particular elucidation. In the Introduction to the first volume of this work I had observed, in reference to the original appointment of the Archpriest, that he was instructed by Cardinal Cajetan "in all matters of gravity to follow the advice of the Superior of the Jesuits" (p. xvi), and, again, in relation to the Brief of October, 1602, that "the Appellants triumphed in the withdrawal of the offensive clause in the Archpriest's instructions bidding him to take counsel of the Jesuit Superior. He was now, on the contrary, 'for the sake of peace,' forbidden to consult the Jesuits, whether in England or in Rome." Moreover, in *Jesuits and Seculars* (p. lxxv), describing the Appellants' view of the same clause, I had written that whereas Blackwell "had no authority over the Jesuits, he was bound to consult their Superior. This appeared tantamount to placing the seculars under the entire control of Garnet."

Upon this Father Gerard remarks: "We have seen in what terms Mr. Law describes the purport of this admonition, and in so doing he has but followed in the wake of the Appellant writers, who all speak in the same strain. But it is somewhat remarkable that, constantly as the Cardinal's letter has been spoken of, it should apparently have never been textually quoted, and when we turn to its actual words we find something very different from what we have been led to expect. Cajetan, in his formal notification



of Blackwell's appointment, had emphatically stated that the Fathers of the Society 'have no jurisdiction, nor pretend to have, over the secular priests.'<sup>a</sup> In the private instructions, sent at the same time, he speaks as follows :

“‘Although the Superior of the said Fathers is not among the consultors of the Archpriest, yet, since it is of the greatest importance, and is the earnest desire and command of His Holiness, that there should be complete union of mind and agreement between the Fathers of the Society and the Secular Clergy, and as the said Superior, on account of his experience of English affairs and the authority he has amongst Catholics, may greatly assist all consultations of the Clergy, the Archpriest will be careful in matters of greater moment to ask his opinion and advice, so that everything may be directed in a more orderly manner, with greater light and peace, to the glory of God.’” “It is obvious,” adds Father Gerard, “that such an injunction is altogether caricatured by the summary we have seen.”

It is well that Father Gerard has called attention to this point, which is important.

In the first place, I must take the opportunity of correcting a verbal inaccuracy into which I inadvertently fell in the first passage quoted above, and must ask the reader to substitute (vol. i. p. xvi) the words “obtain the advice” for “follow the advice.” There is certainly a difference, which may be important, between an injunction to get advice and to follow it, though there may also be circumstances in which the one is virtually equivalent to the other. On the other hand, Father Gerard is quite mistaken in supposing that the clause in question has never before been quoted textually. There was no need for him to translate it from a manuscript copy in the English college at Rome. The whole passage in which the clause occurs was given in the original Latin as well as in a literal translation by John Colleton, in his “Just Defence of the

<sup>a</sup> These words of Cajetan are as emphatically quoted, with Colleton's comment upon them, in *Jesuits and Seculars* (p. lxiii).

Slandered Priests" (p. 175), a work which should be in the hands of everyone who wishes to form a fair judgment upon the matter. The words in debate are, "Curabit Archipresbyter in rebus maioribus iudicium quoque eius, consiliumque acquirere;" or, in Colleton's English, "The Archpriest shall take care, in matters of greater moment, to obtain his judgment and counsel."<sup>a</sup>

Father Gerard, then, appears to regard this injunction as little more than a general exhortation to peace and concord, with a suggestion that, as a means to this concord, there should be mutual conference and counsel. But this is to misunderstand or ignore the whole historical setting of the clause and its bearing upon subsequent events. Indeed, its true significance and purport can best be made clear by a brief sketch of its history.

This history will then make it clear (1) that at the very outset of the controversy, in the judgment of the most reasonable of the Appellants, the clause virtually placed the secular clergy and their superior under the control of Garnet<sup>b</sup>; (2) that Blackwell himself, so far from attempting to modify this judgment, behaved continually in such a manner as practically to confirm it; (3) that the alleged subserviency of the Archpriest to the Society formed the main ground of the Appeal of 1600; (4) that while the Appellants strove eagerly at Rome to get the clause in question rescinded, Blackwell and Parsons as strenuously fought for its retention; and, (5) that when the Pope, acceding to the petition of the Appellants, not only abrogated this part of Cajetan's instructions but strictly forbade the Archpriest in future to consult the Jesuits in England or elsewhere on the affairs of his office, the true import of the Cardinal's words,

<sup>a</sup> Blackwell's own rendering of the clause in his summary of letters and briefs submitted to the Government in 1607 was, "that the Archpriest in causes of greater importance should use the advice of the Superior of the Jesuits because he was a man of great experience in the affairs of England."

<sup>b</sup> Beliefs, fears, and suspicions, most potent factors in the history of any party, cannot be ignored as non-existent or as mere pretences because in the opinion of a critic three centuries later these beliefs and fears were not justified by the circumstances. Nor, in the case of the Appellants, can their motives be fairly judged without reading their own books.

in the mind of Parsons, is discovered through the intrigues and subterfuges by which, for the next seven years, he endeavoured to evade the papal prohibition and to restore in effect the original clause.

The historian, who follows in the wake of neither Jesuit nor Appellant, and has before his eyes the mass of documents printed in the fifth volume of Tierney's "Dodd," must come to the conclusion that the clause in debate was the main hinge upon which the Archpriest controversy turned in its earlier and later stages, from 1598 to 1609. The cry for bishops, the demand for a fair distribution of alms, for reform in the administration of the seminaries, for abstention from politics, for the appointment of an accredited agent of the clergy at Rome, all sprang from, or were intensified by, the desire to secure a government of the secular clergy independent of the control or dominant influence of a handful of Jesuits; and the clause was naturally regarded as the main obstacle to this coveted independence. For if the Archpriest were a friend of the Jesuits he would, in virtue of his instructions, feel justified in following their lead, political and ecclesiastical; if he were hostile to the Jesuits, the obligation to consult them would force him on all important occasions to show his cards, and lead to the frustration of every project opposed to their wishes; for Parsons and his colleagues at the English College presented at Rome, as events showed, a well-nigh impenetrable barrier to access to the Papal Court.

To understand the Appellants' point of view in 1598 it must be remembered that at that date there were more than 300 seminary priests in England, about 40 or 50 old Marian clergy, and 15 Jesuit priests,<sup>a</sup> say one Jesuit to 24 seculars, the whole number of

<sup>a</sup> These fifteen were—

1. H. Garnet, *alias* Whalley, Darcy, Farmer, etc.
2. E. Weston, *alias* Edmunds.
3. R. Holtby, *alias* Ducket, Fetherston, etc.
4. T. Lister, *alias* Butler.
5. R. Jones, *alias* Holland, Draper, Northe.
6. J. Bennet, *alias* Price, Flood, Baker.

Jesuits being less by half the number of priests who signed the Appeal. Several of the Jesuits at this time were comparatively new comers, possessing far less experience on the mission than had now been gained by such recognised leaders of the clergy as Colleton or Mush. The discords which had already arisen between the two sections of the clergy, the adherents and opponents of the Jesuits, have been described in the Introduction to the former volume. The appointment of the Archpriest was intended, so the letters of Cajetan declared, to put an end to these quarrels and establish unity and peace. But Blackwell was already known as a strong partisan of the Jesuits and the author of what appeared to be an exaggerated eulogium of the Society.<sup>a</sup> Moreover, the presumption that he was nominated to the office by Parsons rises at least to the very highest degree of probability. Now, Blackwell was not made Superior of the Roman Church in England, or even of the missionary clergy. He had jurisdiction over the secular priests from the seminaries only. He had no authority whatever over the Jesuits, and yet he was bound to consult them in the government of his own subjects. The Jesuit Superior, in the government of his body, was not so bound to consult the Archpriest.

In these circumstances, Wm. Bishop, seeing that the Assistants appointed for Blackwell also belonged to the party favouring the

7. J. Gerard, *alias* Standish, Brook, Lee, etc.
8. E. Oldcorne, *alias* Hall, Hutton, Parker.
9. T. Stanney, *alias* Pinke.
10. R. Couling, *alias* Collin } of whom little is known.
11. R. Collins }
12. E. Walpole, *alias* Pauper.
13. J. Percy, *alias* Fisher, Fairfax.
14. R. Banks, *alias* Stanhope.
15. R. Blunt, *alias* Mann, Udall, Randall, Basset, Mildmay, etc.

<sup>a</sup> Blackwell wrote to the Cardinal Protector, Jan. 10, 1597: "So far are these holy fathers estranged from all appetite of seeking to bear rule, as in every place they prefashion unto us an example of rare humility, mildness, patience, piety, and charity" (Colleton's translation). The whole letter is printed in *Jesuits and Seculars*, p. 137.

Jesuits, made a request to him that, for the sake of peace, some of the remaining Assistants, who were left to be chosen by Blackwell himself, should be selected from priests of the other side. He answered that "the most Illustrious Lord Protector had provided that those who were the authors of war and bickerings with the Fathers should be removed from all charge and government. For grapes cannot be gathered of thorns nor figs of thistles." Upon this, Colleton, after quoting the passage from Cajetan's instructions, cited by Father Gerard, thus comments: "Now we appeal to the judgment of the wise whether these things do not seem (and this was all that we said) to bewray partiality in the choice of the Archpriest and his counsellors. Or whether the contention now on foot among us (and for appeasing whereof the Subordination is said to be instituted) being betwixt the Jesuits and the Secular Priests, were like by this choice to take an happy or a peaceable end, when the Superior appointed had before so engaged himself in the false praises of the one side, and alike untruly derogated from the deserts of the other: when all the Assistants must be of the Jesuits party, and none for us whom they impugned: when father Garnet, our capital adversary, by express order must be called to consultation in all matters of moment, and nothing pass without his advice: when his calling also to consultation must be holden for a supreme benefit and furtherance of matters, and for a greater increase of order, light, peace, and the glory of God; and yet admitting of any of our side to the same consultation must be deemed as little consonant to peace and reason as for men to seek grapes upon thorns or figs upon thistles" (p. 175).

If the fears and suspicions here expressed were unfounded, some evidence would be forthcoming that Blackwell, while these instructions were in force, acted on occasions independently of Garnet or of Jesuit influence, or that his conduct towards the Appellants—conduct now commonly censured as ill-judged and tyrannical—met with the disapproval of his Jesuit advisers. This is far from

being the case. The public Appeal to Rome signed by the Thirty-three priests, and addressed in form to Blackwell himself, puts the Jesuits in front of their indictment. "Very many," it begins, "and most unworthy are those things which for these two years past we have endured at the hands of the Fathers of the Society of Jesus and of your Reverence both approving and multiplying the injuries done." The charge is, in effect, that the injuries complained of were initiated by the Jesuits, and that Blackwell throughout defended, supported and carried them out. That this complaint was not made without ground is, I think, clear.

The first grievance stated in the Appeal is the dissemination by the Jesuit Lister of a violent denunciation of the Appellants as guilty of schism, and Blackwell's approval of the treatise. This *Adversus Factiosos* was a counterblast to the equally offensive and violent memorial against the Jesuits similarly disseminated in manuscript some years earlier by the firebrands of the opposite side. The first act of the Appellants on receiving this document was to write to Blackwell asking if he approved it. His curt answer was, "I allow of the said discourse." They then requested him to revoke it. He replied that the request was unreasonable, "because the medicine ought not to be removed before the sore be thoroughly cured" (April 1599). Father Gerard admits that this treatise which the Archpriest thus "formally approved and the Pope condemned," was "indefensible." But did the Archpriest, on so grave an occasion, fail to take counsel of the Jesuit Superior whose subject was causing such a turmoil? or did Garnet, on his own account, disavow the treatise or give any sign of disapproval? On the contrary, the latter wrote to Colleton, "Ye have in the judgment of the learned incurred the most shameful note of schism." Colleton then complained to Blackwell of the language of both Lister and Garnet, and got for his answer, "You ought for their writings and admonitions to have thanked them in a dutiful and humble manner." An unpleasant colour is given to the complicity of Garnet in this matter by a private letter written by him to the

General of the Society, which suggests to Father Gerard (as if in some palliation of Lister's act) that Lister's brain was affected. The fact is, that in 1597, Garnet had written to the General that he was in great trouble and anxiety how to deal with Lister, "whose every disorder (morbus) proceeds not so much from infirmity of brain as from perturbation and levity of mind." Yet in the following year the production of this intemperate and fickle character is referred to by Garnet himself as the "judgment of the learned."

The second grievance of the Appellants is what Father Gerard terms Blackwell's "extraordinary lack of judgment" and "ill-advised severity" in insisting that his opponents should acknowledge themselves to have been guilty of schism and do penance after they had submitted to the papal decision and surrendered to the Archpriest's authority. But, again, was this Blackwell's own unprompted judgment? He announced it in these terms: "We have received a resolution from our Mother City that the refusers of the appointed authority were schismatics; and surely I would not give absolution to any that should make no conscience thereof," etc. The authors of the Appeal and their friends declare that, when pressed, Blackwell admitted that this resolution came from Father Tichbourn or Father Walford, Jesuits residing at Rome. "Yet," add the Appellants, "your reverence did so propose and grace the same, as many then did and yet do believe, that the said resolution came as a definitive sentence from the see apostolic." Garnet in England cannot be made responsible for the indiscretions of Jesuits in Rome, but unless there was little unity or discipline among his own subjects it may be presumed that he approved, as Blackwell certainly did, the assertion of Father Jones, a theologian of the Society, who now went a step further than Lister in declaring that all who defended the malcontents from the charge of schism would themselves fall under the censures of the Church.

Blackwell, then, cannot fairly be made the scapegoat of the

contending parties. It is impossible to dissociate his conduct from that of his Jesuit advisers. He was severely reprimanded by the Pope, for he was ultimately responsible, as the immediate superior of the Appellants; but the Cardinals who tried the case, in the report which formed the basis of the Brief, charitably excuse him, "inasmuch as he was not learned in the law, and because it is probable that *he acted for the most part by the counsel of others.*"

When there was question at Rome of abrogating the clause, the Archpriest's agents, in a Memorial drawn up by Parsons, made a show, on behalf of the Jesuits, of generously abandoning it. The Fathers, it is said, never possessed or desired a particle of jurisdiction or power over the secular clergy, and if this single clause in Cajetan's instructions, concerning which the Appellants are so vindictively agitating, appears to present any inconvenience, his Holiness can easily determine as seems good to him. But presently, when the removal of the clause was imminent, another Memorial went up from the same quarter, pointing out two evils which must result. First, it would be a slur upon the Fathers, both in the eyes of Catholics and of heretics. Secondly, the carrying out of the Archpriest's office would be rendered in many cases impossible. Very forcibly it is urged that the Archpriest cannot procure residences and maintenance for priests sent into England by the Jesuits, "who govern the seminaries," unless he obtains information from the Fathers regarding them; nor can he in England in any way provide for the same clergy except by the care, industry and charity of the same Fathers.<sup>a</sup> If the clause is removed all this special business of the Fathers, built up with

<sup>a</sup> This was indeed the case. The few English Fathers, backed by the resources of a powerful Society, with extraordinary energy and daring, and with the command of the purses of rich laymen, had supported and built up the mission on the foundations laid by Allen. They were making themselves well-nigh indispensable. They held a number of the clergy in the hollow of their hands. It was an abnormal state of things. Reaction and revolt, even apart from the political quarrel, were inevitable. The Jesuits were naturally tenacious of their hardly-won position and power, and the seculars as naturally tenacious of their liberty and independence.



much risk and labour, must fall to the ground, and result in irreparable mischief. In a letter written chiefly in cypher to Garnet in August, before the publication of the Brief, Parsons wrote : " As for the clause 450, 39, &c., it must stand for the present ; otherwise there would be no peace : after, when inconveniences are proved, they may be represented by means of 266, who, with help of 255, may procure sufficient remedy." At the last moment Blackwell's procurators in vain suggested to the Pope that it should be set down in the Brief, at least by way of parenthesis, that the Jesuits had themselves petitioned that the clause should be removed.\* The Pope, however, allowed it to be stated that the Fathers approved of the alteration. It may be well here to give the exact terms of the paragraph in the Brief dealing with the question :—

" Atque ut tu [Blackwell] sine ulla cujusquam offensione, ac majore cum animorum quiete, et omnium pace et concordia, officio tuo fungaris, autoritate apostolica, tenore presentium, tibi in virtute sanctæ obedientiæ mandamus, ut nulla negotia ad officium tuum spectantia expedias, communices, aut tractes cum provinciali societatis Jesu, vel aliis religiosis ejusdem societatis in Anglia existentibus ; ne scilicet novæ discordiæ et contentions inter eos et presbyteros appellantes occasio præbeatur ; ac propterea instructionem tibi à dicto Henrico Cardinale Cajetano, super hac re traditam, pari autoritate per presentes penitus tollimus et abrogamus. Insuper tibi præcipimus ne de ecclesiæ Anglicanæ administratione et regimine, vel de rebus ad dictum regimen et officium tuum pertinentibus, per literas, vel interpositam personam, vel alio quovis modo cum religiosis ejusdem societatis in Romana curia, vel alibi ubicunque commorantibus agas ; sed omnia ad nos, et Romanum pontificem, aut ad protectorem pro tempore existentem referas. Non quòd nos aliquid sinistri aut mali de iisdem religiosis suspicamur, quos scimus sincero pietatis zelo duci, et quæ Dei sunt verè quærere ; sed quòd pro pace et quiete inter catholicos

\* Tierney, iii. clxxxii., quoting from the Gradwell MSS.

in eo regno tuendâ sic convenire judicamus : quod et iidem religiosi societatis verum esse, atque expedire censuerunt."

The Brief, then, was clear and explicit. The clause in the instructions given to Blackwell by Cardinal Cajetan was utterly annulled and abrogated. Moreover, the Archpriest, to whom the Brief was addressed, was prohibited in future from treating of the government or administration of the English Church, or of affairs connected with his office, either by letter or by personal intermediaries, or in any way whatever, with the Fathers of the Society residing in Rome or elsewhere. All such matters were to be referred directly to the Pope or the Cardinal Protector.

With the publication of this decree the first chapter in the history of the clause comes to an end, and the documents in the Petyt Collection carry us no further. But for the more complete justification of the summary presented in the first volume, and censured by my critic as a caricature, I may be permitted to briefly touch upon the sequel, as it is recorded by Tierney and supported by the documents printed in his fifth volume, to which the curious reader must go for further particulars.

In October 1603, twelve months after the Brief appeared, Blackwell wrote to the Protector, Cardinal Farnese, with the object of obtaining a reversal of the decree ; and it is significant that his letter was sealed with the seal of the secretary of the Society, and its address was in the handwriting of Parsons himself. The text of this letter I have not seen. The statement is made on the authority of Tierney (v. 15), who had the letter in his hands. Other communications seem to have passed with a view of minimising the purport of the prohibition if it could not be entirely cancelled. Farnese, on Feb. 10, 1607, sends to Blackwell the Pope's interpretation of the Brief. "His Holiness wished me to declare that the clause . . . must be understood in this sense, that it may be lawful for the Archpriest to confer with the Fathers freely for his own help and consolation on matters which relate to the Catholic religion itself, to cases of conscience

and to spiritual affairs, *but not on the government of his subjects, and of politics or affairs of state*" [De gubernatione vero vestrorum subditorum et de rebus politicis vel status, ut aiunt, dominationi vestræ licitum non erit quidquam cum ipsis patribus impertiri].

On Feb. 1 of the following year Blackwell, having been deposed for his approval of the oath of allegiance, was succeeded by Birkhead. The new Archpriest was, like his predecessor, a friend of the Jesuits, but unlike Blackwell was of a mild and conciliatory disposition, and apparently timid. He shrank from the burden imposed on him, and wrote at once to Parsons to help to relieve him of it. Parsons replied that it was impossible. "You must think God has chosen you to bear the brunt; and there is no remedy but to put your shoulders under it" (May 18, 1608). The clergy, taken by surprise, once more suspected intrigue in the appointment, and their first impulse was again to appeal to Rome. Their leaders, however, more prudently feared to raise fresh quarrels, and advised more peaceful measures. They approached Birkhead himself and solicited from him an answer to three questions. First, would he promise religiously to observe the Brief of Clement, forbidding him to consult the Jesuits in the government of the clergy? Secondly, would he choose his Assistants, as occasion offered, from among the graver priests? And, lastly, would he, as their pastor or father, promote their interests and welfare, and not strive to erect other edifices upon their ruin?

The tables are, indeed, curiously turned. A request from the former malcontents that their superior should obey the Pope's commands reads like cruel irony. Yet Birkhead meekly gave his promise on all points *in verbo sacerdotis*, and the priests on their side as solemnly promised obedience.

But presently, feeling the isolation and helplessness of his position, and perhaps conscious that he had not won the full confidence of the ablest and most influential of his clergy, or fearing to provoke the passive obstruction of the Society if he threw himself into the arms of the Appellant party, the new Archpriest yearned for

the support of the strong arm of his friend at Rome. In the teeth, then, of the papal prohibition, which he had promised faithfully to observe, he wrote to Parsons expressing a desire to treat with the Fathers on clerical affairs—a desire which he afterwards admitted was *most displeasing to the greater part of his clergy*—and suggesting a scruple, whether the prohibition in the Brief which bound his predecessor was equally obligatory upon himself. He was beginning to treat the Brief as the Appellants had been accused of treating the Letters of Cajetan. If his scruple had some ground—for the Brief in terms was addressed to Blackwell personally—it was a question which should have been referred for solution directly to the Pope or the Protector. Parsons replied as might be expected. He was profuse in his expressions of personal attachment to Birkhead, promised to put the question at the first opportunity to the Pope, and meanwhile assured the Archpriest that by consulting the Fathers on the affairs of his office he would not be acting in opposition to the intentions of the late Pope Clement, nor to the wishes of the present Pope Paul V. He furthermore promised Birkhead the support of the Society if he on his side would adhere to them. These facts are derived from Birkhead's own candid account of the matter given to the Vice Protector, Cardinal Bianchetti, December 6, 1610. In one letter written to Birkhead, August 21, 1608, Parsons, with amazing perversity, referred to the interpretation of Farnese above quoted, saying: “Paul explained his meaning to be, and this by Card. Farnesius to Mr. Blackwell, *as I suppose you have heard*, that the prohibition was to be understood *only of treating together matters of state* or that might justly offend the state.” As Parsons can hardly have supposed that Birkhead would not know this to be false, the statement may be meant to suggest a common line of defence. In any case, a regular correspondence was resumed. The clergy remonstrated. The old grievances returned; and it appears that Mush was drawing no caricature of the state of things when he wrote to Card. Arrigoni (Jan. 30, 1609), that Parsons had ordered the Archpriest to send

all letters destined for his Holiness or the Protector, unsealed and open, to himself or his Fitzherbert, "as a little boy would to his schoolmaster."

But such a gross violation of the papal decrees became in time an intolerable burden upon the conscience of Birkhead. Parsons's assurances remained unconfirmed by the Pope or anyone else. The Archpriest accordingly changed his tactics, assembled his own clergy, selected from among them the principal Appellants as his Assistants, ascertained the general wish for episcopal government, and consented to unite with them for the purpose of obtaining it. Birkhead still wished to entrust the negotiation to Parsons and Fitzherbert. The clergy were dissatisfied with such an arrangement. It was remembered that in 1606 *Dr. Champney and Dr. Cecil had gone to Rome, carrying the names of some seventy priests soliciting bishops, and had been thwarted by Parsons, who denounced them as the enemies of religion, and petitioned that Cecil at least should be seized and put on his trial. They, therefore, naturally distrusted Parsons. The matter was compromised by the mission of Dr. Richard Smith, afterwards bishop of Chalcedon, and Thomas More, with instructions to consult and co-operate with Father Parsons. The first object of their embassy was to obtain a final decision of the Pope regarding the controverted right of the Archpriest to communicate with the Jesuits on the government of the clergy, a decision which Parsons had already (as we have seen) promised Birkhead to obtain.*

After some fresh difficulties, now made by Parsons, were overcome, Smith had audience of the Pope on May 24, 1609. He presented a memorial requesting to know how far the clause in Clement's Brief, which forbade the Archpriest Blackwell to hold official intercourse with the Fathers of the Society, was binding on his successor. The reply was prompt and decisive. Blackwell's successors were equally included in the prohibition; and Cardinal Bianchetti was instructed officially to communicate the decision to Birkhead. The Archpriest, at last completely converted to the

views of the majority of his clergy, welcomed the "joyful news" and wrote a circular to his Assistants exhorting them to peace, and to courteous behaviour towards the Fathers, "*now that our government is by his Holiness so resolutely devolved upon ourselves.*"

Thus the fierce controversy, raised in 1598 by the famous clause, terminated after a struggle of eleven years. From the point of view of the secular priests Birkhead's triumphant exclamation puts the matter in a nutshell. They were fighting for legitimate self-government, which in their opinion, in that of their new Archpriest, and, as it seems, in that of the Pope also, had been imperilled by the injudicious and ill-fated sentence in Cajetan's instructions.

One word on the question of the number of Appellant priests. However strong or numerous was the party antagonistic to the Jesuit schemes before the appointment of the Archpriest, it was only to be expected that comparatively few, after that event, would dare to proclaim themselves openly on the side of the Appellants, and so run the risks of suspension, loss of residence, and loss of means of subsistence. Those of the party who came to the front were either men of high courage and strong character, or prisoners who had little to fear or little to lose, and possibly something to gain. But there were clearly many more than the thirty-three signatories of the Appeal who secretly adhered to its principles. Abroad, many independent and learned doctors sided with the Appellants; and Fathers Parsons and Cresswell even attribute the movement which originated the Benedictine mission to sympathy with their opponents. After the publication of the Brief of 1602 and the partial triumph of the Appellants, inasmuch as they were judicially freed from the odious charge of schism and their chiefs given a place among the Assistants of the Archpriest in the government of the mission, the mass of the clergy was more or less animated with the principles and policy which distinguished Bishop and Colleton, Mush and Champney, or the martyrs Robert Drury and Roger Cadwallador. We have seen Birkhead ad-

mitting that his desire to re-open communication with the Jesuits on ecclesiastical affairs was opposed to the wishes of "the greater part of the priests"; and the general tendency and habit of mind which had marked the Appellants now became characteristic of the secular clergy in England, as a whole, for the next two centuries.

I have in conclusion, to record my special thanks to Professor Kirkpatrick, Mr. Archibald Constable, and, as before, to the Rev. W. E. Addis for very substantial aid in correcting proofs and in suggesting the interpretation or emendation of obscure passages in the original documents.